

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 1 – PREMIER AND  
FINANCE**

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

**CORRECTED**

**At Macquarie Room, Parliament House, Sydney, on Monday 12 August 2024**

**The Committee met at 11:15.**

**PRESENT**

The Hon. Jeremy Buckingham (Chair)

The Hon. Robert Borsak (Deputy Chair)

The Hon. Dr Sarah Kaine

The Hon. Stephen Lawrence

The Hon. Jacqui Munro

The Hon. Chris Rath

The Hon. John Ruddick

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Bob Nanva



**The CHAIR:** Welcome to the inquiry by Portfolio Committee No. 1 into the Alcohol Consumption in Public Places (Liberalisation) Bill 2024. Firstly, I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Jeremy Buckingham and I am Chair of the Committee.

I ask everyone in the room or appearing via the internet to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after they complete their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

**Mr ROBERT TAYLOR**, Manager, Policy and Engagement, Alcohol and Drug Foundation, before the Committee via videoconference, affirmed and examined

**Ms CHLOE BERNARD**, Senior Policy Officer, Alcohol and Drug Foundation, before the Committee via videoconference, affirmed and examined

**Ms CHRIS KEYES**, Deputy Chief Executive Officer, Network of Alcohol and other Drugs Agencies, before the Committee via videoconference, affirmed and examined

**The CHAIR:** Thank you to our witnesses, who are appearing via Webex, for taking the time to give evidence today. Do either or all of you wish to make an opening statement before we proceed to questions? You do, Mr Taylor? We will start with you, please—a short statement to begin the hearing.

**ROBERT TAYLOR:** I would like to begin by acknowledging that I am joining you from the lands of the Wurundjeri people of the Kulin nation, and pay my respects to Elders past, present and emerging. I also thank the Committee for the opportunity to appear today and apologise that we can't be there in person. Our response to this bill is predicated on the fact that alcohol causes significant harm to the Australian community. We know alcohol harms are estimated to cost Australia around \$75 billion in 2022-23. When broken down, this is looking like alcohol deaths being at their 10-year highest rate, with alcohol causing at least seven different types of cancer and alcohol-related hospitalisations and ambulance attendances remaining unacceptably high and an already significant strain on health and AOD systems. While we don't support criminalisation of consuming alcohol in public, we support a health response as we do for illicit drugs. We definitely wouldn't want to see anyone who is drinking in public being charged with an offence or facing a fine. At the same time, we think it's important based on evidence to provide restrictions on where people can access and use alcohol.

The evidence supports limits on access as a key mechanism to reduce harm. We believe this bill would actually have the effect of increasing alcohol consumption and therefore increasing harm. In public places, we have none of the usual RSA mechanisms to manage intoxication that we do within licensed venues or takeaway outlets, nor to monitor the supply of alcohol to people who may be vulnerable or intoxicated, including young people. We also know there is the potential of heightened risk of harm from individuals who are intoxicated. This is of concern because we know both that women are at a higher risk from harm from others from alcohol consumption, and also that men are at a higher risk of harm from a stranger in public places. Finally, we're also concerned about the potential normalisation of alcohol consumption based on it being allowed to occur in public spaces and exposure to alcohol branding, two things we know that have a causative effect on someone's likelihood of experiencing alcohol-related harm later in life. That statement was for both Ms Bernard and me.

**CHRIS KEYES:** The Network of Alcohol and other Drugs Agencies are the peak organisation for non-government alcohol and other drug services in New South Wales. We represent 84 organisational members providing services in over 100 locations across the State. Our members provide a range of alcohol and other drug services that include health promotion and harm reduction, early intervention, outreach, counselling, withdrawal management and residential rehabilitation. NADA have some key concerns as highlighted in our submission. The first thing we raise is that alcohol is the primary drug of concern across drug and alcohol treatment services. We're concerned about the already significant burden of alcohol use on community and the impact of any potential increase in drinking behaviour on the existing treatment system that may come from legislative change. NADA maintains a database of service delivery data for our members. It showed, for the previous financial year, that 38 per cent of people accessing treatment cited alcohol as their primary drug of concern for which they access treatment, and 23 per cent of all young people that accessed youth treatment cited alcohol as their primary drug of concern—a further 21 per cent as their secondary drug of concern.

These figures have been rising each year and are an under-representation as many do not seek treatment. A recent study from the drug policy modelling program at the University of New South Wales determined that only 26 per cent of people in need of treatment access treatment. It indicates just how significant the prevalence of alcohol dependency is. We support the Alcohol and Drug Foundation's mention about the potential impacts of normalisation of alcohol consumption if restrictions are removed, the higher rates of consumption and the impact of that on an already overburdened and under-resourced treatment system. Particularly, we note the impacts for young people as a concern, and ADF site research on exposure to alcohol consumption being a risk factor for young people later in life experiencing harms from alcohol. We would urge that any change in legislation that may lead to an increase in drinking behaviour must ensure that there's significant investment in and improved access to prevention, early intervention and treatment. We also raised the implementation of existing regulations and the potential to enable discriminatory and harmful policing practices for over-policed populations.

Some approaches that may be effective in minimising these disproportionate harms could include the use of liaison positions within police to engage with the specific priority groups that they represent, workers with

lived experience of alcohol use and alcohol and other drug specialist positions within police skilled at working with people who use alcohol and other drugs. There's a proven model like this used in mental health services called the PACER program which would warrant consideration. NADA firmly supports health-based and harm reduction approaches in preference to enforcement-led responses.

We support the recent City of Sydney outdoor alcohol restriction review that recommends an integrated harm reduction led approach to addressing underlying issues, health and wellbeing impacts and the broader social impacts associated with drinking. This review called for responses that are co-designed with community, health and other services, which is important to ensure that responses will reflect the needs across vulnerable groups and the needs in different locations. There are existing evidence-based examples of outreach programs operating, including homelessness, mental health and drug and alcohol outreach services. Alongside these should be broad educational campaigns within communities to raise awareness of the harms associated with drinking and to encourage responsible consumption.

**The Hon. CHRIS RATH:** I thank all the witnesses for appearing today. Do these alcohol-free zones actually work, or are you essentially making it illegal for law-abiding citizens to drink, but people that are disorderly and want to drink are going to break the law anyway? I assume this often happens. Do these actually work, or are you just outlawing it for everyone?

**ROBERT TAYLOR:** I'll have a go at that, but I am happy to share that question around as well. I think you've raised an important point, and there's a couple of issues here. One is about the overall mechanism through which we make alcohol available and the circumstances under which we allow alcohol consumption in the community. We can take as a given that we do have some mechanisms in place, wherever you sit on this issue. There is some RSA—we don't want to sell alcohol to people under 18. We do want to probably have some limits on where takeaway outlets and licensed on-premise venues are. From that starting point we take an evidence-based approach to what is going to reduce harm. We see that some of the key mechanisms for reducing harm are actually around reducing availability.

I would argue that the severe preponderance of alcohol harm in the community—as I said, alcohol-related deaths are at a 10-year high—we see it causing tens of billions of dollars of harm to the community every year in Australia. It is really significant. Over seven different types of cancer are caused by alcohol. It is a really serious public health issue. Tobacco causes around \$130 billion of harm to the community every year. Alcohol causes a little bit more than half that amount. The public health response we have to alcohol is very different from the one we have to tobacco. There is a lot greater normalisation and acceptability around alcohol. We know, unfortunately, that were we to have less stringent restrictions, higher availability, higher rates of access and higher rates of promotion, then harm would increase. That's what the evidence says quite clearly.

To your first point, we do believe there needs to be restrictions on the way in which alcohol is managed in the community, and we think this is an appropriate mechanism. To your second point, which is a question of enforcement—you mentioned disorderly people and people who are intoxicated. As Chris spoke to, we support a health-based response to public intoxication. This is a slightly separate issue. I know New South Wales dealt with public intoxication a few years ago in terms of what police responses were available. We certainly support a kind of preventative approach to public intoxication that works with communities to reduce risk of harm and so on.

**CHRIS KEYES:** I am in support of Robert's response. We know from BOCSAR data about incidents of harm where alcohol is available. As I mentioned in my submission and opening, we support community-led and health-based responses. That's all I need to say around that one.

**The Hon. CHRIS RATH:** I suppose then that the question is really one of balance. You could, at one end, ban drinking in public places entirely; or maybe, at the extreme other end, either not at all or only in a really small number of identified hotspots of intoxication and antisocial behaviour. The difficulty for us as legislators is where do we draw the line, or how do we get that balance right? Any advice or suggestions of where that line is would be helpful. I think that the data shows that there has been an increase in number over time of alcohol-free zones. What is your suggestion on that balance?

**ROBERT TAYLOR:** I think I can speak in a general sense, and Chloe or Chris might be able to add to this. In a general sense, we support engagement with community; it is kind of our leading principle in this regard. Obviously, a lot of this is devolved to council, so I think that council probably are the best people to determine where these restrictions are best in place and how to manage them. There's a park near my house where there are certain restrictions on alcohol around new year's because, years ago, there was a big conflagration at new year. That's something that council is going to know and be able to deal with in a way that the State Government is not going to be able to, and through engagement with community that council can do in a much better manner than probably the State Government. That would be my suggestion.

**The Hon. JACQUI MUNRO:** Thank you for your submissions and for appearing today. Following on from what my colleague was saying about the different types of drinking, we've had an increase, I would say, of alcohol-free zones, but an increasing prevalence of problematic drinking. What is the relationship between drinking and problematic drinking, and drinking in public versus consuming alcohol in private? Is there any comment you can make about those two differences in behaviour and the impact on social outcomes?

**ROBERT TAYLOR:** It's a good question because it gets to the core of what we're interested in here, which is actually harm. It's not alcohol consumption in and of itself that's an issue—although we do know that increased consumption leads to increased harm. It is risk and harm that we are concerned with. We know about 76 per cent of Australians drink. We know that, of that cohort, about 34 per cent drink in a risky manner, exceeding the national guidelines either for a single occasion or chronic risk over a lifetime, and we know that about one in 10 people are physically dependent on alcohol who do drink. You've got this pyramid of those more and more at risk of experiencing harm. The policy responses are complex in that we're having to talk to everyone in these broadbrush policy settings.

As legislators, your concern is how do you deal with those at the pointy end as well as speaking to the broader population who may not be at the same amount of risk of harm. We would say that the liquor licensing system that we do have in place—we think there's a lot of ways in which it could be strengthened, and we've provided feedback around that in the past. At the same time, there's three underlying principles in terms of alcohol harm that the World Health Organization has identified as key drivers of harm, which are increased availability, lower prices and increased promotion. These are widely accepted in the literature as the three fundamental drivers of alcohol harm.

We have a licensing system that restricts availability and other bits and pieces. Fundamentally, we do think these restrictions are necessary, but people can still drink. There are thousands of licensed venues in New South Wales—thousands and thousands. The number is increasing. We have seen recent reforms of the licensing system, through the Vibrancy Reforms, that loosen some of the restrictions around trading hours and so on, and increase the number of small licences, event-based licences. There are lots of opportunities for people to access alcohol, and we would say this is a pretty sensible thing to have in place, currently. It maintains the balance.

**The CHAIR:** Ms Bernard, do you want to contribute? Or Ms Keyes?

**CHLOE BERNARD:** I don't have anything else to add, other than just to support what Robert has already said.

**CHRIS KEYES:** Nothing from me, thanks.

**The Hon. JACQUI MUNRO:** On the relationship with drinking in private, during COVID people couldn't go out to licensed venues and they were going out to parks to enjoy a social beverage with their friends, instead of drinking at home. But I imagine that there were more people drinking at home during that period as well. I suspect that drinking at home is more likely to lead to problematic drinking, or perhaps there is a greater risk of isolation leading to problematic drinking. Is there any evidence around having the opportunity to go out in public to drink versus private drinking? I guess it's about that pyramid. How does that intersect or at what point is somebody at the lower end of the pyramid making their way up to the pointy end, and what is the relationship between private and public consumption?

**ROBERT TAYLOR:** That's a good question and not one I think I have a good answer for. You are absolutely right that we saw alcohol consumption increase in certain groups during COVID, drinking at home, and there are certain risks associated with that. Probably, based on my understanding of the evidence, there are those who are more likely to experience risk of harm. And, as you say, drinking alone, in isolation, those people are also going to have other issues that are going on, risk factors that we point to—evidence-based risk factors like mental health issues. It might be people experiencing family violence, people with histories of trauma, other co-occurring issues like financial stress and so on, that might be more likely to generate those kinds of harm and have that kind of profile. If we're talking about public consumption, yes, perhaps there is a slightly different profile of person. I don't know what the overlap between those groups is. I don't know, Chris, if you have any insights from your perspective?

**CHRIS KEYES:** No, it's not an area of research I'm familiar with, sadly—but a great question.

**The Hon. JOHN RUDDICK:** I have a question for Mr Taylor. Robert, thank you for what you and the Alcohol and Drug Foundation do in preventing harm related to alcohol. It is an important job, and you do a good job. Your submission and remarks this morning would lend us to think that you are distorting reality. You say alcohol causes significant harm to the community in New South Wales every year, at a \$75 million cost. No-one is doubting that alcohol can be a negative in people's lives, but I would say that out of the 8.5 million people in New South Wales, two to three million are going to consume some alcohol this week. I put it to you that in the

vast majority of cases this is either a neutral thing or a very positive thing. For example, there might be a corporate sales team who has landed a big account and they're very happy. It gets to Friday night, they go out to dinner, and alcohol is an important part of that process. They get to know their clients better over alcohol. No-one is disagreeing that alcohol can cause harm, but I think the benefits of alcohol consumption tower over that harm.

**ROBERT TAYLOR:** I probably wouldn't want to get into benefits and costs. You're absolutely right: A lot of people do consume alcohol without experiencing harm. But there is a heightened risk. We know, unfortunately, that a really small proportion of people drink most of the alcohol. Something like 20 per cent of people drink a really large chunk of the alcohol—or maybe 50 per cent or so. Sorry, I don't know the number off the top of my head. But we do know, and I think this is the key point, that when we adjust policy settings, we get a change in alcohol consumption; and when we get a change in alcohol consumption, we get an increase in harm. We already know, as I've said, the health system is under strain, the AOD system is under strain. Alcohol is the most common drug that presents in the AOD system, and we know increases in alcohol consumption are going to lead to further strains. That's why we support this existing restriction on consumption in public places.

**The Hon. JOHN RUDDICK:** In most countries—not in Islamic countries or other countries where they do not drink alcohol—the consumption of alcohol is an ancient practice. But there does seem to be a pattern in the English-speaking world of an effort, in the nineteenth century and early twentieth century, to make alcohol illegal and treat it as a taboo. In those countries we see not the most excessive usage of alcohol but the most excessive negative reactions to alcohol—alcoholism and violence. It seems to be in those countries where we have had a wowsers tradition. Would you agree with that?

