

Submission
No 4

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

Organisation: Libertarian Party

Date Received: 19 July 2024

Office of the Hon John Ruddick MLC



Submission - Alcohol Consumption in Public Places Bill 2024

19 July 2024


I am an elected member of the Libertarian Party and the mover of the Alcohol Consumption in Public Places Bill 2024.

Libertarians believe in the primacy of individual freedoms and liberties over the government and part of that is a fierce opposition to government led censorship and prohibitions. This submission will showcase several peer reviewed research articles and public drinking pilots that support the case for the consumption of alcohol in public places.

The English-speaking world has a dysfunctional relationship with alcohol. This is a (pardon the pun) a hangover from our 19th century social movements that had the purpose of entirely banning alcohol.

Local councils are currently empowered to designate an area as alcohol-free. Across New South Wales a blanket alcohol prohibition is the excessively conservative default. This bill overrides a council's ability to ban alcohol.

This bill grants the right to drink alcohol in public places - including public places defined under the [Crown Land Management Act 2016](#) and the [Local Government Act 1993](#), land held by a statutory body or a New South Wales government agency but not including a road within the meaning of the [Roads Act 1993](#) unless recreational activities are permitted on the road.

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656

 www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC




Public drunkenness ceased being a crime in [New South Wales in 1979](#) and it should never have been an offence to be inebriated in public. Almost all who consume alcohol will remain civil. A small but prominent minority will become louts and so the bill defers to the existing legislation and penalties under the [Summary Offences Act 1988](#) and the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#) in part 9, while also conferring new drinking rights under part 7.

Public authorities will retain existing powers to act against public anti-social behaviour.

Evidence shows puritanical controls over society do not work and have instead resulted in an unhealthy binge drinking culture that haunts Australia to this day. Australian history is a good guide as to why the bill is so necessary. The Australian temperance movement sought to prohibit alcohol from society entirely as early as the 1870s. Their American counterparts eventually were successful (temporarily) in the 1920s, but Australia never embraced full prohibition. The Australian temperance movement did however have some limited wins. It persuaded State governments around Australia to introduce six o'clock closing hours for pubs during the First World War as a means by which to support the war effort. The six o'clock closing hour was declared as a temporary measure but, like with many government temporary measures, it was permanent for decades.

The unintended consequences of Australian partial-prohibition resulted in daily binge drinking by workers who clocked off in the afternoon and then rushed to the pub to and excessive drank before six o'clock, a practice that became known as the 'six o'clock swill'. The worst excesses of our binge drinking culture were born by wowerism and government overreach.

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656

 www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC



Former writer for Atlas Obscura, Natasha Frost, writes:


“If six o'clock closing sought to limit alcohol consumption in Australia and New Zealand, it failed dramatically. In the first three years after its introduction in New Zealand, annual beer consumption per capita rose by over 40 per cent. Over the 47 years that followed, it ballooned by around 300 per cent.”

Assaults skyrocketed and domestic violence became commonplace. Sadly, it took many decades for the 'six o'clock' swill in New South Wales to end and even then, idea of a repeal was hotly debated. This counter-productive government policy started in 1916 and ended as late as 1955.

According to modelling on alcohol consumption among persons aged 15 and above in litres per capita per year, Australia is ranked the 34th highest consumer of alcohol in the world, which is not particularly high. We are far below the top drinkers such as Germany, ranked eighth, France, ranked 11th, or Belgium, ranked 13th, and yet these countries and others such as Italy allow for public drinking with little to no impact on violent crimes with alcohol as a factor.

UK Researcher Dr Anne Fox, who analyses alcohol consumption from a cultural or anthropological perspective, points out in her study entitled [‘Understanding behaviour in the Australian and New Zealand night-time economies An anthropological study’](#) that international rates of consumption do not match homicide rates. For example, Iceland and Luxembourg have comparatively higher rates of consumption but very low rates of violence. Dr Fox states:

“there is no direct relationship between per capita levels of consumption and rates of violence.”

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC




Further, Dr Fox argues violent crime aligns with socio-economic disparity and also that there is a correlation between “cultural patterns of drinking and cultural patterns of violence”.

