

Submission  
No 3

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

**Organisation:** Night Time Industries Association

**Date Received:** 19 July 2024

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*The Director, Portfolio Committee 1,  
Parliament House, Macquarie Street, Sydney  
NSW 2000*

**RE: Alcohol Consumption in Public Places (Liberalisation) Bill 2024**

Dear Chair,

The Night Time Industries Association (NTIA) welcomes the opportunity to comment on the Alcohol Consumption in Public Places (Liberalisation) Bill 2024.

In responding to this inquiry the NTIA has provided a number of key recommendations.

Thank you for your consideration of this submission. Should you have any further questions or seek additional input or commentary please do not hesitate to contact us.

Yours sincerely,

Mick Gibb  
Chief Executive Officer | Night Time Industries Association

## About the Night Time Industries Association

The NTIA's purpose is to shape the night time economy that industry wants, one that is diverse, growing, safe and accessible. The NTIA is composed of hospitality, arts and cultural institutions, live performance spaces/events and suppliers, retailers and enablers of the night. The NTIA represents these industries collectively.

The night time economy is a significant contributor to Australia's economic prosperity. In 2020/21, the core night time economy industries generated \$146 billion in sales turnover, comprised 131,373 venues and employed more than one million people<sup>1</sup>. The night time economy has significant growth opportunities and a unique ability to be a tourism asset and an attractive proposition for young skilled workers.

## The new shape of the night time economy in NSW

The repeal of the notorious 'lockout laws' in 2020 marked a pivotal moment in the development of the night time economy in NSW. It heralded the creation of the Office of the 24 Hour Economy Commissioner and saw considerable investment in initiatives that sought to make it clear that Sydney was on a mission to become a 24 hour city. Subsequent initiatives by the Office of the 24 Hour Economy Commissioner have played a key role in changing the shape of Sydney's night time economy. Among these initiatives are programs such as the Uptown Districts Program, Purple Flag Program and the Live Performance Venue Accelerator. The legislative reform through the Vibrancy Reforms Act 2023 also paved the way for an improved operating environment. All of these initiatives sought to increase the diversity of offerings at night, raise the amount of live entertainment and encourage a wider array of people to come and experience the night time economy. These initiatives have not ignored the role of alcohol in the night time economy, rather they have built and strengthened other aspects that contribute to a safe, vibrant and diverse night time ecosystem.

## Considerations for the Alcohol Consumption in Public Places (Liberalisation) Bill 2024

The NTIA is concerned that the Bill in its current form leaves too many regulatory and legislative inconsistencies. These inconsistencies may disadvantage or impact existing licensed venues through a more difficult compliance landscape. Instead, the NTIA would encourage the Portfolio Committee to consider how the intent of this Bill can be achieved in a more targeted manner.

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<sup>1</sup> [Measuring the Australian Night Time Economy](#) - Ingenium Research, 2022

The existing legislative and regulatory agenda on alcohol and licensing places a considerable amount of responsibility on licensed venues. In some cases the responsibility can be onerous and the actual areas for which a venue can be held accountable are grey at best. How this Bill interacts with the existing licensing regime and the subsequent impact on licensed venues should be a key consideration for Portfolio Committee Members. For example, when a patron arrives after rapidly consuming alcohol prior to entry the onus of determining intoxication is on the venue. The venue clearly has no means to assess whether a patron has rapidly ‘pre-loaded’ moments before entering the venue and yet is held accountable if the rapid consumption leads to intoxication while inside the venue. Adding to the complexity and difficulty of licensing compliance for night time economy venues should not be an inadvertent consequence of this Bill.

For a policy to be effective all departments and agencies within Government must be onboard with its delivery. In the case of liberalised alcohol consumption, it is vitally important that NSW Police support the revised intent from the Government. For a Bill such as this to be effective the Alcohol Strategy 2019-2026 would need to be revised to reflect the new direction of Government.

Rather than making every park, beach or space available for consumption of alcohol in public, this should be targeted to specific spaces and places through a targeted pilot program. This will make it simpler for police and other authorities to manage public safety while supporting vibrancy in dedicated hubs. A pilot program would also allow for appropriate agencies to review and respond to any unforeseen issues.

This Bill highlights an opportunity to reform the way patrons engage with the burgeoning districts of night life hubs popping up across NSW. Like other cities around the world, patrons in these areas should be able to occupy footpaths and adjacent public spaces bordering licensed venues while holding and consuming alcohol in plastic containers. This will improve the vibrancy and excitement of nightlife districts, allow for more people to enjoy our world class venues and support a safer way for people to drink together outside a venue.

## **Recommendations**

1. Conduct a 12 month pilot program in select LGAs with a high density of night time operators to measure and assess any impacts on neighbouring licensed venues.
2. Allow for the consumption of alcohol in public spaces directly outside a licensed venue where appropriate safety considerations can be met.
3. Review the NSW Police Alcohol Strategy 2019-2026 to assess whether it is fit for purpose.