**ROBERT TAYLOR:** I'm not sure I could speak to the international comparison, I'm sorry. I am more familiar with the Australian context. But you're correct on the point of the temperance movements, the wowsers, this history of prohibition around alcohol. I want to be really clear: We definitely do not support a prohibition-based approach to alcohol. People should be able to access alcohol. We see this working in the drug space as well. I was actually just speaking to a committee about a week and a half ago about cannabis regulation. We see that overregulation leads to great harms too, so we're definitely not supporting that. It's about finding the balance in terms of access to alcohol for people that minimises harm, as a whole, to the community.

**The Hon. JOHN RUDDICK:** I have a question for Ms Bernard. You fear that if this bill is approved it will lead to the normalisation of alcohol consumption. But I fear what is happening is we have de-normalised it at the moment. Countries where people can freely drink at the beach or in the park have a far less dysfunctional relationship with alcohol. The statistics are quite clear. In countries like Italy, Germany, Austria and France, where this taboo of public drinking does not exist, there are about half the number of alcohol-related criminal offences compared to English-speaking countries. We say, "You can only drink alcohol at home or at a licensed premise, and nowhere else," generally speaking, and we are very strict with the age enforcement, so we have made it like a forbidden fruit. It's possible that that is backfiring. I know at face value it seems that if this bill gets approved there will be an increase in alcohol abuse. But I put it to you that the international experience is the opposite: that when we don't treat it like a forbidden fruit, people have a more adult relationship with alcohol.

**The Hon. JACQUI MUNRO:** That was Ms Keyes, not Ms Bernard.

**The CHAIR:** Ms Keyes, would you like to respond to that?

**CHRIS KEYES:** I'm not familiar with the overseas experience, but I'm familiar with more local studies around the impact on young people of visualising alcohol consumption and the normalising of that at a young age, and that correlates with young people experiencing harms from their own alcohol use later in life. So I refer to that experience. But I'll stick to the scope of our organisation and the experience of our members and treatment services.

**The CHAIR:** I have a question before we go to the Government. If we were to liberalise the statutes and the laws around public alcohol consumption, how does that make it more available? Is it not the saturation or the numbers of licensed venues? You still have to buy it from a bottle shop. How does the possibility that you can drink it in public make it more available, as you've suggested?

**ROBERT TAYLOR:** Yes, I understand the question you are asking, because it's not inherently putting more alcohol out there, but rather increasing the amount of zones that it can be consumed in. When I talk about availability—sorry, I should be more specific. That is a part of it, and it goes to—underneath this broad term, "availability", we're also talking about the mechanism around RSA, for example, that prevent young people from accessing alcohol, ideally; prevent intoxicated people from accessing alcohol; and put limits on drinks and so on. But I can go and buy a slab and take it to my place of residence, and none of those mechanisms are in place. So there is already that case, but we believe that allowing that in public would heighten the risk of harm by making it more accessible to people and providing more opportunities to engage in alcohol consumption and, again, that

normalisation factor. I haven't spoken about the advertising piece of this, but the research around brand exposure to young people is just unbelievably concerning. It shows this really clear link—and to alcohol consumption itself, really clear, strong link that is has a causal effect, a causal relationship with people's risk of alcohol harm later in life.

**The CHAIR:** It's a really interesting point that you make. Most of the advertising that you see around alcohol shows people consuming it in public places, responsibly. The alcohol advertising—I'm just thinking of Stone and Wood. They've got an ad for beer—very nice beer, I've got to say—which is people sitting on a point watching some surfing, cold beer, sunset, very idyllic; Corona, the same thing, drinking on a beach. Should there be a ban on those ads because they are actually in breach of the law?

**ROBERT TAYLOR:** There was a study just released last week that showed that alcohol advertising that involves groups of people stimulates cravings for alcohol much more strongly than those that just show the products themselves. I think this is well thought through on the part of the alcohol industry. They know what they're doing, in terms of their advertising.

**The CHAIR:** So it's not really an issue of availability; it's more one of accessibility and normalising it for you?

**ROBERT TAYLOR:** Yes, I suppose that is a fair clarification. Yes, I'd accept that.

**The CHAIR:** Ms Keyes, would you like to respond to that at all?

**CHRIS KEYES:** No, I support Robert's response. Thank you.

**The Hon. STEPHEN LAWRENCE:** On the question that the Chair raised, I'm wondering if you are aware of any evidence to support the proposition that more visible consumption of alcohol in the community feeds demand for alcohol.

**ROBERT TAYLOR:** We have evidence that shows that exposure to alcohol consumption in general leads to greater demand in young people. As to the public case, no, I don't necessarily have that evidence.

**CHRIS KEYES:** I'm also not aware of any research specifically around that.

**The Hon. STEPHEN LAWRENCE:** Do you think we are safe to assume that, if the bill is passed, there would be an increase in consumption of alcohol in public places, such as main streets and roads?

**ROBERT TAYLOR:** Yes, we would expect that to be the case. When you see loosened restrictions, you see increased consumption, yes.

**The Hon. Dr SARAH KAINED:** Can I ask for a clarification? You say "increasing consumption"—increasing consumption in public places, or just increasing consumption?

**ROBERT TAYLOR:** Good question. I suppose one of the challenges we have here is that we are extrapolating from an evidence base which is based on general principles. The thing with research and evidence is that it's a slow and methodical and difficult process, and it's hard to make very specific claims. But we do have these high-level, established general claims. It's why I keep repeating that increased availability equals increased consumption. It's hard to say exactly how that would play out; I suspect, yes, it would mean in the public setting in this case.

**The Hon. STEPHEN LAWRENCE:** I note that the bill would propose to maintain the existing laws in relation to drunk and disorderly behaviour in public. So it would preserve, for example, the ability of the police to give move-on directions and so forth. Mr Taylor, is it safe to assume that if this bill was passed, there would, over time, at least be an increase in drunk and disorderly incidents in public places?

**ROBERT TAYLOR:** You would probably expect to see that, yes. You can't say to what extent. It may be the case that it's not really significant, but it may be the case that it is. Couldn't really say, but we would expect that the risk would heighten, yes.

**The Hon. STEPHEN LAWRENCE:** I'm curious, then, about your observations—and you, Ms Keyes, as well—about how you think that might impact in particular communities. For example, you might think about a Sydney suburb, like a park in Mosman, or something. You might compare that to a large regional city that might have a higher prevalence of social problems, and so forth. I'm just interested in how this bill might impact differentially across the State.

**ROBERT TAYLOR:** Chris?

**CHRIS KEYES:** Was the question around the impact for those vulnerable groups on the occasions of police giving move-on orders, or just broadly?



**The Hon. STEPHEN LAWRENCE:** I suppose more broadly. I'm curious about enforcement of drunk and disorderly type provisions and police powers, but also the amenity of particular areas and any other observations you might have. I'm interested in the differential impact of a law like this. How is it going to play out in that hypothetical park in Mosman, as opposed to the main street of Dubbo or a park in the Dubbo CBD? What sort of different effects might we expect to see from a statewide law like this?

**CHRIS KEYES:** We know from other submissions and hearing from stakeholders within the sector around how the current restrictions disproportionately impact vulnerable groups, like First Nations communities, multicultural communities, low-income earners and people in social housing. I think it would follow, if the restrictions were removed, that the police enforcement of move-on powers and other laws at their disposal around drunken and disorderly behaviour would also disproportionately impact those groups. We would not support a removal of restrictions that didn't see careful engagement with community by local councils to really understand the impacts in those areas, and the different vulnerable groups that would be drinking outdoors in those areas, to really determine what other supports—health and social—would be required in order to minimise the impacts of any change.

**The Hon. STEPHEN LAWRENCE:** What are your thoughts, Mr Taylor, on the potential differential impact of the law statewide?

**ROBERT TAYLOR:** When we talk about risk, one of the things that underpins that or the key thing underpinning risk of harm are these—what we call risk factors. This can be someone having pre-existing mental health issues, housing challenges, if they are experiencing family violence, histories of trauma and so on. These things—and disengagement, unemployment and so on—all heighten someone's risk of alcohol-related harm. When these things intersect, they heighten it again. We know that these risk factors are, in some cases, more prevalent in certain areas than others. We know, for example, alcohol harm is experienced to a higher degree in regional and remote areas. You mentioned a park in Mosman. We know that people in certain areas have greater access to resources, financial and otherwise. They have certain protective factors to minimise their risks of harm, to give them more mechanisms for dealing with any potential risk of harm. So, yes, we would expect to see a disproportionate impact. The way we currently do see a disproportionate impact is, we know that those in the lowest income quintile—in the lowest 20 per cent—even though that group has the lowest overall drinking rate, that population has the highest rate of alcohol-related harms. So we do see that disproportionate impact already.

**The Hon. STEPHEN LAWRENCE:** In terms of an increased prevalence of drunk and disorderly incidents, obviously, the bill would maintain police move-on powers and powers to arrest people for criminal offences that might be committed in public places, but I am interested in how much the current regime is actually putting downward pressure on those sorts of incidents—for example, the power to pour out alcohol found in people's possession and the broad restriction that exists on the consumption of alcohol. I am wondering how effective those things are in actually reducing the incidence of antisocial behaviour at these places?

**ROBERT TAYLOR:** It is a deterrent effect, and deterrence works at a certain level. The likelihood of someone getting deterrence works based on the likelihood of you getting detected doing something and not on the size of the penalty. If you are likely to get detected walking down the main street—down in Moore Road or something—and there are a lot of police that cruise up and down and they see you with a bottle, you are likely to get detected and it is likely to get tipped out. That is an effective deterrent. There are some people who won't be deterred. This is a population-wide policy setting that is designed to protect public health across the board. If this is answering your question: There will be some who aren't deterred, but that is always the case with this kind of stuff.

**The Hon. STEPHEN LAWRENCE:** How important do you think notions of amenity and feelings of public safety are? I am just imagining, if this law is passed, for example, that you might see a very changed situation on some main streets of regional towns—for example, lots of consumption of alcohol perhaps by very committed drinkers—and while the police will have the power to react ultimately to behaviour that crosses a certain line, they will not have pre-emptive powers and you will not have the deterrent effect of existing rules. I am interested in how much that is going to affect amenity and feelings of public safety, and how much we should take that into account when determining the merits of the bill.

**ROBERT TAYLOR:** I will quickly say—sorry to answer the question like this, but we prefer not to talk about public safety and instead talk about health outcomes for the individuals involved. So with those, as you put it, committed drinkers in a regional area, we want to see that there's a health-based response for those people that looks at the issues—there might be driving and drinking—and tries to intervene early and provide the support required.

**The Hon. STEPHEN LAWRENCE:** You spoke earlier about the presence of those sorts of people having an undesirable effect in terms of normalising drinking and sending out a social message that it is okay to drink

more, but I am curious about other ill effects of that sort of public presence. Would you express an opinion on that?

**ROBERT TAYLOR:** I wouldn't. Chris, I don't know if you would.

**CHRIS KEYES:** I feel it is beyond the scope of my organisation to respond.

**The Hon. STEPHEN LAWRENCE:** The reason I ask is that I am someone who does not like to be too much in the presence of drunk people, particularly if I am the sober person. When I am out and about with lots of drunk people, I sometimes do not feel safe. I wonder whether, as experts in this area, you would share the view that there is an implicit threat from drunkenness that some people will legitimately feel and perceive. I am curious if you would be willing to express an opinion about the desirability of that or otherwise, because one of the ill effects of alcohol is that it causes people to be more unrestrained in their behaviour and potentially violent and so forth.

**ROBERT TAYLOR:** I can give two points on that. One is, you are absolutely right: We did mention at the beginning and in our submission that the risk of harm to others from people who are intoxicated does increase. We know that men are at heightened risk from strangers. We also know that women, in the context of gender-based violence particularly, are at significantly increased risk. Alcohol can accelerate the risk of gender-based violence significantly. That being said, one of the reasons that we're very hesitant around the public safety lens is that we are also really conscious of the effects of stigma on those who do use alcohol and may be in need of health supports, and we definitely don't want to characterise everyone who drinks or people who may be experiencing harm from alcohol as inherently violent or a risk.

**The Hon. STEPHEN LAWRENCE:** Do you have any thoughts on that, Ms Keyes, in terms of these ill effects on people's perceptions of safety that arise from the reality that intoxicated people are more likely to cause harm?

**CHRIS KEYES:** Absolutely. I support Robert's response. I also note the review undertaken recently by the City of Sydney which engaged stakeholders. The survey that they undertook showed that the majority of respondents said that they would feel less safe if there was more drinking of alcohol in public spaces. It makes sense that that would be one of the impacts.

**The Hon. STEPHEN LAWRENCE:** Just lastly, if there is time, the bill utilises a drafting device where it creates an exception to other Acts. Rather than amending individual Acts, for example, the Liquor Act restriction on this or the Summary Offences Act restriction on this, it creates a defence to the operation of other laws that you will not be guilty of an offence in relation to consumption of alcohol in a public place. I am just wondering whether you have any thoughts on the appropriateness of that device in circumstances where it makes the law potentially a bit unclear, in the sense that you need to look at the exception and then perhaps look at all the other rules to work out exactly what the law is. Or do you think that it is an appropriate device and that it is clear? That is a concern that has been raised in some of the stakeholder submissions.

**ROBERT TAYLOR:** I wish I was enough of an expert on legislation and drafting to give you a response. I'm sorry.

**The Hon. STEPHEN LAWRENCE:** Do you have any thoughts on that, Ms Keyes?

**CHRIS KEYES:** I agree. It's probably a better question for some of the other stakeholders that submitted.

**The CHAIR:** The time for questions has passed. We very much appreciate your submissions, your taking the time to appear today and the work you and your organisations do in the community. It is very important and all of it is very much appreciated. If there were any questions taken on notice, the secretariat will be in contact with you in due course.

**(The witnesses withdrew.)**

**Mr DAVID REYNOLDS**, Chief Executive, Local Government NSW, before the Committee via videoconference, sworn and examined

**The CHAIR:** Thank you for making the time to give evidence. We very much appreciate that. Would you like to commence with an opening statement?

**DAVID REYNOLDS:** Yes. Thank you, Mr Chair and Committee members, I will. Thank you for the opportunity to appear before this inquiry today. My name is David Reynolds, I am the Chief Executive of Local Government NSW. We're the peak body representing all 128 councils across New South Wales as well as related local government entities. I would also like to pass on apologies from our president, Councillor Darria Turley, AM, who is unable to appear today. Local governments, as you know, are elected to reflect and represent the views and aspirations of their local communities. They're democratically accountable to the diverse communities that they represent. For this reason, Local Government NSW can't support the bill, which seeks to remove decision-making from the level of government that's closest to the community and instead impose a one-size-fits-all approach across New South Wales.

It is also appropriate to clarify that, as it stands, we don't believe there is a statewide ban on the public consumption of alcohol in all public spaces, nor is that what we're advocating to implement or maintain. Councils see sensible placement of outdoor alcohol restrictions as helping to create a public domain that is vibrant, accessible and safe for all members of the community. The restrictions also help to reduce antisocial or unsafe behaviour and crime in identified areas of need, and also as a preventative measure for certain types of events. Considered placement of outdoor alcohol restrictions can assist in preventing antisocial behaviour and impacts on community safety, as well as a perception that certain public areas are unsafe and should be avoided.

