

Adelaide Park Lands Dry Area Regulation Review

Tuesday, 7 November 2023
City Community Services and Culture Committee

Strategic Alignment - Thriving Communities

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Public

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EXECUTIVE SUMMARY

The purpose of this report is to present options for the future of the Adelaide Park Lands Dry Area Regulation which expires on 22 December 2023.

The Adelaide Park Lands Dry Area was implemented in 2014 to address alcohol related anti-social behaviour by large groups of people congregating in the southern Park Lands and to alleviate impacts to residential amenity. A review was completed in 2021 which extended the Regulation to 2023.

The Adelaide Park Lands Dry Area Regulation is used by external agencies to manage anti-social behaviour in the Adelaide Park Lands. As custodian of the Adelaide Park Lands, the City of Adelaide is the only agency that can apply for an extension of the Regulation.

To assist Council to decide on the future of the Adelaide Park Land Dry Area Regulation a comprehensive consultation process was undertaken including workshops, direct engagement with members of the Safety and Wellbeing Taskforce, led by Department of Human Services (DHS), letters to stakeholders and a community YourSAy process (summarised in **Attachment A**).

Since the review in 2021 there is no new evidence to indicate that a change to alcohol restrictions is warranted, furthermore consultation feedback suggests there is ongoing and increased effort from SAPOL and other agencies to use the Regulations as a positive intervention to respond to anti-social behaviour.

This report recommends that the City of Adelaide applies to the State Government to extend the existing Adelaide Park Lands Dry Areas for four years and that Administration work with the Safety and Wellbeing Taskforce to develop a comprehensive monitoring and evaluation program to inform future reviews.

RECOMMENDATION

The following recommendation will be presented to Council on 14 November 2023 for consideration

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Notes the Adelaide Park Lands Dry Area Consultation Summary contained in Attachment A to Item 7.6 on the Agenda for the meeting of the City Community Services and Culture Committee held on 7 November 2023.
2. Notes that the City of Adelaide supports SAPOL to undertake their duties,
3. Endorses an application to the State Government to extend the current arrangements for the Adelaide Park Lands Dry Areas 1 and 2 as contained in Attachment B to Agenda Item 7.6 on the Agenda for the meeting of the City Community Services and Culture Committee held on 7 November 2023, for a further four years until 22 December 2027.
 - a. The Adelaide Park Lands Dry Area 1 will be in effect from 8.00pm to 11.00am the following day; and

- b. Adelaide Park Lands Area 2 covering Blue Gum Park/Kurangga (Park 20) and Veale Park/Walya Yarta (Park 21) will be 24 hours a day, 7 days a week.
4. Requests Administration to seek an Adelaide Park Lands Dry Area Regulation monitoring and evaluation process be established by the State Government as part of the approval through the Safety and Wellbeing Taskforce, including:
- a. a review of the data and outcomes relating to the continuation of the Dry Area to be conducted at the conclusion of the first full 12 months of operation and presented to Council, and
 - b. A report on the wrap around services delivered by the State Government in support of the dry zone.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p>Strategic Alignment – Thriving Communities</p> <p>Work with the State Government, community leaders and community organisations to support vulnerable members of the community. Note: Draft Strategic Plan 2024-2028 Pillar: Our Community Objective: Support our Communities to Thrive</p>
Policy	Not as a result of this report
Consultation	<p>Council Members were advised by E-News of a short-term extension to the Adelaide Park Land Dry Area Regulation from September to December 2023 to enable consultation to be undertaken on the Dry Area.</p> <p>Consultation was undertaken in September and October 2023 via:</p> <ul style="list-style-type: none"> • Letter to State Government agencies, non-government organisations and service providers • Workshops with Council’s Reconciliation Committee on 6 September 2023 and the Kadaltilla Adelaide Park Lands Authority on 28 September 2023 • Meetings of the Kurna Yerta Aboriginal Corporation (KYAC) on 9 October 2023, and the Safety and Wellbeing Taskforce in September and October 2023. • Public consultation was conducted through YourSAy from 22 September 2023 to 20 October 2023. <p>A summary of the consultation is provided in Attachment A.</p>
Resource	Not as a result of this report
Risk / Legal / Legislative	This report relates to the Adelaide Park Lands Dry Area Regulation as an instrument under the <i>Liquor Licensing Act 1997</i> (the Act).
Opportunities	The Adelaide Park Lands Dry Area Regulation is one regulatory tool to support community safety and wellbeing outcomes. City of Adelaide will continue to pursue longer term approaches to address social determinants that influence alcohol consumption through the Safety and Wellbeing Taskforce and advocacy.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	This report recommends extension of the Adelaide Park Lands for a 4-year period until 22 December 2027.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report

Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. A 'Dry Area' is a declared area under Section 131 of the *Liquor Licensing Act 1997* (the Act) and provides for the prohibition, by publication of a notice in the South Australian Government Gazette, of the consumption or possession of liquor in a specified public place. The prohibition may be absolute or conditional and may operate continuously or at specified times.
2. A Dry Area Regulation seeks to manage alcohol-related problems in public areas such as reserves, main shopping precincts, car parks and foreshores. Reasons for their introduction vary from:
 - 2.1. One-off major events which are promoted as alcohol free
 - 2.2. Popular public places where alcohol-related problems negatively affect the amenity of the area, for example foreshore areas, reserves and car parks
 - 2.3. Communities where drinking in public places is an indicator of complex social issues.
3. A person who consumes or has possession of alcohol in a Dry Area is guilty of an offence, which carries a maximum penalty of \$5,000. Offenders may be issued with an expiation notice of \$315 by SAPOL. SAPOL has the option to tip out open alcohol containers and issue a warning rather than a fine and advise that fines are typically issued to repeat offenders and rarely issued to vulnerable people.
4. The CBD and North Adelaide streets and Squares have been permanent Dry Areas 24 hours a day, 7 days a week since 2001 and do not require applications for extension.
5. The Adelaide Park Lands Dry Areas are shown in **Attachment 2** and comprise:
 - 5.1. Area 1 which has been in place since 2014, restricts possession or consumption of alcohol between 8:00pm to 11:00am, 7 days per week, covering most of the Adelaide Park Lands.
 - 5.2. Area 2 was introduced in 2021 to restrict possession or consumption of alcohol 24 hours a day, 7 days a week in Blue Gum Park/Kurangga (Park 20) and Veale Park/Walya Yarta (Park 21). The Dry Area was established in response to ongoing impact to residential amenity in this location due to excessive alcohol consumption by large groups and associated anti-social behaviour.
6. Since the introduction of the Adelaide Park Lands Dry Area Regulation, there has been no comprehensive evaluation of the effectiveness and impacts of the Dry Area Regulation.

The application of regulations to the consumption of alcohol in public spaces disproportionately disadvantages people experiencing homelessness and other vulnerable people who use public space to conduct their daily activities. The implementation of a dry area has always required coordinated and multi-faceted supports for vulnerable people who often have complex needs.

Summary of Consultation

7. City of Adelaide undertook consultation on the Adelaide Park Lands Dry Area Regulation in September and October 2023. The consultation report is provided in **Attachment A**.
8. The consultation focused on the following questions:
 - 8.1. Whether the Adelaide Park Lands Dry Area Regulation should be extended or removed?
 - 8.2. If there should be any changes to the 24/7 Dry Area in Blue Gum Park/Kurangga (Park 20) and Veal Park Walya Yarta (Park 21) which are 24 hours a day, 7 days a week?
 - 8.3. If the Regulation continues, what are the views on whether the extension should be requested for two years or a different timeframe?
9. Key themes arising from the consultation include:
 - 9.1. The Adelaide Park Land Dry Areas are not of themselves seen as a solution to alcohol related anti-social behaviour in the Adelaide Park Lands and additional long-term solutions to complex social needs are required.