A study published in academic journal Safer Communities entitled [‘The Patchwork of alcohol-free zones and alcohol-prohibited areas in New South Wales \(Australia\)’](#) examined alcohol-free zones (AFZs) and alcohol-prohibited areas (APAs) to estimate the extent that these restrictive policies are linked to the frequency of alcohol related crime in the then 152 local government areas (LGAs) of NSW. The designated areas allow police and authorised council officers to confiscate alcohol and impose fines.

The authors found that Alcohol Free Zones (AFZs) and Alcohol Prohibited Zones (APAs) were widely implemented across NSW (80% of councils operated AFZs and/or APAs, while 19.7% gave no indication of using either type). The findings of the study included:

- *liquor offences and non-domestic assaults for the majority of LGAs were low and stable between January 1995 and December 2015.*
- *LGAs that were categorised as being in the highest groups for liquor offences and non-domestic assaults were not more likely to have implemented AFZs or APAs. Therefore, the rate of alcohol-related crime within an LGA is not a primary determinant for the introduction of an AFZ or APA.*
- *the introduction of AFZs and APAs ‘share only a tenuous link to the incidence of crime’.*

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC



- *the introduction of AFZs and APAs 'is a function of stakeholder desire rather than a result of specific evidence proving the effectiveness of these policies in reducing alcohol-related harm'.*


A study by the National Drug Law Enforcement Research Fund entitled '[Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups](#)' evaluated the prohibition of public drinking by local laws in three LGAs in Melbourne where public drinking was a contentious issue. The three main concerns that were highlighted throughout the evaluation and raised as grounds for the need for a public drinking law were safety, amenity (attractiveness of an area), and crime.

The report compared before and after the introduction of the laws in the 3 LGAs. Most improvements related to perceptions of safety and amenity, such as feeling safer using and waiting for public transport, and being less likely to be annoyed by litter or disturbed by noise. Specific findings included:

- *there was no effect on alcohol-related ambulance attendances*
- *Response to research request*
- *'more severe harms' such as being physically or verbally assaulted remained unchanged.*

The executive summary states:

"It is not possible to make a definitive judgement as to whether public drinking laws are effective or ineffective, particularly given that there are numerous ways that 'effectiveness' can be measured. ...

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC



[T]here is no evidence that they reduce alcohol-related crime or harm, but they do make residents feel safer and improve perceptions of the amenity of an area."

The report also referred to previous Australian and New Zealand evaluations of public drinking bans which showed inconsistent results. In some cases, alcohol-related harm decreased while in other cases it increased following prohibition. Either way, no causal relationships could be established to substantiate that these changes were related to the laws.

A study published in the Journal Health Economics entitled *'Underage access to alcohol and its impact on teenage drinking and crime'* by researcher Fabian Dehos in (name year like 2011 or whatever) noted in European countries with a drinking age of 16, the average consumption levels are almost 30% above the USA, where the drinking age is 21 years. His analysis found increases in alcohol-induced violent and property crimes that are qualitatively equivalent but on average smaller than the estimates documented by other authors in relation to the USA. In light of 'similar consumption patterns at the respective age restrictions' in Europe and the USA, this *"might suggest a mitigating effect of high consumption settings (in Europe) where cultural knowledge about alcohol is more prevalent"*.

Demant and Landolt from the University of Zurich in an article entitled *'Youth Drinking in Public Places: The Production of Drinking Spaces in and Outside Nightlife Area'* examined the consequences of youth drinking in Zurich, Switzerland in public squares and within the vicinity of nightclubs. The background context for the study was an increase in the *"tendency for young people to get drunk more frequently"*. This prompted the employment of social workers to



Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC




engage with young people in public spaces. The role of the social workers included to “mediate conflicts” and “keep order”, although they do not have powers to make arrests or ask for identification. The authors state that “In general, there was no increase in criminalisation of young people’s drinking in public spaces”. The article supports incorporating the needs of young people in public spaces.