If outdoor alcohol restrictions were to be removed, women, young people and older people may avoid more public areas due to concerns for their safety, which would in turn reduce visitation and passage through some public places. Removing outdoor alcohol restrictions may also create challenges for managing large public gatherings where alcohol is being consumed, particularly at popular sites such as family-friendly New Year's Eve celebrations, for example. It also poses the risk of increased litter and environmental harm, including from glass bottles, which particularly pose a hazard on beaches. It may threaten harm to local visitor economies as public places may no longer be considered suitable or appealing for tourists and visitors.

It's important to acknowledge that outdoor alcohol restrictions only apply to a limited number of public spaces where it's been deemed necessary following a period of consultation and engagement with law enforcement authorities. The public remains free to safely and responsibly consume alcohol in many parks and public spaces across New South Wales. Where outdoor alcohol restrictions are no longer warranted, these can be removed by councils. Councils also respond compassionately where they identify rough sleeping and alcohol consumption in restricted areas. Homelessness protocols developed by council include training to ensure staff respond appropriately and with compassion. Councils also work closely with a range of housing and homelessness services, domestic violence agencies, police and specialist homelessness service providers that operate in their respective areas. They assist with case management of people at risk of becoming entrenched in public spaces.

Councils, in close consultation with their 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. LGNSW doesn't support this bill, which seeks to impose a one-size-fits-all approach to public amenity and safety. We thank you for taking the time to see us today.

**The Hon. CHRIS RATH:** Thank you for appearing today, Mr Reynolds. I was wondering if you could run through for us the decision-making process for a council that would determine that a certain area should be an alcohol-free zone. I assume it's voted on by the councillors, maybe on recommendation of the staff. Who has input in that decision-making? Do they consult with the local police about some of the hotspots that require this alcohol-free zone category? Maybe you could run through that process from the start to the end.

**DAVID REYNOLDS:** I think you're right. You've given a rough outline of some of the parts that would be involved in that process. A council would go through a process of either reviewing existing areas and renewing those or seeking to implement new areas. They would be done in a consultative process, exactly as you've hinted at. That would involve engagement with the police quite often about whether there's been any instances of events, or criminal behaviour or inappropriate social behaviour in those places that should be thought about, and that engagement is certainly taken into account. Having facilitated these reports going through councils previously

myself, I know that those areas have then been publicly exhibited for engagement and consultation, and the results of that engagement brought back to council for consideration of any submissions made.

My experience is that's quite a good discussion with law enforcement bodies and councils, and it complements the other activities of council in those areas, as well as public engagement. Councils are also doing associated things around trying to maximise opportunities for outdoor dining. They may have policies around outdoor dining applying in some of those places, so they're aware of the intersection of outdoor dining requirements with some of these other areas. In a nutshell, yes, if an area is proposed as an alcohol-free zone, there's engagement with the community and with law enforcement around that. There's then exhibition and then consideration by council of those areas—and usually, therefore, time-limited periods. It's not an in-perpetuity designation of an area. There's usually a time-limited period. In my experience, it can be four years or so, then they can be renewed and reviewed as needs be. Certainly it's an engaged and consultative process.

**The Hon. JACQUI MUNRO:** I'll just jump in to ask about the relationship between police and councils. You mentioned in your submission about the reliance on police availability and proximity if the bill was to be enacted. I'm curious about whether your members are finding that there aren't enough police around to police existing legislation and whether that's a problem or not.

**DAVID REYNOLDS:** I think our caution with the bill's practical effect is that if the regulatory environment is changed to one where there's greater prevalence of behaviour that requires the police to be called to respond to public intoxication or drunkenness or antisocial behaviour, that's a poorer policy response than a response that says, "We've got an opportunity to manage this." We've got an opportunity to manage it before we get those circumstances which require the police to be called to respond to a public incident, as opposed to these areas being well-known nuisances and things being able to be managed in a complementary way. If we're in a position where we're got a policy setting that allows a situation not to escalate and for police resources not to be turned away from other things that are critical for their time—and we know that their resources are finite and stretched as it is—we think that's a better outcome rather than going to a situation where they might be called more to respond to circumstances that have deteriorated as opposed to it being well managed in a policy sense early on.

**The Hon. JACQUI MUNRO:** You're saying that the appropriate management is to say you can't have any alcohol at all?

**DAVID REYNOLDS:** I don't think we're saying there's a blanket ban about no alcohol at all. Even in some of these areas, you can set particular time spans. You might know that a particular time span around a time of day or a time of week is problematic in a particular location, and there are lots of different locations across all 128 councils. I think that's really our submission—that it's the council that should be able to nuance these arrangements with its community and with its local law enforcement community as well. We're not suggesting that we turn off the tap and there's no alcohol at all. We're suggesting that it should be well managed. It should be able to be consumed responsibly in the right place. But it shouldn't be a situation where a policy setting is turned off, which then results in a worse social and public outcome and a greater strain on police resources around that type of behaviour.

**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.

**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.

**The Hon. JOHN RUDDICK:** But you do agree that there are currently two categories of parks: some where you can publicly drink and some where you can't publicly drink. I suspect that there's no difference in the level of crime that we're seeing in those places where you can publicly drink. If that was not the case, I am sure that you would know about it, and so would the public.

**DAVID REYNOLDS:** To respond to that, if I look at the submissions that the inquiry's received already and if I take data from the New South Wales Government submission to this inquiry, they note in the Sydney CBD, between 2000 and 2020, a 45 per cent reduction in violent offending, which correlated to the alcohol-free zone locations. The Inner West LGA, upon declaration of alcohol-free zones across that LGA in 2019, reported a corresponding decrease in street offences within those alcohol-free zones. The percentage dropped each year. In 2020, it was 13. In 2021, it was 38, 50 per cent in 2022 and 38 per cent in 2023. I would say impact is not just limited to some of those outcomes but, looking at the data from those submissions, it would seem to correlate with these alcohol-free zones, that they're seeing decreases. That may not always be the case, but there seems to be a data sample there that suggests it is.

**The Hon. JOHN RUDDICK:** Crime overall has been dropping over the last 30 years so it may be a case of correlation; it's not always causation. Are you aware in any of your 128 councils where there was a policy of permitting public drinking and then there were associated problems and it then got reversed? You just mentioned City of Sydney. My understanding is that they are pushing ahead with liberalising on this question.

**DAVID REYNOLDS:** Thank you for the question. I think that's a good example of what's open to councils under the current system. Councils are, based on their own local circumstances, able to review the use, the breadth and the impact of these zones, so it's quite appropriate that a council takes that under consideration. As I understand it, that review is ongoing. There's been no final determination to that, and no doubt the City of Sydney's keenly invested in that process. I think, to go to your point, that's a good example of how a council can consider its own circumstances and see how—

**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.

**The CHAIR:** I've just got one question. We've heard that there's been an increase across New South Wales in the availability of alcohol through licensed premises. When a council is considering increasing the density or considering an application for a licensed premises, is a corresponding declaration of an alcohol-free zone one of the things that council considers as well to mitigate against public disorder when it's considering the social impact statement of a new licence? Is an alcohol-free zone one of the things that is put into the mix for councils to consider when they are addressing an increase in licensed venues?

**DAVID REYNOLDS:** Thank you, Mr Chair, for the question. I will answer this in two parts. One, I'm not aware that it's a technical consideration as to the merit of a development application if a council is turning its mind to the planning or the formal licensing requirement—whether a council would need to implement such a zone—but obviously hours of trading, hours of operation, timing of car parks and the service of alcohol within a facility is thought about in terms of those matters. But clearly, for their communities generally, councils work closely with their local area commanders.

They would often have community safety committees that may even look at things like crime prevention through environmental design. So it looks at design of parks and open spaces, as they may complement these other facilities too. Certainly, practically, alcohol-free zones can be used to help manage traffic around these facilities and to help these facilities continue to play their role in the community without a nuisance or an impact flowing beyond their boundary too far. As councils, as best we can we try and make good neighbours so that people can co-exist well and people can socialise and recreate without feeling like they're being regulated. We try to do that well.

**The Hon. STEPHEN LAWRENCE:** Thanks, Mr Reynolds. I have just a couple of questions. I was recently in a remote town in New South Wales which has got a large Aboriginal population. I was talking to an Aboriginal woman there who raised an issue with me. She basically said to me, "Why are the white people allowed to drink outside certain premises on the footpath whereas Aboriginal people aren't allowed to drink in the parks?" and so forth. I questioned her further about her concern and what it transpired she was raising was that in that particular town there's an alcohol prohibition under the local government mechanism that I think applies to the whole town.

Then on the main street there's some type of restaurant or cafe that also has a licence and people are allowed to drink on the footpath outside it. I'm wondering if you've got any observations about the appropriateness or otherwise, in communities like that one, of a blanket prohibition on the consumption of alcohol basically through the whole CBD—maybe the whole town; I'm not sure—and then exceptions of that nature for certain premises in that context?

**DAVID REYNOLDS:** Thank you for that question. I think that really goes to the issue of each council and its democratically elected representatives being able to respond appropriately to their community and to, very fairly and in a considered way, weigh up the social issues that also go with the economic and business issues of a vibrant town centre. Across the State, the State Government is working with councils to activate more places at night for music and for dining, and that gives rise to the need for outdoor dining being licensed on public footpaths or outside restaurants. That's a very popular trade in many places but it raises the issue, as you've pointed out, that if alcohol consumption is okay in one place, how should it be considered in another place. It's probably not my place to speak against a particular council that has considered its circumstances and decided that that's the way it would like to move forward in terms of banning consumption in public places.

But I think in my opening statement you also heard me refer to the work that councils are trying to do socially with people who may be rough sleeping in areas or who may be spending time in parks and are consuming alcohol in these places. Councils across the State really try to get alongside many different parts of their communities at one time to try to assist and manage with those. But I think undoing those restrictions without proper engagement with councils in all locations is probably not the way forward there. I would suggest it is probably a more nuanced social conversation between the council and its community about the right answer in that circumstance.

**The Hon. STEPHEN LAWRENCE:** In that situation I outlined, would the local council have any power over the decision to grant the liquor licence that allows the consumption of alcohol on the footpath, or would that be purely a State licensing matter?

**DAVID REYNOLDS:** The State is the licensing authority, but the council may have an outdoor dining policy that allows the restaurant or the premises to use, say, 30 square metres or 40 square metres of footpath as a dining area to set up tables and chairs and serve there.

**The Hon. STEPHEN LAWRENCE:** And that's on the basis that the footpath is owned by the council, is it?

**DAVID REYNOLDS:** It's a public space, yes. The footpath is owned by the council, so you need the licence to occupy the council property, and then the ability of the premises to function there, in my view—and I'm happy to come back to the Committee if I'm incorrect—is considered as part of the licensed establishment overall.

**The Hon. STEPHEN LAWRENCE:** I am just curious about whether you've ever heard it suggested that local councils have been too broad in their use of these powers. For example, is it ever suggested that the

declaration of a whole small regional town or community is inappropriate? Are there places where, for example, perhaps councils should be allowing a bit of public drinking in certain areas, whereas, in fact, they are just using the mechanism to prohibit alcohol consumption in all public places?

**DAVID REYNOLDS:** I can't say I've never heard it, because I've paid attention to this inquiry, so now I have heard it. Certainly one of the premises of this inquiry is that footing. But it's not an issue that has been front of mind for our sector in terms of the challenges we have needed to face. We have been fighting battles on financial sustainability, housing and homelessness. We have been fighting battles on changing economies and sustainability, particularly in rural and regional areas, around renewable energy zones. This is an area where I think the regulatory regime has been fairly settled for a while, so it's not inappropriate to look at that. But I think it's one where councils have used their discretion and their engagement with local community groups and local law enforcement to implement these zones through consultative processes. It is not one that is very frequently raised with us. When we go through our annual conference and policies and motions come before us, it's not one that features in our top eight or 10 issues for the sector, if I could put it that way.

**The Hon. STEPHEN LAWRENCE:** There has been a concern raised in a number of the submissions that there is a flaw in the bill in the sense that it creates, if you like, a defence to the operation of other laws. It basically says that a person shan't be subject to a law in relation to their possession or consumption of alcohol, or words to similar effect. Then, I suppose, it is up to the subject to interpret how that interacts with other laws. Examples have been given in some of the submissions, for example, that that could provide a defence to a criminal offence involving a juvenile who is somehow supplied alcohol because that's a law that relates to their consumption or possession of alcohol. I'm just wondering whether the local government sector has any submission about whether that's an appropriate way for us to interact with that regulatory framework, or, for example, should we be thinking about amending all the individual Acts if we are not happy with the framework in some respects?

**DAVID REYNOLDS:** I think you picked on a neat point. Councils like simplicity. A good regulatory system and a good policy framework should give simplicity to those who are supposed to enforce it. I note provisions in the draft bill about the Act prevailing to the extent of any inconsistency and the issues you have touched on around how some of those offences might be formed or made out. I think what we would be looking at there—which is exactly as you have touched on—are places of uncertainty that the drafting might create. In a frontline sense, what we wouldn't like to see, whether it's this bill or any other bill going through, is the ability for council officers to be subjected to difficult decision-making in an enforcement circumstance or for police officers to do the same thing. But, ultimately, we wouldn't like to see any public harm come about because of that confusion either. The example you have used—the supply of alcohol to minors—we would think that that's not a good policy outcome from a change such as might be proposed in this particular bill. In a statutory drafting sense, it could go about, I suspect, its amending work in different ways. But I think any confusion in a public policy sense is not helpful for councils and our operations.

**The CHAIR:** Thank you very much, Mr Reynolds. The time for questions has now passed. We very much appreciate the submission from Local Government NSW and you taking the time to appear before the hearing today. I think there were one or two questions taken on notice.

**The Hon. JOHN RUDDICK:** They are quite important, Chair. The first question was: What percentage of public spaces in New South Wales is banned from alcohol entirely? The second question was: In how many zones where alcohol was permitted has it been reversed because of antisocial outcomes?

**The CHAIR:** I am sure the secretariat noted those questions and will be in contact with Local Government NSW in due course for a response. Once again, thank you for your submission and attendance today.

**(The witness withdrew.)**

**Mr PETER DOUKAS, OAM**, Chair, Ethnic Communities' Council of NSW, sworn and examined

**The CHAIR:** Good morning. Thank you very much for your attendance. Mr Doukas, I note you haven't made a submission. Do you have an opening statement that you would like to make?

**PETER DOUKAS:** Thank you, Chair and Committee members. The Ethnic Communities' Council is the largest and oldest multicultural organisation and peak body representing multicultural communities in this State. We were there at the foundation of Australian multiculturalism in 1974 and 1975. Our founders were colleagues of Whitlam and Fraser during the time. In the last 50 years that we have been in operation, we have been central to some of the big policy debates around Australian society and Australian culture. I welcome this inquiry, notably in that it puts two competing forces within our own member base not necessarily at loggerheads but within very relevant points.

We have communities that are very sensitive to the dissemination of this Committee and the underlying legislation for religious reasons, and we have communities who have a very different view, given that their image of Australia is one that has been fostered by a less regulated environment around the consumption of alcohol. Of course, each of those communities have their own subgroups within age brackets and socio-economic brackets and geographical outcomes. For us, this inquiry, this Committee process and the resultant legislation is a particular concern and a particular interest, moreover. As far as an opening statement goes, I hope that's enough context before I expose myself to the Committee.

