

Submission
No 5

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

Organisation: NSW Council for Civil Liberties

Date Received: 22 July 2024



NSWCCL SUBMISSION

**PORTFOLIO COMMITTEE 1
NSW LEGISLATIVE COUNCIL**

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

NSWCCL

19 July 2024

Acknowledgment

In the spirit of reconciliation, the NSW Council for Civil Liberties acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all First Nations peoples across Australia. We recognise that sovereignty was never ceded.

About NSW Council for Civil Liberties

NSWCCL is one of Australia's leading human rights and civil liberties organisations, founded in 1963. We are a non-political, non-religious and non-sectarian organisation that champions the rights of all to express their views and beliefs without suppression. We also listen to individual complaints and, through volunteer efforts, attempt to help members of the public with civil liberties problems. We prepare submissions to government, conduct court cases defending infringements of civil liberties, engage regularly in public debates, produce publications, and conduct many other activities.

CCL is a Non-Government Organisation in Special Consultative Status with the Economic and Social Council of the United Nations, by resolution 2006/221 (21 July 2006).

Contact NSW Council for Civil Liberties

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Submission in support of fewer restrictions on use of public space

NSW Council for Civil Liberties (NSWCCL) welcomes the opportunity to reiterate our position in support of fewer restrictions on use of public space.

As we expressed in our submission to the City of Sydney's consultation *Your Say On Outdoor Alcohol Restrictions* in March 2024, the growing list of Alcohol Free Zones (AFZs) in Sydney has been a creeping imposition on the freedom of the community to use public space without any evidence that it achieves other positive public policy objectives.

Most parks around the CBD, Kings Cross and Redfern have been designated AFZs, as well as Martin Place, sections of The Rocks and Circular Quay. AFZs cover much of Darlinghurst, Surry Hills, Redfern, Waterloo, parts of Glebe and Newtown, main city roads, and roads around the casino. The City of Sydney has an extensive and effective Street Safety Camera program in which most public places are already monitored.

We therefore welcome the decision by the City of Sydney to not expand the number of AFZs and to consult the community on whether these zones should be renewed and conduct the review undertaken by the Urbis Group which is now available online.¹ The Urbis report found that the evidence for the effectiveness of alcohol free zones to reduce alcohol related harm are poor (or non-existent), and that the police powers are often used to harass particular groups. Support in the community for the zones is very mixed, with it being noted that some public housing tenant groups are strongly supportive in particular areas. The Urbis report highlights the need for a harm minimisation approach, which we strongly support.

Current restrictions have unfair results

Public alcohol restrictions disproportionately impact groups that do not drink in licensed venues, such as young adults, low-income individuals, and those experiencing homelessness. Public spaces where young people congregate are typically AFZs, contributing in our view to the general over policing of poor people and young people in the city.

Evaluations of public drinking laws have shown that AFZs often result simply in shifting activity from one locale to another and also have negative impacts on marginalised groups with little or no evidence that it reduces alcohol-related crime or harm. For example, evaluations have shown no effect on alcohol-related ambulance attendances in AFZs.²

Banning people from drinking in public does not alleviate problem drinking and the harm flowing from it. Rather it moves the issue around the corner or into domestic settings. It is in these settings where vulnerable partners and children may be exposed to harm. Instead of prohibiting alcohol in these public places, the city and state government should consider evidence-based harm minimisation approaches which provide services and support to people who need help.

The NSWCCL believes it is oppressive for the police to have the power to seize alcohol in the possession of any person observed to be drinking in an AFZ and dispose of it. The confiscation of alcohol creates animosity and conflict between police and those who already have it tough on the streets, and who might otherwise have a better relationship with law enforcement.

¹ <https://meetings.cityofsydney.nsw.gov.au/documents/s84207/Attachment%20A%20-%20Outdoor%20Alcohol%20Restrictions%20Review%20Report%20-%20Urbis.pdf>

² Pennay, Amy, et al. *Prohibiting Public Drinking in an Urban Area: Determining the Impacts of Police, the Community and Marginalised Groups*. National Drug Law Enforcement Research Fund (NDLERF), 2014.

Law enforcement options exist

In terms of law enforcement, whilst we support other remedies available which are more oriented towards harm reduction and less open to discriminatory enforcement, police already have options. Under section 9 of the *Summary Offences Act*, anyone found to be intoxicated and disorderly in the same place or anywhere else public within 6 hours of having been given a moving on order can be fined up to \$1650. Under the *Law Enforcement (Powers and Responsibilities) Act*, sections 198 and 206, a person may be detained and released into the care of a responsible person.

We trust this submission will be helpful to the committee.

Yours sincerely,

Timothy Roberts
Secretary
NSW Council for Civil Liberties