- 9.2. The need for a comprehensive data collection and evaluation process to occur to inform decision making for future extension of the Dry Area.
- 9.3. Culturally appropriate preventative measures and holistic wrap around support services to vulnerable community members need to be implemented to support community members in crisis.
- 9.4. A clear rationale for the Dry Areas is required including additional data and analysis of the effectiveness and impacts.
- 9.5. The application and processes for exemption may require further communication to Adelaide Park Land users.
- 9.6. The importance of public safety and amenity is the main reason the Dry Areas are supported by respondents.
- 9.7. In contrast, some respondents view the Dry Areas as discriminatory and/or disproportionately affecting Aboriginal communities.
- 9.8. A number of constructive suggestions were made to address systemic matters associated with effectively intervening to reduce alcohol dependencies and support health outcomes that are outside of the Dry Area Regulation considerations.
- 9.9. Organisations that are first responders to anti-social behaviour, safety incidents and emergency response generally supported extension of the Adelaide Park Land Dry Area Regulation with some provision of data to demonstrate need and effectiveness.
- 9.10. Active engagement with the Kurna Yerta Aboriginal Corporation (KYAC) is required before any decision is made about use of Kurna land by remote and regional visitors.
10. Respondents were asked to provide relevant data and information in support of their response to the consultation where such information is available. The South Australian Ambulance Service, Department of Human Service and SAPOL provided some data with their submissions in support of extending the Adelaide Park Lands Dry Area Regulation.
11. Administration undertook an analysis of City of Adelaide customer enquiries regarding Dry Areas for the period January 2019 and August 2023. One hundred and six calls were received by the City of Adelaide customer centre, of those responses:
 - 11.1. 15 people raised questions about how Dry Area Regulation related to holding a private event.
 - 11.2. 86 people requested general information about the Adelaide Park Land Dry Area Regulation.
 - 11.3. 3 people raised concerns about the impact of the Dry Area Regulation on their ability to drink alcohol socially when using the Adelaide Park Lands.
 - 11.4. 2 people commented on the discriminatory nature of Dry Areas.

Options Assessment

12. There is no consensus in the community or by stakeholders on the continuation of the Adelaide Park Land Dry Area Regulation.
13. The review process has highlighted inadequacies in the data as currently collected to categorically determine the impact of the Dry Area Regulation and therefore a future evaluation tailored to the Dry Areas is required.
14. Nonetheless the information that has been provided in relation to SAPOL taskings, attendance at Edwards Park and receipt of outreach services, presentations to emergency departments, and the uptake and completion of drug and alcohol related programs all point to the role of the Dry Areas as one tool in a suite of interventions aimed at supporting the safety and wellbeing of both regional and remote visitors and the community.
15. Based on consultation, this report recommends extension of the Adelaide Park Land Dry Area Regulation in its current form for a further period.
16. Since inception, extension of the Dry Area Regulation has been sought for a period of two years and Council may decide to seek an extension for a two year period.
17. Alternatively, to enable appropriate data monitoring and evaluation of the Dry Area Regulation, this report proposes an extension for a four-year period to enable detailed assessment at the next review period.
18. Members of the Safety and Wellbeing Taskforce have suggested that four years would be a suitable timeframe to enable relevant agencies including DHS, SAPOL, and SA Health (including Drug and Alcohol Services of SA or DASSA), (key data holders), and services to work in collaboration to measure the effectiveness and impact of the Adelaide Park Lands Dry Area Regulation.

19. This report therefore proposes an application for a four-year extension of the existing timed dry area for Adelaide Park Land Area 1 and Adelaide Park Lands Area 2 (covering Blue Gum Park/Kurangga (Park 20) and Veale Park/Walya Yarta (Park 21)) to continue as dry areas for 24 hours a day, 7 days a week.

Next Steps

20. Pending a decision by Council to extend the Adelaide Park Lands Dry Area Regulation, the process for requesting an extension is:
 - 20.1. The CEO making an application to State Government via Consumer and Business Services and the Commission for Liquor and Gambling.
 - 20.2. The Liquor and Gambling Commissioner will review the application and make a recommendation to the Minister for Consumer and Business Affairs.
 - 20.3. If approved by the Minister, the Dry Area Regulation is made by public notice in the Government Gazette.
21. Should an extension to the Adelaide Park Land Dry Areas be approved, Administration will:
 - 21.1. Request the Safety and Wellbeing Taskforce develop an evaluation methodology with agencies to collect data and implement a monitoring and evaluation program to enable the future effective evaluation of the Adelaide Park Lands Dry Area Regulation.
 - 21.2. Advise consultation participants of the outcome of the Adelaide Park Land Dry Area consultation process.
 - 21.3. As a member of the Safety and Wellbeing Taskforce, continue to encourage the State Government to implement additional support services as part of a longer-term strategy to address alcohol dependencies.
22. The City of Adelaide will continue to advocate and work with the Federal and State Governments to develop strategies and support to address alcohol related anti-social behaviour. A multifaceted approach is required to work towards a goal of no dry areas across the city.

ATTACHMENTS

Attachment A – Summary of Dry Areas Consultation Feedback and Response

Attachment B – Adelaide Park Lands Dry Area Regulation Map

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