**The CHAIR:** We appreciate that. We will turn to questions from the Opposition.

**The Hon. CHRIS RATH:** I found it almost impossible to find information online in English about which areas are alcohol free. Do you think that enough is being done in terms of providing information to multicultural communities with that awareness that might be required in other languages about where they could have a picnic, for instance, with alcohol and areas where they can't? Has that ever come to your attention that it might be unclear?

**PETER DOUKAS:** You're absolutely right, member. It's difficult enough in English. Having messaging in language is something we've been campaigning for for many years. Since the lockdowns, we're kind of learning how to do it again, in a way. We're learning how to do public places in a different way, particularly about how alcohol can be consumed. Sometimes the consumption of alcohol has a religious purpose. I know there are church groups that have religious celebrations outside in public places that are very sensitive to this as well. So, yes, there is a lot more that can be done. I don't necessarily think it is a local government only problem. I think often messaging is something where government and the private sector and the community sector all have roles to play. I think it's a much more complex answer than simply pointing the finger at local government.

**The Hon. CHRIS RATH:** Some of these communities want to have festivals and street parties. Has it been difficult at times to register those with councils or with the State Government because they might run against alcohol-free zones or that they haven't found it easy to get approval for their cultural events that may involve alcohol? Do you have any evidence of that?

**PETER DOUKAS:** We're blessed in Australia that multicultural is kind of mainstream now. There are different scales that are relevant to this. The larger cultural festivals don't have that problem because they're so big. They have their own event organisers and their own infrastructure and they get all the relevant permissions. They have enough financial backing for it not to be a noticeable issue. Where we've had members engage with us is particularly new communities that are creating that community infrastructure from scratch now and simply not understanding. They are coming to us on a good faith basis and their concerns are that they just don't understand. They don't know where they can do certain things and where they can't. Another similar issue was the use of open-fire charcoal in barbecues in parks in the western suburbs of Sydney and where that's acceptable and where it's not. I know that some local government areas have special bins for the dumping of flammable materials for that reason. In the same vein, I would like to see that the application of the legislation that's being determined here has very practical outcomes in language and signage in language that explains what can and what can't be done.

**The Hon. JOHN RUDDICK:** Thank you for coming along, Mr Doukas, representing the Ethnic Communities' Council. About a century ago America had a constitutional amendment to ban alcohol. Of the 48 States that were then in the US, 46 voted in favour of it. The two that didn't had a large number of southern European and central European migrants—Italians and Greeks. I know you represent a lot of different groups, but I'm guessing that the European groups that you represent would generally be in favour of relaxing the consumption of alcohol in public. Would that be a fair assumption?

**PETER DOUKAS:** I would say, generally, yes.



**The Hon. JOHN RUDDICK:** I'm not entirely clear what your view is of the bill, generally speaking. You may not want to say that you're entirely for or entirely against, but are you generally in favour of liberalising the consumption of alcohol in public places?

**PETER DOUKAS:** From a personal perspective, yes, with careful application. I'm mindful that I consider myself front line for some of the arguments against it. It is something that needs to be considered and it is something that, broadly, I am in favour of.

**The Hon. JOHN RUDDICK:** Terrific. I would guess that your group would represent some Islamic groups, who don't drink alcohol, generally speaking.

**PETER DOUKAS:** Yes.

**The Hon. JOHN RUDDICK:** I'm guessing that they would be neutral on this subject. They don't want to drink it but they don't want to impose rules on other people. Have Islamic groups actively said to you, "No, we do not want alcohol consumed in public"?

**PETER DOUKAS:** I have had that said to me, yes. But, to be honest, our perspective is that the biggest opposition is established, more conservative non-Islamic communities that don't want alcohol-related hooliganism in public places. They are the concerns, because they have had experience of alcohol-fuelled hooliganism and behaviours in the past. Islamic communities have a general prohibition to it and they have a general reluctance of it because they believe that it is something that their community shouldn't be exposed to in the public. But that is a general position that we take generally.

Whereas, southern European communities, for example, I would hazard that they are just as opposed, if not more so, than the communities that you would expect simply because those community groups have their own community spaces that they own or control. They have their own community areas that they know they can go to. Broadly—and I say this as someone that's in favour of the amendments—the greatest concern, and I think the challenge that members of this Committee have, is to wrestle with this fear of alcohol-related hooliganism and how the—not necessarily deregulation, but the watering-down of the existing legislative structures can take that into account.

**The Hon. JOHN RUDDICK:** Besides Islamic groups, have you heard from any other ethnic communities that are concerned about this legislation?

**PETER DOUKAS:** Not that I've heard from, but I am aware that there are some Christian groups that are opposed to it as well.

**The Hon. JOHN RUDDICK:** I would put them more in the category of a religious group rather than an ethnic group.

**PETER DOUKAS:** Yes. We represent religious groups as well as ethnic groups.

**The Hon. STEPHEN LAWRENCE:** I follow on from that question of Islamic communities and their views on this. When I have lived in various parts of the Muslim world, I've become aware of a tradition or a custom where, in many places, you can get alcohol but often it's fairly discreet. For example, you might even, in quasi public spaces, have it sometimes served in a non-transparent drinking device so no-one can see what is in it. I am wondering, does that reflect not so much a desired prohibition completely on the consumption of alcohol but some sort of cultural desire for it to be done in a discreet way and a way that's not necessarily visible?

**PETER DOUKAS:** I think it's dangerous to generalise the entire Muslim community.

**The Hon. STEPHEN LAWRENCE:** Yes, 100 per cent.

**PETER DOUKAS:** In saying that, it's more cultural than it is religious. When it is religious, the culture informs why different groups have that strict religious approach to it. In my view, even though the points that inform the community response are religious, it's done in a cultural manner and that's whether it's southern Mediterranean or eastern Mediterranean Muslim groups versus South Asian Muslim groups South-East Asian Muslim communities of different kinds. It reflects the position of the home country and it reflects how that community has established here and what its cultural and religious make-up is here. I think it is cultural. If I was able to generalise, I would say that the length of time that community has been established in Australia has the most impact on their position on matters like this.

**The Hon. STEPHEN LAWRENCE:** Do you think there might be particular views or sensitivities in some parts of those communities if there was, effectively, a right to drink alcohol in all public places?

**PETER DOUKAS:** I think so. I think the concern goes back to what I said earlier about the extremes of that behaviour. We can see that different local areas—I won't say local government areas; I'll just say local areas—

approach this matter differently. For example, the eastern suburbs beaches are very strict on it, and they're very strict on it because of behaviour that was bad for "brand Australia" for a while, whereas a park in my local area, in Ashfield, for example, there are signs there. But just like there are signs about the consumption of alcohol, there are also signs about open fires. I can say that neither of those two things are followed, nor are they enforced, nor are there any real problems from it.

It is cultural, but it is also about where in Sydney. We have to be mindful of cultural sensitivities within the Sydney Basin and how there are different areas that have a different predominant culture. That's also very relevant. There are certain public places where I would say that, even if there was a loosening of the laws, local government areas would step in and tighten things up in local parks. This is one of the areas where local councils have a lot more data from communities and from the community use of public places, and they could put that to good effect if they were given the tools to do so, which is obviously the challenge for you and your Committee.

**The Hon. Dr SARAH KAINE:** I wondered if I could follow up on a question that Mr Ruddick asked. He asked about the views of your different members. I wondered, prior to coming here today, have any of your members ever raised this as an issue, either for or against?

**PETER DOUKAS:** I have been on my board for too long and I've been the chair for a long time, so I remember the Cronulla riots. To Mr Ruddick's point before, this is an issue that has not gone away for many, many years. It is an issue that was affected greatly by COVID, in that, despite the COVID lockdowns, I would suggest that there was a lot more public drinking during the COVID time than not, because people were allowed to go to parks and they were not allowed to go to bars, for argument's sake. I think this has been a matter that has a lot of significance to our members more broadly. As those member organisations evolve, and as they're integrated at different levels of Australian society, those concerns also evolve. They're not just religious concerns, for example. They're concerns about what I said about hooliganism or about behaviour versus exposure. It's something that is always going to be present.

We get concerns from surprising places. That's why, in preparing for today, for example, I assumed that the most complaints we would get would be from the communities that you would expect, but that's not the case. I would say that if there was a single largest group that would have a problem, it would be the sporting associations of elderly peoples—for example, the Italian groups that play bocce in public parks or other groups that use those public spaces constantly and they've been bothered by behaviour before. That's where this issue is going to be fought, and this is the way that I'm going to be engaged on it after the legislation comes into effect.

**The Hon. STEPHEN LAWRENCE:** There was some evidence earlier about a likely or possible increase in antisocial behaviour in public places if this sort of law was put in place. I'm wondering if there are any particular sensitivities or issues that we should be aware of from the point of view of ethnic communities? Are there, for example, communities that might be more risk averse, more concerned about that sort of thing or more concerned about seeing public drunkenness in public places who might then not want to use them? Are there any particular issues that we should be aware of in that regard?

**PETER DOUKAS:** From what I understand, the antisocial behaviour is not going to get a free kick from this legislation, so I don't think that what's contemplated here will affect those most extreme examples of antisocial behaviour. That's going to happen anyway. I think community concern stems from the ability of communities to have confidence in public places to not be another source of trouble or another source of risk. I don't necessarily think it's about exposure as much as it perhaps may have been in the past. I don't believe that the biggest issue that faces our members has to do with exposure to drinking, because, by the same token, the mere exposure to the cooking of certain foods may be just as offensive to those groups.

I don't necessarily consider it as black and white as simply there's alcohol being consumed in that next group in the park and that should be the problem. I believe it all comes down to the behaviour, the policing of the behaviour and also the sensible exercise of discretion about where it's allowed and where it's not. It's easy to get it wrong. That's the question. I suspect that if we were to do a complete census of our members, the biggest concern they would have is proximity to children and proximity of spaces where this is allowed to child play areas, for example. I consider that sensitivity would exist in all cultural groups.

**The Hon. STEPHEN LAWRENCE:** So it's your view that there shouldn't be a one-size-fits-all approach and that somebody, whether it's local or State government, should maintain the power to determine whether alcohol consumption in a particular public place is allowed or not allowed?

**PETER DOUKAS:** Indeed. Also, within each park or public place, where is it allowed and where is it not? I think that a broad-brush approach to that is dangerous. The parklands of Sydney, if we focus only on Sydney, are very diverse, as are our people. Someone's expectation, for example, in Centennial Park—the demographics of a usual Sunday in Centennial Park—versus Bicentennial Park, there's a fundamental difference.

We need to be sensitive to that, and also be conscious of the respective sizes of our big community spaces. I would expect that they could be used in a way that's sensitive to those community concerns while also being open to the loosening of the previous laws.

**The Hon. STEPHEN LAWRENCE:** Does your organisation or your members have a position that the law should be as clear and understandable as possible in order to ensure that all citizens can understand it as best they can?

**PETER DOUKAS:** I haven't delved into the dangerous game of trying to take the ECC to have a position on this, because it's a really sensitive issue. It's sensitive issue but, broadly speaking, our board is open to the loosening of the previous legislation.

**The Hon. STEPHEN LAWRENCE:** Sorry, I should be clear: I wasn't talking about your position on the merits of this bill. I was more talking about the general proposition that law or legislation should be as clear and understandable as possible in order that all citizens, as best as they can, can understand it. Is that a general view that you have?

**PETER DOUKAS:** Absolutely. We've been very successful in having our own programs and projects on effective translation services for explaining our electoral process, even through the AEC and the NSW Electoral Commission. Our challenge is that any government messaging has to be translated into the multiple languages and then subdialects of our member communities. We get engaged to do that by government all the time. Our members start from the position that it's already confusing when it's in English and then we start adding layers of confusion on top of that.

**The CHAIR:** Thank you very much. I don't think there are any more questions. Just to be clear, I wouldn't want you to leave here under the impression that this particular bill is going to be the law of the land. It's a private member's bill that has been moved by the Libertarian Party. As a Committee, we are considering the terms of reference for that bill amongst other matters. In due course, the Government will respond and there will be a vote on it by the Parliament: the Legislative Council and maybe the Legislative Assembly. It's a live bill that we're considering, but there is quite a journey to go before any actual legislative changes are enacted. Thank you very much, Mr Doukas, for taking the time to appear before us today. We very much appreciate your excellent evidence and the work that you and your organisation do in the community.

**(The witness withdrew.)**

**Mr TIMOTHY ROBERTS**, Secretary, NSW Council for Civil Liberties, sworn and examined

**Mr JOSH PALLAS**, Past President, NSW Council for Civil Liberties, affirmed and examined

**The CHAIR:** Thank you very much, Mr Pallas and Mr Roberts, for appearing today and for the submission. Would one of you or both of you like to make an opening statement?

**TIMOTHY ROBERTS:** The NSW Council for Civil Liberties 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. The council has long held that restrictions on the consumption of alcohol in public places directly links to the criminalisation and over-policing of vulnerable people in our communities, does little or nothing to support these groups, and in many instances causes harm. The growing list of alcohol-free zones in Sydney and other local government areas has been a creeping imposition on the freedom of the community to use public spaces, without any evidence that it achieves other positive public policy objectives.

**The Hon. CHRIS RATH:** Thank you both for coming today and for your evidence. I suppose it's a question of balance. On one hand, you could completely ban drinking in public places everywhere. At the other end, you could not ban it anywhere. There has probably been an increase in the number of alcohol-free zones over time. This is probably almost more of a philosophical point, but in terms of practicalities as well, where should that line be drawn? What is the balance between how many alcohol-free zones we should have? Do you have any thoughts on that?

**TIMOTHY ROBERTS:** I think with all aspects of civil liberties and competing rights, questions of balance arise. The position of the NSW Council for Civil Liberties is that the balance has been struck too conservatively in this instance. That is to say, the scope of alcohol-free zones in local government areas now is too large. We would suggest it be repealed. If there is a conversation about where that balance is, we're happy to have it, but for the purposes of this Committee, we believe that its imposition is too much.

**The Hon. CHRIS RATH:** We've seen examples of street parties being knocked back by councils, for instance, and in some cases permits being needed for picnics above five or 10 people. I think that was a Victorian example that I saw. Obviously, it is a matter of balance. Is there any way that you think that we could, from a State legislative perspective, help get that balance right—whether it's things like requiring that councils do more to consult with the local police about hotspots or whether it's the State Government being able to override councils in some way, or more reviews that need to be done of existing alcohol-free zones? Is there anything like that which you think could help get the balance right?

**TIMOTHY ROBERTS:** It's a broadish question. The first one that we would ask, though, is what the purpose of the legislation would be—what was the purpose of the restrictions or the balance you were trying to strike? There are already laws in place that allow police to move people along if necessary, to detain them with respect to their intoxication, and to take them into care. If that's already there, then why require them? In those individual instances, we would have a look at it then.