A public drinking pilot in Vancouver, Canada entitled the ‘*alcohol in parks program*’ started with a pilot of 22 parks, which was approved in 2020 but required amending the British Columbia Liquor Control and Licensing Act to allow the Vancouver Board of Parks and Recreation (Park Board) the legal authority to conduct the pilot which was launched in 2021. The [report on the pilot](#) found:

- *Park users did not generally abide by designated drinking areas, but despite poor adherence to drinking area boundaries, behaviour was largely respectful.*
- *Police data showed no increases in the number of alcohol-related calls, indicating that the pilot had little impact on police resources.*
- *There was not a significant difference in the average number of alcohol-related visits to emergency departments per week.*

Overall, the alcohol in parks pilot program was implemented with a high level of satisfaction among park visitors, with few issues arising and minimal operational impacts. The vast majority (92%) of those who visited a pilot park and responded to the experience survey stated that they

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.lgp.org.au/nsw

Office of the Hon John Ruddick MLC




were satisfied with their visit. Respondents felt safe, and people who chose to drink at the park were considerate.

There was no increased need for police response at the vast majority of pilot parks, and no increase in hospital emergency department visits due to alcohol, compared to the preceding year (2022). There were minimal increases in service requests for noise, behaviour or garbage/recycling bins at pilot parks, but not all of these are attributable to the pilot, given other activities happening in the parks, including special events. Following this evaluation, Toronto City Council voted to adopt a permanent alcohol in parks program in 45 parks with at least one park in each ward to be designated for personal alcohol consumption.

In North Carolina the novel concept of social districts was established which involved taking away beverages from participating businesses sold in a container bearing the social district emblem and consumed within the boundaries of the district. Outside alcohol is not to be brought into the social district. By January 2023, 32 social districts had been created or approved in cities and towns across North Carolina. This had increased by March 2024 to 55 social districts registered with the North Carolina Alcoholic Beverage Commission.

There is little to no evidence-based findings on the impact of social district can have on alcohol consumption, response to alcohol-related harms, or, potentially, the surrounding neighbourhoods and community. However, there is plenty of research detailing specific risk factors associated with greater alcohol use and greater harms. It is currently unclear how the development of social districts across North Carolina will impact public health. Some of the key questions to be examined include potential risk factors, protective factors, short-term

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656

 www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC




outcomes, and long-term population impacts. By understanding current evidence of risks related to alcohol use, an evaluation plan can be developed to assess the impacts of social districts over time. Community feedback has been largely positive to date. For example, survey responses for the pilot program in Raleigh emphasised the increased revenue for businesses and stated that the program did not encourage ‘bad behavior’. The Raleigh City Council in 2023 voted to expand the boundaries and hours of the social district.

Police sources quoted in the media had not experienced problems with social districts.

In Ohio the Worthington City Council established a [Designated Outdoor Refreshment Area \(DORA\)](#) in 2017. The council expanded the DORA boundaries and hours on a trial basis in 2021. The changes in 2021 were related to increasing revenue for business and enhancing opportunities for the community to enjoy the downtown area during Covid. After receiving feedback which was ‘overwhelmingly positive’ the city made the changes permanent in September 2021. Police sources quoted in media articles referred to few, if any, problems or concerns.

This submission and evidence presented in support of the Alcohol Consumption in Public Places Bill 2024 shows the current approach to alcohol regulation in public spaces in New South Wales requires a new liberalised approach. The historical context provided underscores the unintended consequences of the current restrictive measures, such as the binge drinking culture which has exacerbated rather than mitigated alcohol-related health and safety. Furthermore, international examples, such as European countries and Canadian and American

 Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656

 www.ldp.org.au/nsw

Office of the Hon John Ruddick MLC



pilot programs, demonstrate varying degrees of success and community acceptance when allowing responsible public alcohol consumption.

The evidence overwhelmingly suggests blanket prohibitions do not effectively address alcohol-related harm and may inadvertently contribute to negative social outcomes. By granting individuals the right to consume alcohol responsibly in designated public areas while maintaining stringent penalties for anti-social behaviour under existing legislation, the bill strikes a balance between personal liberties and public safety.

The Alcohol Consumption in Public Places Bill 2024 represents a progressive step towards aligning New South Wales' alcohol policies with evidence-based practices and international norms. Local communities and individuals should be empowered to manage alcohol consumption responsibly and promoting a culture of civility, the bill aims to address concerns while respecting individual freedoms. This legislative initiative is poised to foster a more nuanced and effective approach to alcohol regulation that benefits both residents and visitors alike.

Make New South Wales fun again!



Office of the Hon. John Ruddick MLC
Suite 1107, NSW Parliament
Macquarie Street, Sydney NSW 2000
02 9230 2656



www.ldp.org.au/nsw