**JOSH PALLAS:** To add to that, I think one of the things that really animates CCL's perspective on this is, as Tim intimated, what is the purpose behind this? What is the purpose behind alcohol-free zones? Is a harm-minimisation approach to dealing with abuse of alcohol a better way of dealing with the problem or the mischief that alcohol-free zones are trying to deal with, or are alcohol-free zones simply there to just fun-police and tone-police people within society, or police certain groups who use public space? I think that's something that is not super clear to us as the CCL at the moment—what the position is, generally, to access and use of public space. Once we know what the purpose behind these sorts of things are, then we can think about where the balance lies and how to best address social harms and things like that. I know that some of the other submissions canvass there being appropriate places where there are alcohol-free zones, like children's playgrounds, swimming pools and things like that. They seem to be quite appropriate in the circumstances.

**The Hon. CHRIS RATH:** Yes, I completely understand that. I think there probably also needs to be—and I'd be interested in your views and the Chair mentioned it previously—a clearer register of where these alcohol-free zones are. As an example—and I used this story of Mr Ruddick a few weeks ago—a couple of years ago I remember having a picnic at a park and not knowing whether it was an alcohol-free zone or not. There was no signage that said it was or it wasn't. The difficult thing, when you think about it, is that you probably shouldn't have to have signage to say that you can drink alcohol there; it should only be if you can't. But, being a little bit paranoid, I was thinking, "Are you allowed to drink here or not?" Then, going onto the City of Sydney website, it was a bit hard to figure out whether you could or not. Any thoughts on improving the clarity, or maybe a register—

not just on one council but a statewide register as well—where you could easily look up online which areas are alcohol free and which ones aren't? I have to say that it's quite confusing.

**TIMOTHY ROBERTS:** No, I would certainly agree. Our position would be, generally, that any way to make the laws that have been imposed more transparent would be welcome. It certainly should be the case that, if you are going to have such a sign, you shouldn't have it unless there are adequate signage. We would certainly agree with that position as well. Generally, what's the purpose of restricting you having a picnic with a friend and drinking alcohol responsibly? What's the societal problem there, and what is the purpose of preventing that from happening? In our position, it shouldn't be.

**The Hon. JOHN RUDDICK:** Thank you, Mr Pallas and Mr Roberts, for your highly intelligent evidence-based submission. The City of Sydney is out the front on this issue. I think there's 128 councils in New South Wales, but the City of Sydney is taking the lead ahead of us, which we are happy to see. I know that you've been keeping a close eye on that. The Urbis Group has recently completed a report, which it is saying is online. It found that the evidence for the effectiveness of alcohol-free zones to reduce alcohol-related harm are poor or non-existent, and that police powers are often used to harass particular groups. I'd be grateful if you could tell the Committee when this process began with the City of Sydney, where it is up to, and what do you think that the City of Sydney council—which in many ways is the leading council in New South Wales—is likely to do.

**TIMOTHY ROBERTS:** Obviously we're not able to speak for the City of Sydney itself. We understand that they're not necessarily growing the number of alcohol-free zones, but our hope would be that they would review them and reduce them, especially in the light of a compelling report like that of Urbis.

**The Hon. JOHN RUDDICK:** I'm particularly interested in what you are saying—that the report says that there is no upside but it is being used by the police who are harassing particular groups. Can you elaborate on that, please?

**TIMOTHY ROBERTS:** Fundamentally, the police enforce those penalty notices and those restrictions. There is a practicality that for police to enforce them brings them into contact with members of society who may be breaching that penalty. It's often people in vulnerable positions—maybe Aboriginal or Indigenous people, young people and homeless people—who are using these alcohol-free zones and are brought into contact with police because they may be consuming alcohol in a prohibited way. The danger is, because of the powers to confiscate and dispose of alcohol, it creates quite a conflict and adversarial interaction. The police will confiscate an item of alcohol from them and dispose of it on the spot.

That is obviously an impingement on someone's liberties, and they may become particularly offended by that and escalate to who knows what. Commonly, in some circles, this might be use of language, assaulting police and resisting arrest—the trifecta, as I think Legal Aid refer to it in their submission. That would be the concern. There is an interaction that, because of the lack of harm that this particular vulnerable person was having on society, we would question whether that was necessary whatsoever. The damaging impacts of the criminalisation of that interaction, progressing to arrest and beyond, are lifelong and punitive.

**The Hon. JOHN RUDDICK:** As the Chair indicated to the previous witness, this bill has a long way to go before it could actually become legislation. We are hoping it gets there—I certainly am—but it's some time away. Let's say that it did pass and it did become the law of the land. Obviously the Council for Civil Liberties does not want to see there being an outbreak of antisocial behaviour. If it did become the law of the land, are there any measures that the Council for Civil Liberties could think of that would go to reducing that being a problem if this law is passed?

**TIMOTHY ROBERTS:** We would submit, in that particular example, that there are already laws in place to do that, particularly with respect to LEPPR—the law enforcement powers. Police can, if there are problematic behaviours, move people along. If someone is intoxicated and endangering themselves they can take them into care. We would question really whether that alcohol-free zone has played a part in that all, because that law already exists.

**The CHAIR:** I am particularly interested in the Urbis report. One of the things floated in the body of the report, although they don't actually recommend it, is the idea of designated wet areas—a white list, because some people from lower socio-economic groups can't afford to drink in the pub and may not want to drink indoors in public housing. What's your view on the proposal that there be designated areas for outdoor drinking where, because of their designation, they are more likely to be able to be policed? Do you have a view on that?

**TIMOTHY ROBERTS:** My first reaction to that would be to question its necessity in circumstances where—like I've just said, what's the purpose? What's the concern at play? If it's problematic behaviour that is the concern for the society around it, then that can be dealt with by powers that already exist. I guess I'm a bit

ambivalent with a position on the question of wet areas. In our view, the liberty question is why? What's wrong with people being able to enjoy a responsible drink in public places like parks et cetera?

**The CHAIR:** They also talk about the need for further research and that there just isn't the body of evidence that links APAs and AFZs with good public health outcomes. Do you think that's an area the State Government should get more involved in, in terms of actually assessing whether or not they're delivering what they are intended to do?

**TIMOTHY ROBERTS:** Absolutely. I think the primary concern for us—and I'll let Josh speak to this if he wants to add anything—would be the health response. Currently, the state of play is that alcohol-free zones potentially move problematic drinking and problematic use of alcohol to domestic situations. That also has the consequence of removing them from the line of sight of people and organisations who are able to support those individuals. Fundamentally, a State-based approach to some research would be welcome.

**JOSH PALLAS:** Just to add to that, we do try to take evidence-based approaches. Something in thinking through this issue was that there is actually a lack of evidence around the efficacy of alcohol-free zones. I would add to that that there is generally a lack of research on public order policing and police interactions with people at the coalface which may not necessarily result in charges. Not just is there a need for additional research on the efficacy of alcohol-free zones, but also the way that they're being policed and what police interactions around that look like. Obviously, our concern is there is a freedom issue and issue of civil liberties around alcohol-free zones, but then there's also an issue around the way that alcohol-free zones are policed, and that's probably more of a policing issue generally. We're concerned around the way that police police public space and police vulnerable communities. Those two aspects both require more research to inform policymaking from august institutions like the New South Wales Parliament.

**The CHAIR:** In your submission, you note that the indications are that in regional areas, police confiscating, tipping out and disposing of alcohol are not recording those interactions at all, or they are poorly recorded. Is that the case?

**JOSH PALLAS:** Yes.

**The CHAIR:** That's something we should address because they may well be significant interactions for those vulnerable communities.

**JOSH PALLAS:** I'd go as far as saying that all police interactions should be better documented when police are interacting with members of the public so that there is better data on the way that police interact with people when policing public space. I think that would be useful on a whole range of issues, not just this issue. I appreciate that that may be an impost on police time, but it would certainly inform policymaking and harm minimisation generally.

**The Hon. STEPHEN LAWRENCE:** There was some evidence earlier from the Alcohol and Drug Foundation that, if we were to have a complete restriction on drinking alcohol in public places, it would normalise the consumption of alcohol and lead to an increase in drinking. Is that a reasonable proposition, do you think?

**TIMOTHY ROBERTS:** I don't think so, generally. Just to clarify the position, is this by banning it from all public spaces? Is that what you're saying?

**The Hon. STEPHEN LAWRENCE:** No, by allowing it in all public places it would become normalised and then there would be an overall increase in use or consumption.

**TIMOTHY ROBERTS:** They may have particular research that they are basing that on. I would question that from a practical perspective. Surely, the normalisation of alcohol use is happening in homes with respect to what children or young people or other people are seeing when their peers consume alcohol. Again, that would speak to our overarching position that there should be a health response to this sort of stuff—harm minimisation, I should say. Harm minimisation includes a health response but also an educative one with respect to alcohol use. Perhaps that is in schools, with PE programs or whatever. I can't speak to that specifically. But again, we would certainly question I think a concerning precedent of using public policy and law with respect to the use of a substance to try to normalise behaviour or change it. I think that's a dangerous space to get into.

**The Hon. STEPHEN LAWRENCE:** It is often said in discussions relating to criminal law policy that there is too much reliance on the assumption that the reactive tools of the criminal law can actually bring down offending. I think it was you who made the point that under this bill the police would retain their powers to deal with drunk and disorderly conduct—through move-on directions and so forth. Is that really the answer, in the sense that the reactive tools of policing are unlikely to reduce that sort of antisocial conduct? Might it not be the case that the more proactive powers that are provided under these local government-sourced powers—the power

to pour out alcohol and so forth—might be more efficacious in terms of reducing antisocial behaviour? The person is not arrested or charged, but the alcohol is poured away so they can't consume it in the public place.

**TIMOTHY ROBERTS:** I think, again, if our focus was on being proactive and having a proactive approach, then we would be addressing this with educative programs and harm minimisation, as opposed to interactions with police at all, yes. Certainly, those reactions shouldn't be the last port of call. But if that's our focus then I say, yes, harm minimisation should be the focus.

**JOSH PALLAS:** Perhaps to put it slightly more bluntly, the point at which police are involved is a point where State intervention is too late if you are attempting to take a harm-minimisation approach. I would be very surprised if there is clear and cogent evidence that says police tipping out someone's alcohol successively over a couple of weeks is going to resolve an issue of alcohol abuse. A harm-minimisation approach would kick in far earlier than this and try to avoid that interaction with the police officer in the first place.

**The Hon. STEPHEN LAWRENCE:** Accepting that there are higher rates of problematic drinking, social problems and disadvantage in certain communities, I am curious about your thoughts on how this bill will play out if passed. For example, what would it represent in terms of changed conditions on the main street of Dubbo as opposed to Mosman? What are we realistically looking at here in terms of public drunkenness and antisocial conduct et cetera?

**TIMOTHY ROBERTS:** It's an exercise, potentially, in stereotypes. But you are right: In those scenarios the rules would be very different. The key point would be, in a community like Dubbo that might have a greater population of vulnerable members, that there isn't an unnecessary interaction with police, that we balance that better so that those people aren't engaging with police and potentially a matter escalating into a criminal one. That, in itself, is also a costly exercise for the State in terms of having to deal with that situation and potentially incarcerate or make a criminal justice process through that as well.

**The Hon. STEPHEN LAWRENCE:** It is important to be concerned about those communities. I agree with that. But I'm talking more from the point of view of a citizen who wants to enjoy public space and doesn't like being around drunk people and being subjected to antisocial behaviour. How is this going to play out differently on the main street of Dubbo as compared to Mosman?

**JOSH PALLAS:** If the bill, in its current form, passes—and I know that certain other submitters say that there are perhaps alternative ways of going about doing this and all of those sorts of things—the police retain certain powers to deal with people who are being disorderly.

**The Hon. STEPHEN LAWRENCE:** Yes, except isn't that just relying on the reactive tools of the criminal law?

**JOSH PALLAS:** Yes. This is where I sort of addressed Mr Rath's question in a strange way earlier. What is the mischief that we are dealing with with alcohol-free zones? Is it policing of public space and tone policing the way that people enjoy the use of public space, or are we attempting to deal with an issue of substance abuse? If we are attempting to deal with an issue of substance abuse, we need to take a harm-minimisation approach that kicks in well before policing. If it's about tone policing and clamping down on the use of public space, we say that fundamentally offends matters of civil liberty. The bill is an imperfect way to deal with or implement a whole-of-government response that is needed to deal with abuse of alcohol. We say, as a matter of civil liberty, the bill is principled and goes some way to protecting civil liberties more than the current situation. But will the bill resolve the harm caused by substance abuse? No.

**The Hon. Dr SARAH KAINE:** Can I ask a follow-up question? What I am hearing from you—and I am trying to get this clear—is that you are supporting the principle of it in terms of civil liberties and allowing people that choice, but in reality you are understanding that what happens in practice on the street is quite a different thing. That might involve another set of policy considerations. By allowing this extra liberty we are not necessarily improving the lived experience of people in those circumstances, so you are taking a hypothetical view of what is a better version.

**JOSH PALLAS:** Yes. We would say that the bill improves the liberty for people like Mr Rath, who wants to have his picnic in the park and know quite clearly whether there is an alcohol-free zone or not. But is it going to improve the liberty of some people who are over-policed? Probably not. Are there changes that need to be made to policing and public space, generally? Probably. As many of you know, we have spoken to you about this at committees and in other contexts before. There does need to be a change in the way that public space is policed. But, yes, the police are then left with reactive tools. The reactive tools are the lesser evil than the alcohol-free zones, we would say.

**The Hon. CHRIS RATH:** But then are alcohol-free zones effective at all? The people who want to be disorderly and get drunk in the park are going to do it anyway, regardless of whether it's an alcohol-free zone or not. An alcohol-free zone is essentially just preventing good, law-abiding citizens wanting to have a picnic and a glass of wine from participating in that. It goes back to my first question about the balance.

**TIMOTHY ROBERTS:** Yes, that is—sorry I've interrupted you. That is the question. It's one of balance and the law doesn't strike that by preventing anyone from using the space for alcohol for any purpose. There is no balance. It's zero tolerance, obviously. Whether or not people disobey that law is, obviously, a different question. But at the moment, no-one is allowed to. So then the question is is it that we have disorderly people in a park, potentially a group gathering? Well then, that's the ill, that's the mischief you're trying to address, and there are avenues through which that can be already done now—so, yes.

**The Hon. STEPHEN LAWRENCE:** So your concern seems to be—and this is understandable because you are the NSW Council for Civil Liberties—about the interaction between the citizen and the State. But I am looking at it more through the prism of the citizen's interaction with other citizens. We have heard evidence earlier that if this law was introduced there would be an increase in antisocial behaviour in public. Do you accept that is likely the case? And then, as a follow-on, should we be concerned more about harms that occur in public places? I mean, the criminal law makes it an aggravating factor if offending occurs in public. That comes back to some notion of preserving public places for the enjoyment of everyone. I'm interested in your thoughts on those two things.

**JOSH PALLAS:** On the first point, if the bill passes it would be an interesting exercise for empirical scholars to look at whether deterrents worked. My colleagues at Sydney Law School in criminology would say that, generally speaking, the data says that deterrence doesn't work. It doesn't actually prevent people from doing anything. I suppose I approach the view that "if the deterrent function of an alcohol-free zone is removed, there will then be floodgates of offending" with general scepticism because we know that in other areas of the law it doesn't work.

**The Hon. STEPHEN LAWRENCE:** That normal view that deterrence is a fallacy I would think is often right in a general sense. But wouldn't you agree here, if you're talking about the main street, for example, of a small regional community, an alcohol zone that currently exists under this regulation isn't really an exercise in deterrence by way of a norm but is actually the provision of proactive powers in a particular discrete area for the authorities to enforce the rule. Police can go and pour out alcohol, you can have that area patrolled. If large scale drinking is occurring there, then council rangers can be involved as well. Do you think that prism of the fallacy of deterrence is really the right way to look at this?

**JOSH PALLAS:** I'm very conscious of me being an inner-city lawyer who doesn't live in regional areas. I'm very conscious that you, Mr Lawrence, have far greater knowledge of policing and what it's like at the coalface in these sorts of areas. I accept that, from media reports that I've seen, regional police and regional communities may see the operation of alcohol-free zones working in a different way. I live in the inner city in Waterloo. Almost all of my suburb is an alcohol-free zone. The alcohol-free zone is certainly not doing anything to deter disorderly drinking in public space. But I am certainly seeing a lot of negative police interactions with people who are not disorderly in my own community, when I am moving about the community, particularly in the evenings. There are community members who are drinking alcohol in public spaces, but they are not being disorderly. Police are interacting with them and police are sometimes tipping out their alcohol. I look at it as a lawyer and think, "Well, that's a bit weird. They're not doing anything wrong." So I accept that in different areas of the State, yes, there might be countervailing factors, but I suppose I still approach the deterrence line with a bit of scepticism.

**The Hon. STEPHEN LAWRENCE:** It's a feature of this bill that, rather than amending all the different pieces of legislation that regulate alcohol, it creates a defence to any law that would impose a sanction for possession or consumption in public. There's been some criticism of that, maybe in the Legal Aid submission but certainly in the New South Wales Government submission, saying that it's confusing and that, from a regulatory point of view, it won't be clear for people. From a civil liberties perspective, do you have a view about whether that's a satisfactory way to amend the statute book—to create a general defence to other laws as opposed to, for example, making an individual decision about different statutes that should be amended?

**TIMOTHY ROBERTS:** We're dealing with the bill that's in front of us. We'd certainly be open to a recommendation, potentially, or consider a recommendation to deal with those matters individually, if it was made. But, otherwise, our comments were with respect to the bill as it stands at the moment.

**JOSH PALLAS:** Just to add to that, as a matter of course I think it probably is better governance to address the laws as they are on the statute books, to kind of clean up the legislation across the board.



**The Hon. STEPHEN LAWRENCE:** For example, it's been suggested that a person might get a defence to an offensive manner or language charge because that's offending conduct that relates to their consumption of alcohol—if you assume that it is an alcohol-driven offence. Would you agree that it's unsatisfactory, really, from a civil liberties point of view, that it should be so opaque?

**TIMOTHY ROBERTS:** Yes, absolutely, it should be clear. If that is part of the recommendations of this Committee, we certainly would be happy to review it. Otherwise, yes.

**The CHAIR:** Thank you, Mr Lawrence, and thank you very much, Mr Roberts and Mr Pallas, for taking the time to appear at the hearing today. We very much appreciate your excellent evidence and the submission, and the work you generally do in the community. We very much appreciate that. I don't think there were any questions taken on notice, so, once again, thank you very much and all the best.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

**Ms DONNA AUSLING**, Director of Planning and Sustainability, Narrabri Shire Council, before the Committee via videoconference, affirmed and examined

**The CHAIR:** I welcome our next witness, Ms Donna Ausling, who is appearing via videoconference. We can hear her but we can't see her. However, we will continue on regardless. We afford inquiry witnesses the opportunity to make a brief introductory statement or remarks. Do you have a statement you would like to make?

**DONNA AUSLING:** I'd like to thank the Committee for providing the opportunity to provide evidence in respect of the Alcohol Consumption in Public Places (Liberalisation) Bill 2024. As detailed in council's questionnaire response, council is concerned in relation to the impacts of the bill in respect of community safety and is, therefore, not supportive of the bill. In addition to antisocial behaviour, there are additional concerns regarding potential unintended consequences of the bill, including, for example, the management of litter and waste, particularly glass. In the preparation of this submission in respect to this bill, council has consulted with its crime prevention advisory committee, which comprises a range of community service organisations; council's elected representatives; and New South Wales police representatives.

Council's recently adopted Crime Prevention Plan 2024-2028, as prepared by the UNE Centre for Rural Criminology, identifies that alcohol was involved in 28.6 per cent of DV-related assaults recorded during 2019 to 2023. It is also worthwhile noting that Narrabri shire has a large transient worker cohort due to extensive mining operations within the shire. As detailed in council's questionnaire response, a lack of clarity exists in respect of the relationship of the bill to the existing statutory framework. On this basis, council concerns were the communicated position of LGNSW in its submission to the bill. As also detailed by LGNSW in their submission, Narrabri Shire Council, in close consultation with our community, strives to achieve a 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. In conclusion, council does not support the bill, which seeks to impose a one-size-fits-all approach to community safety and public amenity. Thank you for the opportunity to provide feedback.

**The CHAIR:** Thank you very much, Ms Ausling, and thank you very much to Narrabri council for filling out the questionnaire and for your evidence today.

**The Hon. JACQUI MUNRO:** Thank you so much for appearing today and for responding to the questionnaire. I am curious about the ways that the Narrabri council has shifted its approach to alcohol and alcohol-free zones over time, whether you have had an increase in alcohol-free zones and how that has impacted social amenity—if there are positive or negative effects to those increases over time.

**DONNA AUSLING:** The alcohol-free zones have increased moderately over time in response to identified community need. I think what perhaps sets Narrabri Shire apart from other communities is that we do have a very robust relationship with the NSW Police Force as well as other agencies. Our Crime Prevention Advisory Committee is also well established, with longer term membership and a clear terms of reference and charter of objectives. So the current framework, as it stands, has served this community well.

**The Hon. JACQUI MUNRO:** What has been the effect of increasing the number of alcohol-free zones over some time? Are we talking about five years, 10 years?

**DONNA AUSLING:** Yes. From my perspective, it would be over a period of 10 years. In respect to the BOCSAR statistics and trending with the offences, that would be a question for New South Wales police but, anecdotally, the alcohol offences are within acceptable parameters and thresholds.

**The Hon. JACQUI MUNRO:** Who sets those parameters and thresholds?

**DONNA AUSLING:** That would be the responsibility of the NSW Police Force in consultation with the New South Wales Government, I'd suggest.

**The Hon. JACQUI MUNRO:** So the council does not have its own thresholds or levels of comfort—maybe "comfort" is the wrong word—or levels of permissibility of certain types of crime or circumstances that are deemed an appropriate level of risk.

**DONNA AUSLING:** No, we don't have established KPIs in that regard.

**The Hon. JACQUI MUNRO:** I agree, obviously, with the BOCSAR data—you have police looking at that—but when the council is making policy, it must be looking at that information as well to determine whether policies are working or not to achieve its ends of reducing crime, for example, or reducing litter.

**DONNA AUSLING:** Yes. Council has recently adopted a crime prevention plan, as I detailed in my opening statement, that provides the vehicle for council's efforts and considerations for the crime prevention piece

in this particular area. We are progressively implementing the actions identified in that plan, which heavily relies on BOCSAR statistics and is strongly underpinned by community engagement.

**The Hon. JACQUI MUNRO:** You referred to community need earlier. Is that anecdotal or is that data driven? How do you determine community need, or is it perhaps driven by councillors?

**DONNA AUSLING:** It's a combination of both. The community need has been driven by a robust framework of community engagement. It was a detailed community survey. The process also involved engagement with council's elected representatives prior to final adoption of the plan.

**The Hon. JACQUI MUNRO:** With that survey, how many respondents were you getting and were there clear calls for particular policies to be enacted? How did that survey work? Was it—I don't want to say push polling, necessarily, but were you offering up different solutions for problems you already saw, or were you asking residents to identify problems that then needed to be addressed?

**DONNA AUSLING:** It was a combination of both. It was a survey that was prepared by the UNE Centre for Rural Criminology. It was a statistically representative survey which was authorised by their research team. The survey also identified a whole range of stakeholders to have input into the plan preparation. It was both quantitative and qualitative. Community perceptions of crime were also addressed as part of that body of work.

**The Hon. JACQUI MUNRO:** Is that survey response or report public? Is that something we can find?

**DONNA AUSLING:** The plan is forward-facing; however, the background research paper is internal. However, I'd be happy to make that available to the Committee on a commercial-in-confidence basis.

**The Hon. JACQUI MUNRO:** Thank you. That would be helpful. I am not sure how much you can talk about it, but you referred to part of the research relating to community attitudes towards crime. Are you aware of whether those attitudes reflected very closely BOCSAR results around criminal patterns and activity and the reality from a data perspective?

**DONNA AUSLING:** Yes, it's certainly a complex question and, given the role of the media in community perceptions of crime, this is a relatively lower area of crime. But there's certainly a level of community concern around community safety and crime generally. But that's detailed in the report that, as I said, I'm happy to provide to the Committee.

**The Hon. JOHN RUDDICK:** Thank you for joining us, Ms Ausling. Across the Narrabri Shire Council, as of today, how many public parks or public places is council saying that people are allowed to consume alcohol in?

**DONNA AUSLING:** I'd have to take that on notice, I'm sorry. I don't have that information to hand at the moment.

**The Hon. JOHN RUDDICK:** Would I be heading in the right direction if I guessed that it would be close to none?

**DONNA AUSLING:** I'd have to take that request on notice, I'm sorry.

**The Hon. JOHN RUDDICK:** Is the Narrabri Shire Council already experiencing a pattern of antisocial behaviour related to alcohol and public drinking at the moment?

**DONNA AUSLING:** That would be a question for the New South Wales police service, but I'd imagine that our challenges with alcohol consumption would be similar to other centres of our size and nature.

**The Hon. JOHN RUDDICK:** What I am trying to get at is I suspect that there is nowhere that people are allowed to publicly drink, but people are doing it anyway and there is probably some antisocial behaviour occasionally, but that is already happening under the current laws. I am thinking that, yes, there are social problems, but I do not think they would be exacerbated by this bill being passed.

**DONNA AUSLING:** As I said, it would be a question for New South Wales police in terms of their responses to incidents locally.

**The Hon. JOHN RUDDICK:** Do you live in the city of Narrabri?

**DONNA AUSLING:** I do.

**The Hon. JOHN RUDDICK:** I am guessing you have lived there for some time.

**DONNA AUSLING:** That's correct, yes.

**The Hon. JOHN RUDDICK:** Are the locals concerned about people drinking in public and being antisocial at the moment?

**DONNA AUSLING:** There would be a level of concern within the community around community safety generally. Whether that extends to alcohol consumption, I'm unsure.

**The Hon. STEPHEN LAWRENCE:** Thank you, Ms Ausling. I just have a couple of questions. Are you able to give us a bit of a sense of the alcohol-free zones in Narrabri? Are we talking about the whole of the CBD, for example?

**DONNA AUSLING:** Yes, that's correct. It would be the majority of the CBD area.

**The Hon. STEPHEN LAWRENCE:** Are you able to give us a bit of an idea about what sort of role council staff—the rangers and maybe some other council staff—are playing in enforcing these zones?

Are they actively, for example, patrolling them and pouring out or confiscating alcohol and the like?

**DONNA AUSLING:** No, our compliance team essentially provides support to New South Wales police as requested. They're not actively engaged in enforcement activities, as a lot of rangers within rural and regional areas are not directly involved in that enforcement piece. But we'd certainly provide support as available under the provisions of the Local Government Act to New South Wales police upon request.

**The Hon. STEPHEN LAWRENCE:** Is it the case that they've got certain powers under the legislation to be involved but on an operational level it's in the hands of the police, predominantly?

**DONNA AUSLING:** Yes, that's correct. That's a good summary.

**The Hon. STEPHEN LAWRENCE:** In terms of your crime prevention strategy in consultation, are you able to give us a sense about whether there's been community sentiment expressed in Narrabri that public intoxication in parks, main streets and the like is a concern?

**DONNA AUSLING:** I believe that specific question was addressed in the survey that I referenced previously. As I said earlier, I'd be happy to make that report available for consideration to the Committee on a commercial-in-confidence basis. That forms part of the broader piece regarding community perceptions of crime and community safety generally.

**The Hon. STEPHEN LAWRENCE:** Am I right in thinking that the population of Narrabri is probably quite elderly compared to the State population?

**DONNA AUSLING:** Yes, that's correct. We've got an ageing population. But also, as I indicated in my opening statement, we do have a large transient worker cohort. We have a temporary workers' village on the fringe of the community, certainly within walking distance of the CBD.

**The Hon. STEPHEN LAWRENCE:** It's probably a hard question but, based on your knowledge of the enforcement activities going on and the Narrabri population, do you think that if it was perfectly legal to drink alcohol in all public places, except maybe for a small selection of them, you would see a lot more public drinking in the parks and main streets of Narrabri?

**DONNA AUSLING:** Yes, that would be my view. It would encourage drinking activities in a wider range of locations. That's also why our Crime Prevention Advisory Committee expressed concerns around the impacts on vulnerable members of the community, particularly children.

**The Hon. STEPHEN LAWRENCE:** Are there any respects in which the State regulation of alcohol could be improved, from council's point of view, particularly in respect of, perhaps, applications for licences for public events and festivals, and things of that nature?

**DONNA AUSLING:** The current system works reasonably well, in my view. We do have a strong level of support and engagement from the licensing authority and the New South Wales police. There are good lines of communication. The system and the frameworks are known. Requests are able to be dealt with quite seamlessly, so I don't have any immediate suggestions in terms of improvements to the current arrangements.

**The Hon. STEPHEN LAWRENCE:** Are you aware of any particular parks or other public places in Narrabri where public drinking occurs on a frequent basis?

**DONNA AUSLING:** As I indicated previously, I'd have to take that on notice in terms of the number of parks and any specific areas of concern. Again, it'd probably be a question for the New South Wales police.

**The CHAIR:** Thank you, Ms Ausling. That concludes the questions. You've taken on notice a question or two and also to provide to the Committee on a commercial-in-confidence basis the reference to a report. The secretariat will be in contact with you in due course. Again, thank you very much for your evidence today.

**(The witness withdrew.)**

**Dr JOHN HUMPHREYS**, Chief Economist, Australian Taxpayers' Alliance, and Founder, Libertarian Party, sworn and examined

**Mr CLIFFORD WILLIAM JENNINGS**, Senior Advisor to Hon. John Ruddick, MLC, Libertarian Party, affirmed and examined

**The CHAIR:** Thank you very much to both of you for your attendance today and for the submission that you've made. It's very much appreciated by the inquiry and the Committee. Would one or both of you like to make an opening statement before we go to questions?

**JOHN HUMPHREYS:** I'm going to go a little bit different to the submission as you've seen here. I think there are four issues to unpack. When properly unwrapped they all lend support to this proposed legislation. The first one has been touched on before. There is a study coming out of Victoria that shows something like 50 per cent of people are unaware of the laws that are banning drinking in public places. Everything else we're about to talk about probably allows us to get more to the meat of the argument, but we have to put this through the lens of, to start with, this law, which is ineffective to a significant percentage of the population. Many don't know. Many more don't care, so they continue to act the same. If they continue to act the same, the law obviously isn't operating as intended—or in any way.

Having said that it's not operating doesn't mean this is a net neutral situation. There are two significant costs that come from maintaining a law that isn't operating. One is that it criminalises the behaviour of otherwise law-abiding and peaceful people. This can be particularly a problem for some lower socio-economic people and groups who have fewer alternatives available. They are left with more and more run-ins with the police. People who are antisocial—well, that should be addressed, as antisocial behaviour is illegal. But the ones who would otherwise be law-abiding and peaceful will now have more and more unnecessary interactions with the police for a law that is significantly not operating. To some degree it makes a mockery of the law. If this many people are unaware, or the many who are aware don't care, there's a degree to which we're criminalising the peaceful and making a mockery of the law. That's the first point.

Moving to the second point, some people will change their behaviour. I touched on many people don't; some people will. I want to address one type of behavioural change first before we get to the issue of more or less drinking, which is that there can be a change in the nature of the drinking. This is unpacked in a bunch of different ways. If people have less access to a social drink in a park or on a beach, one option is they get funnelled into a drinking and gambling factory which exists for the sole purpose of making money out of getting people to drink and gamble more.

Don't get me wrong; I love pubs. But the idea that if we have a certain behaviour we're worried about and we put all of those people in the one place together with the primary goal of that place being to sell alcohol and gambling, it's an interesting way to address something that people are suggesting is a concern. So that's one behavioural shift that doesn't decrease drinking. It just shifts it towards, I would argue, a place that's perhaps more encouraging of binge drinking. Another option is that people don't drink less. Instead of drinking at a park, they shift to drinking at home. Again, the evidence that we have on that is it also encourages more binge drinking. At home you've got better access to alcohol with fewer people giving you the guidelines and the rails through negative feedback. Also, instead of being out in the sun and being social, you're cooped at home, out of the sun and being antisocial.

That's a behavioural change, so the law would be "working to change behaviour", but it's not a positive behavioural change. Another one is that some people will continue to drink in parks but take steps to decrease the chance of them getting caught. A beer in hand is very visible. Half a bottle of whisky tipped into a water bottle is not very visible. We are, by banning drinking in parks, incentivising people to participate in harder liquor, and secretly consume harder liquor. That's not the goal of the legislation, of course, but it is one of the incentives that comes from legislation of banning public drinking.

An addendum to that is that some people, instead of switching to harder liquor, will just switch to a pill or some other non-alcoholic substance. If you make it harder and harder to get access to a casual beer in a park, you are increasing, to some degree, the incentives to pop a pill before going to the park, because then, when you're at the park, you're breaking no laws. But it is not necessarily something we want to be doing: to incentivise people to take other actions. This is in other studies not specifically about Australians drinking in parks, but this sort of behavioural change comes up again and again. These are a bunch of behavioural changes which clearly weren't the intent of the legislation but they are behavioural changes that come nonetheless—not even less drinking, but a change in the type of drinking to worse drinking. That is the second point.

Point three is that that is the crux of what people argue for these bans. Some people will change their behaviour by drinking less in parks, absolutely. That's the intended goal and it will happen to some degree. I would argue, though, there is a good case to be made that that's still—even on that issue alone and even if you disregard all the others—potentially creating a net negative, because drinking has benefits and costs. No honest economist—I suffer from being an economist; apologies—looks at any policy and does a cost-cost analysis; you do a benefit-cost analysis.

Drinking gives benefits. Many people enjoy having a drink. Many tourists coming to an area enjoy being able to have a drink. While there can be antisocial behaviour, keep this in mind: The people who are drinking less are, by definition, the people who know of the law, care about the law, are not switching to other places to drink, are not smuggling drinks into the park and are not doing anything to avoid the law. The exact people obeying this law and forgoing a drink are exactly the very most responsible people we have in our community. So it's not obvious to me at all that, on balance of probabilities, even for those people forgoing a drink, we are getting a benefit from that—or, by allowing them to drink, we would have a cost from that.

The final point goes to a longer term point: This is a cultural issue in the way we address alcohol in this country. This is a very well-worn issue. Sociologists and anthropologists do this much better than I do: They've unpacked the drinking cultures, especially what's called the Mediterranean versus the more Anglo drinking cultures. The Mediterranean drinking cultures have this idea of a social drink, where it's normalised and it's standard. You have a glass of wine with lunch and you just move on with your day. It's all very visible. It's social drinking. What that does is that it encourages a normalisation of drinking as a moderate, responsible, almost—dare I say—boring activity, as opposed to the alternative drinking culture, the Anglo drinking culture, where it is more about hidden drinking instead of social drinking. We're a bit embarrassed of it, and hide it and we put it in its place.

This hidden-drinking attitude fosters a normalisation of drinking as being a forbidden fruit—exciting—and something that you can't do in polite society. But we say, "Quickly, the shades are drawn. We can rush over there and binge drink." You'd be unsurprised that cultures that gravitate towards the Anglo approach tend to have more binge drinking as a percentage of drinkers than people who gravitate towards the Mediterranean approach. I don't want to overstate this. This is a long-term cultural shift and you don't get long-term cultural shifts in a year or two. To the degree that we want to unpack four different parts, that fourth part I think also argues for an approach of liberalising drinking in parks. I think I took more than two or three minutes, sorry. That's the end of my comments.

**The Hon. JACQUI MUNRO:** Thank you for the submission and for your comments. I wanted to pick up on that Anglo/Mediterranean aspect of drinking, or different cultures. We heard from evidence earlier that there is a bit of a triangle of different types of drinkers. You've got a base level of 70 per cent of people, roughly, who are moderate, responsible drinkers. In the top 30 per cent then you've got people who are drinking at very risky levels, then of that 30 per cent, you've got 10 per cent of the total actually dependent on alcohol. Are you aware of that being an Anglo-specific set of figures? Do you have any comparison between that and, for example, a Mediterranean-style culture?

**JOHN HUMPHREYS:** I wasn't here for the earlier evidence so I'm not exactly sure what you're referring to. I'm coming at this with a bias, but we have to admit that there is alcohol abuse in all cultures and in all systems, so that exists in the Mediterranean as well. What we find is they have an alcohol problem at a lower percentage of the people who drink in those cultures, but it is still there. There are people who misbehave in all cultures, so we're probably not fully getting off the hook.

**CLIFFORD JENNINGS:** I might actually bring to your attention a very successful public drinking trial in Canada, which has now become permanent. Canada is especially relevant to Australia because they share a similar system of government and, more importantly in this circumstance, they have a similar binge-drinking culture. I note, since the Alcohol in Parks Program began, their binge-drinking culture has decreased by about 8 per cent, according to Statista. I might just read a little bit about the Alcohol in Parks Program. It started in 2020 and it required amending the British Columbia Liquor Control and Licensing Act.

Eventually, the report on the pilot found that park users didn't generally abide by the designated drinking areas but, despite poor adherence to those boundaries, behaviour was respectful. Police data actually showed no increases in the number of alcohol-related calls, indicating that the pilot had little impact on police resources, and there was not a significant difference in the average number of alcohol-related visits to emergency departments per week. In December 2022 that became a permanent program. I think it's just a really interesting example of a similar context to Australia where this has become a reality, and it's a successful and popular reality. There are other examples in the American states of Ohio and North Carolina, but Canada is a really interesting one.

**The Hon. JACQUI MUNRO:** So that was in BC only—as in, the trial ran across British Columbia?

**CLIFFORD JENNINGS:** The Alcohol in Parks Program, yes.

**The Hon. JACQUI MUNRO:** Did you want to say something, Dr Humphreys?

**JOHN HUMPHREYS:** With indulgence, continuing on from the issue of the differences in cultures, I'm an economist. The sociologists and the anthropologists spend a lot of time looking at this in ways that I don't, so to some degree I am taking my lead from them. A wonderful paper by Anne Fox in 2015 talks about this issue in Australia. The money quote is, "If they perceive drinking to be a normal, mundane, non-glamorous or non-risky aspect of daily human life, they have a much greater chance of becoming sensible, controlled drinkers." So I think that goes to the same part of the question.

**The Hon. JACQUI MUNRO:** In terms of the Victorian research that you referred to, is that public yet?

**JOHN HUMPHREYS:** Yes, that's in the submission. I think there's a reference to it in the submission, so you'll be able to find that.

**CLIFFORD JENNINGS:** I'll provide that.

**The Hon. JACQUI MUNRO:** Is that the *Safer Communities* one?

**CLIFFORD JENNINGS:** Yes.

**The Hon. JACQUI MUNRO:** I haven't had a chance to read through the link but could you expand on that a little bit? Because I think that's a very interesting comparison for New South Wales. It's referred to as a "patchwork of alcohol-free zones".

**CLIFFORD JENNINGS:** That's right.

**The Hon. JACQUI MUNRO:** Sorry, that's in New South Wales; that's not Victoria.

**JOHN HUMPHREYS:** The Victoria one comes after that.

**CLIFFORD JENNINGS:** Yes, I'm just getting—

**The Hon. JACQUI MUNRO:** It's *Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups*.

**CLIFFORD JENNINGS:** I suppose the overall point there is that when there's a patchwork of different rules, laws and legislations, you're making unwitting criminals out of many. You might have one park where it's okay and another park where it's not so you don't know what's legal.

**JOHN HUMPHREYS:** The document will do better than I will off the top of my head but I believe they looked specifically in three council areas and did a before-and-after and found no real change. I would note no real change is only addressing the third part of those four issues I raised before. It's not addressing the fact that people can switch to more dangerous behaviour. But even on the behaviour we're looking at, of drinking, there was no noticeable change in crime rates or antisocial behaviour in those three—in one area there was no change in behaviour, so no-one followed the law. That was an interesting example of that. Of the other two, where people did change their behaviour, there was no change in any of the antisocial behaviour or violence.

**The Hon. JACQUI MUNRO:** You referred to the ways that people drink in public versus private and the benefits or otherwise of drinking in different places. Let's say you've got the bars or pubs that you referred to, then parks, and then in private. Do you have any information about how people change their drinking habits—if you were drinking at home alone, for example—and any likelihood of those people actually changing their behaviour to move into parks and then suddenly changing their drinking habits and engaging in more social types of drinking?

**JOHN HUMPHREYS:** I don't have that. You have basically asked if there is an elasticity. Looking into this literature, which is exactly what I went looking for, not enough economists have done this yet; it's more sociologists. The elasticity would be non-zero. I am highly confident of that. As to what it is, I don't think it has been studied as yet.

**CLIFFORD JENNINGS:** Yes, there definitely needs to be more research in this area. I would concur with Dr Humphreys on this.

**The Hon. JOHN RUDDICK:** Gentlemen, thank you for your intelligent and highly compelling submission and presentation. I think the inquiry will benefit from hearing a little bit more about this Canadian experiment or trial. All the data seems to be very positive. The police are happy. There is no increase in litter or antisocial behaviour. I think you even said, Dr Humphreys, that there was an overall reduction in alcohol—probably because less people go. Did you say there was an 8 per cent reduction in alcohol in these trials?



**CLIFFORD JENNINGS:** Yes, I said that. According to Statista, binge drinking in Canada has decreased 8 per cent.

**The Hon. JOHN RUDDICK:** That's very encouraging. I think, at face value, people will think this will encourage alcohol consumption but, in fact, this evidence, in a very similar jurisdiction to Australia, notices a reduction in alcohol, which is a good thing. So it was a trial and it started in 2020. Is it now going to become permanent?

**CLIFFORD JENNINGS:** It is now permanent, yes.

**The Hon. JOHN RUDDICK:** It is now permanent. This is just one local council area in British Columbia. Correct?

**CLIFFORD JENNINGS:** Yes.

**The Hon. JOHN RUDDICK:** We are a long way away from them, but what about their neighbours? Are they looking at this and now introducing their own trials and seeing the success of this trial?

**CLIFFORD JENNINGS:** Yes. In North Carolina they have introduced social districts where you can drink within a large portion of the CBD of Raleigh—I will have to double-check. But, yes, you can drink in public places within larger social districts in the CBD. Like with the Canadian example, it has been very popular and it has been well received. There is no increase in crime. There was even a statement from the police saying that they had not had an increase in police calls.

**The Hon. JOHN RUDDICK:** I would like to know a little bit more about the North Carolina and Ohio ones. But within Canada itself, do we know if other local council areas have looked at what has happened in this particular council and thought, "That's a success; we should emulate that," or are we not aware if that is the case?

**CLIFFORD JENNINGS:** Yes, I will come back to you in two seconds. Sorry.

**The Hon. JACQUI MUNRO:** I like the idea that you are ready to unleash an army of responsible drinkers on the world.

**CLIFFORD JENNINGS:** That's right. I have it all here.

**JOHN HUMPHREYS:** At the risk of overstepping, there was a comment before about less drinking in Canada. That may be the case—I am not sure—but I would point out that the stats show less problematic drinking, which I would hazard to suggest should be what we are focused on. The total amount of non-problematic drinks should not be our concern; it should be the amount of problematic drinking behaviour, and that is what has shown to be going down.

**The Hon. JACQUI MUNRO:** Was that just as a proportion?

**JOHN HUMPHREYS:** I was just responding to the point about Canada. The Canadian statistics didn't show there was less drinking; it showed there were less problems coming from the drinking. So it may well have been the same amount of drinking, but there was now less binge drinking or antisocial drinking as a percentage of that drinking. The total number may have gone down; we just don't have those stats with us.

**CLIFFORD JENNINGS:** We will come back to you on that.

**The Hon. JOHN RUDDICK:** Dr Humphreys, in relation to what you just said, you would say that there has been an actual reduction. So in a very similar trial to what we are proposing here, there has been a reduction in problem drinking and you are saying that that is because Canadians are no longer treating it like this forbidden fruit. Do you think that's an example of that?

**JOHN HUMPHREYS:** I don't want to overstate what I know about the Canadian study. I was just making sure we were clear on record that we do not have evidence that allowing drinking in parks led to less drinking. It is that it led to less problematic drinking as far as we can tell, which, as I said before, I would hazard to suggest should be the focus of concern. There can be a temptation sometimes to fall into the habit of doing a cost-cost analysis where you go looking for the costs. Nearly everything in life is a trade-off. There are benefits in life to everything. We should be trying to maximise the benefits and mitigate the costs to the degree that we can.

When we do that, we should, of course, look at the costs and see how to mitigate them, but it would be remiss of us to then lose sight of the fact that there is a benefit. If someone is drinking happily without any negative social consequence from that drinking, we should put that in the benefit column of improving the quality of that person's life. I'll note that the European countries with fairly robust drinking cultures are consistently showing up at the top of the happiest countries statistics. I am not saying that that is only caused by the fact that they drink, but it somewhat mitigates against the idea that it is a disaster for their happiness.

**CLIFFORD JENNINGS:** It is also worth mentioning that, according to the Abbeycare foundation, which is a Scottish alcohol and drug treatment centre, Australia ranks at about number 38 in terms of total alcohol consumed, but we have a much poorer relationship with alcohol than other countries do that have a more liberalised culture and attitude towards alcohol, like Germany, Italy and France. Their rates of violent crime with alcohol as a contributing factor, as we heard earlier today, are about half of what we receive in Australia. The golden thread is that we have more prohibitions and they have less. They have a superior drinking culture that allows them to have a better relationship.

**JOHN HUMPHREYS:** To threaten you with some econometrics on this, I believe there is no statistically significant correlation between anti-public-drinking laws or any anti-drinking laws and the level of antisocial behaviour linked to alcohol and the amount of violence coming from alcohol. There seem to be a bunch of other confounds that are far more important in causing that antisocial behaviour than the restrictions on drinking.

**The Hon. STEPHEN LAWRENCE:** Dr Humphreys, you talked in your opening statement about a pretty widespread lack of awareness of the alcohol-free zone law. Is that right?

**JOHN HUMPHREYS:** I was just quoting the Victorian study that I mentioned earlier.

**The Hon. STEPHEN LAWRENCE:** Would you agree that, in terms of looking at the efficacy of a law, you have to look at the mode of regulation of the law as well as the actual law itself?

**JOHN HUMPHREYS:** I'm not sure what you're driving at with the mode of regulation. To the degree that a regulation was causing a benefit or a cost, it would have to first cause a change, so you'd need to first unpack that part of the equation.

**The Hon. STEPHEN LAWRENCE:** For example, with these laws there is obviously the rule that you can't drink in certain public places but, in contrast to the ordinary criminal law, there are also various ways of regulating the rule. For example, there is public signage and there are powers given to both State and local government officials to confiscate or pour out alcohol. Would you agree that, in terms of measuring how effective the law is, you need to look at the mode of regulation as well as the rule?

**JOHN HUMPHREYS:** Yes, to assess the effectiveness of the regulation. That would be part of assessing how well they are at making sure people know the laws exist.

**The Hon. STEPHEN LAWRENCE:** And also through doing things that will influence whether the person will comply with the law in the future.

**JOHN HUMPHREYS:** I'm not sure what that's driving at other than the potential punishments they would face if they were caught.

**The Hon. STEPHEN LAWRENCE:** For example, if you're a committed drinker living in a particular place, you go to drink in a public park in that place and your alcohol is poured out on a couple of occasions, you might cease to drink in that public place in future because you know that you might lose your alcohol.

**JOHN HUMPHREYS:** Or you would tip it into a water bottle first before you went there, yes. But then, if they enforced it more, you would expect to see more behavioural response. What the behavioural response is exactly is yet to be determined. Obviously the goal is for the behavioural response—that they show up in the sun, be social, act well and don't drink—but the goal of legislation isn't always exactly how everyone behaves in response to legislation. But I agree with your point that it would change more behaviour.

**The Hon. STEPHEN LAWRENCE:** So it's quite plausible, for example, to infer that there may well be people out there living in various places who don't drink in these public places because they have had experiences with the regulation that leads them not to.

**JOHN HUMPHREYS:** Yes, there would be people who have changed behaviour in all of the five different ways that I think I mentioned. One of them was to drink less, which is the intent of the legislation. I readily admit that that would be what some people do in response to this legislation—one of several, and we should add them all together.

**The Hon. STEPHEN LAWRENCE:** Or drink elsewhere.

**JOHN HUMPHREYS:** Or still drink there and just smuggle it in, which still seems like a fairly easy thing to do.

**The Hon. STEPHEN LAWRENCE:** Or drink at home or in other public places that aren't as regulated.

**JOHN HUMPHREYS:** Yes, or in a drinking and gambling factory.

**The Hon. STEPHEN LAWRENCE:** It's probably hard to unpack, without some very detailed research, what is actually going on in the community in terms of that, isn't it?

**JOHN HUMPHREYS:** That's very true. It would be ideal to be able to find a bunch of cross-elasticities for all of these behaviours but, as of yet, let alone finding a bunch of cross-elasticities, I haven't found one single elasticity in this field of study. It would be great to have those stats, but we don't yet.

**The Hon. STEPHEN LAWRENCE:** Do you agree, as a general proposition, that, if you're in a public place, the number of intoxicated people in that place with you is going to bear a correlation to your risk of experiencing various antisocial outcomes such as being assaulted, being sworn at et cetera?

**JOHN HUMPHREYS:** It would depend on the drinking culture in the area. I don't just mean that to be flippant. I'm saying Australia is different to Italy. Within Australia, we have lots of different cultures as well. I don't just mean the cultures of where people are from. There are lots of different areas. If you went to, say, a rowdy soccer game and there was suddenly a spike in the number of drunk people around you, that would be one thing. If you went to a friend's wedding and there were more drunk people around you than normal, I don't think you would have a higher expectation of getting punched at the wedding. There are lots of different situations. In some of those situations, what you say may well be true. I would warn against only doing the cost-cost analysis though.

**The Hon. STEPHEN LAWRENCE:** Let's go population wide. Taking an average of the whole population, the more drunk people you're around, the higher probability there is of you experiencing various antisocial behaviours. Would you agree with that?

**JOHN HUMPHREYS:** In cultures that encourage binge drinking, that's probably true.

**The Hon. STEPHEN LAWRENCE:** You don't think that's true as a general proposition?

**JOHN HUMPHREYS:** I don't mean to do one of those "Depends what the definition of 'is' is," but it depends on what you mean by when you get drunk. There are plenty of countries where they have a higher number of people that have a couple of drinks in public regularly with lower rates of violence coming from that. But if you mean binge drinking and binge drinking types—

**The Hon. STEPHEN LAWRENCE:** Yes, significantly intoxicated people.

**JOHN HUMPHREYS:** Yes, I would imagine that is correlated. Although, interestingly, the sociological evidence on that is that people who are drunk actually do have a higher rate of being able to control their behaviour than they admit. This goes to that wonderful quote I mentioned from a sociologist earlier. That paper is really worth unpacking where she points out that the way you talk about alcohol encourages how people respond to the alcohol. If you tell them alcohol is this hidden, secret, special thing that you go crazy on, when people then drink, they do go more crazy. If you tell them it is a mild, boring, normal thing, as they drink more, those people—similar people with similar amounts of alcohol but with different priming of what you tell them before they go in—don't actually get more violent. But we do have some of the former people in Australia. To your point, yes, if you're exposed to more of those people, that could be more of a problem.

**The Hon. STEPHEN LAWRENCE:** It seems to me—and maybe I've spent too long working in the criminal law—that the large majority of violent things that occur in society of a significantly material nature seem to be linked to alcohol. Would you agree with that?

**JOHN HUMPHREYS:** I haven't looked into that. I wouldn't know. I will take your word for it. I would wonder then if it's linked to alcohol through a drinking factory, which we're incentivising people to go to, or alcohol at home where people binge drink, which we're incentivising people to do, or people taking harder liquor, which we're incentivising people to take. It may well be the case that there are links between alcohol and violence. If that's the case, we should be encouraging more social drinking and less binge drinking.

**The CHAIR:** Dr Humphreys, when you say "alcohol factory", you mean—

**JOHN HUMPHREYS:** A pub.

**The CHAIR:** —a pub or club or casino.

**JOHN HUMPHREYS:** Yes, and I do love pubs, clubs and casinos, so I don't mean to give the impression that we should ban them. But they do exist for the purpose of selling alcohol and gambling. If we're worried about alcohol causing violence, putting all of those violent people into one tinderbox and lighting it is an odd choice. The fact that that tinderbox doesn't actually cause massive disasters in society perhaps indicates that the problem isn't as big as we fear. It's an odd solution.

**The Hon. ROBERT BORSAK:** As a director of a community club, I take issue with what you just said. The Polish Club in Ashfield does not direct people into its club to drink and gamble only. It's a community based organisation. It's a licensed club under the liquor and gaming Act in New South Wales, as literally hundreds of clubs are—small and large—throughout the whole State. You cannot say that with any possible way you could support it with evidence, could you?

**JOHN HUMPHREYS:** That some pubs out there make money out of selling alcohol and gambling? I think I can back that up.

**The Hon. ROBERT BORSAK:** You said clubs; you didn't say pubs.

**JOHN HUMPHREYS:** I said factories and it was helpfully explained for the public record what that could mean. I am happy to accept that, if people go into those venues, they are going to have more immediate access to alcohol and gambling, which I guess is the point here. I don't mean to offend anyone. If I have, I apologise. The point here is not to offend. But funnelling people into such a venue is an odd choice if we are saying that sort of behaviour is so dangerous that we need to avoid it at all costs. Putting them all together in a more dangerous environment seems like an odd response. But please don't ban pubs.

**The Hon. STEPHEN LAWRENCE:** Do you think that it's a legitimate role of the State to protect people from antisocial behaviour in public places?

**JOHN HUMPHREYS:** Absolutely. The antisocial behaviour laws should definitely stay on the books. Part of the issue here is that antisocial behaviour is creating a requirement for a response, understandably, and there's a response. But I hope that we would do that in such a way that we don't criminalise the otherwise peaceful and otherwise law-abiding people.

**The Hon. STEPHEN LAWRENCE:** Except there's a direct relationship, isn't there, between the degree at which a certain activity occurs when, on some occasions, antisocial behaviour is an inevitable consequence—there's a direct relationship between how much it occurs and the incidence of the antisocial behaviour, isn't there? You can't really separate the two.

**JOHN HUMPHREYS:** I haven't looked at the stats, but I take your word for it. That seems like a reasonable inference. But I don't think that avoids the goal, at least, that we should have to make sure that, when we punish a crime, we are only punishing the people that cause it and not the people that could cause it or theoretically might cause it. If they don't, if someone is having two glasses of wine while throwing a footy in a park with their mates or something like that and they cause no problem, pre-emptively getting them in trouble with the law because, statistically, if you run a regression, there's an 8 per cent chance they could commit a crime—I don't write the laws, but I worry about that pre-crime approach to crime.

**The Hon. STEPHEN LAWRENCE:** Do you agree that the quality of our public places and spaces is a legitimate concern of government and that the community has a particular interest in what occurs in public places, particularly important public places such as main streets?

**JOHN HUMPHREYS:** Yes, that seems like a reasonable suggestion. Along those lines also, I imagine the Government would have an interest in making sure they were vibrant and inviting to tourists so that people would be wanting to flock into Sydney as the hub of where to go if you're in the Southern Hemisphere, and also to keep them safe.

**The Hon. STEPHEN LAWRENCE:** But it's not just about Sydney, is it? This bill is a proposed statewide law.

**JOHN HUMPHREYS:** I would like tourists to go everywhere in New South Wales. I was just using it as an example.

**The Hon. STEPHEN LAWRENCE:** But do you agree that the impact of this law on particular areas is going to depend on the social composition of those areas? For example, if you have got a particular area with a much higher percentage of problem drinkers, do you agree that the effect of this law might look quite different there to how it might look in a certain part of Sydney?

**JOHN HUMPHREYS:** It could impact differently in different places, although I would add that it's not clear to me that places with a bigger problem should be carved out from what we're seeing here. It may be that those are the places that benefit the most. If you can get people out of binge drinking at home and in pubs and get them to adopt a culture of one or two drinks while throwing the footy in the sun with your friends—pro social behaviour—that might be exactly what some of those communities would benefit from.

**The Hon. STEPHEN LAWRENCE:** I think that's true in terms of an ultimate aim, but if you're realistic about a law that might pass on 1 September 2024, you're not going to turn a violent problem drinker into a happy

person having two drinks while they kick a soccer ball, are you? Rather, you're going to have that person drinking as much as they want in public places until they trigger the reactive laws in terms of police powers and the criminal law.

**JOHN HUMPHREYS:** I don't know if they'd drink as much, because in a pub or a home environment, you would have fewer social guardrails, I suspect, or social feedbacks on the drinking. But I take your point in general. Cultural changes don't happen overnight. I said it at the beginning, and we've talked about it a lot here—perhaps it's quite an interesting topic—but I'll reiterate that cultural changes are quite slow. We shouldn't expect that if we create better incentives for better behaviour, we instantly get better behaviour. We would just start down the path of getting better behaviour over time. Of course, you never get to the end of that path unless you start down the path. But, yes, I happily admit that you would not get the cultural improvements immediately. It may take some time. I don't know how long it would take. I'm happy to admit that.

**The CHAIR:** Could I jump in there? Basically everyone in Australia gets a drinking licence. To get that, you just have to turn 18, and that gives you the right to then enter licensed premises. That can be taken away from you. You can be refused entry to a drinking venue and you can be banned. Under the law, you can be banned from entering licensed premises. Should we infer a similar right on people to be able to drink in public and then have that right taken away if they misbehave?

**JOHN HUMPHREYS:** It's an intriguing idea. What comes to mind there is potential orders that could be placed on someone if they had been shown to be a serial antisocial pest. Perhaps part of the probation or bail requirements could be something along those lines. That goes a bit beyond my area of expertise. It seems like a fun thing to consider, but I don't know if I can add much value on that point.

**The Hon. STEPHEN LAWRENCE:** In terms of the guardrails you were talking about before, I think you suggested that there would be more guardrails if a person is drinking not in licensed premises. Was that your suggestion?

**JOHN HUMPHREYS:** I was specifically thinking of in a social environment in a pub vis-a-vis at home when I was mentioning that. In that social environment where there are other people around you—hopefully other people that like you around you—then there are other people to pull you up off the ground or to course correct if you're about to commit a serious error in life.

**The Hon. STEPHEN LAWRENCE:** Except there are less guardrails, aren't there, when you permit, for example, virtually unlimited drinking in public in parks and the like? There are less guardrails.

**JOHN HUMPHREYS:** I see what you're getting at there. That makes some sense. But when you say "unlimited", park drinking is kind of limited by how much alcohol you can bring with you. That's not really true in a pub, and it's not as true at home. I know you have to stock up your home shelves.

**The Hon. STEPHEN LAWRENCE:** There's RSA in pubs, though.

**CLIFFORD JENNINGS:** There's plenty of drunk people in pubs too.

**JOHN HUMPHREYS:** There is, but the same study that I have cited now twice and will for a third time—this is me relying on the crutch of the anthropologists and sociologists to do the work for me—showed that there was a remarkable ability of drunk people to be able to play sober or act sober. That especially seems to kick in every time they need to get their next drink. From anecdotal experience, we all know that is very doable. From the anthropological studies, that seems to be very doable. There doesn't seem to be a very tight limit on the access to alcohol inside pubs.

**The CHAIR:** Thank you very much to the Libertarian Party for your submission and your attendance. I don't think there were any questions taken on notice. You were going to get back on one point to Mr Ruddick.

**CLIFFORD JENNINGS:** Ms Munro, I think it was, actually.

**The CHAIR:** Once again, thank you very much for taking the time to make a submission and for appearing. We very much appreciate it. The secretariat will be in contact in due course. That concludes the hearing. Thank you to the secretariat, the clerks and Hansard.

**(The witnesses withdrew.)**

**The Committee adjourned at 15:25.**