



New South Wales

# Local Government Amendment (Alcohol-free Zones) Act 1995 No 79

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New South Wales

## **Local Government Amendment (Alcohol-free Zones) Act 1995 No 79**

Act No 79, 1995

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An Act to amend the *Local Government Act 1993* with respect to alcohol-free zones. [Assented to 15 December 1995]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Local Government Amendment (Alcohol-free Zones) Act 1995*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

**3 Amendment of Local Government Act 1993 No 30**

The *Local Government Act 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 632 Acting contrary to notices erected by councils

Insert after section 632 (2):

- (2A) However, a notice must not prohibit the drinking of alcohol in any public place that is a public road (or part of a public road) or car park.

**Note.** A council may establish an alcohol-free zone under Part 4 of this Chapter for a public place that is a public road (or part of a public road) or car park (or part of a car park).

### [2] Section 642 Drinking of alcohol in alcohol-free zone

Insert “or an enforcement officer” after “police officer” in section 642 (1).

### [3] Section 643 Confiscation of alcohol

Insert “or an enforcement officer” after “police officer” in section 643 (1).

### [4] Sections 644, 644A, 644B and 644C

Omit section 644. Insert instead:

#### 644 Proposal for establishment of alcohol-free zone

- (1) A council may prepare a proposal for the establishment of an alcohol-free zone, either on its own motion or on the application of one or more of the following people:
- (a) a person who the council is satisfied is a representative of a bona fide community group active in the area,
  - (b) a police officer,
  - (c) a person who the council is satisfied lives or works in the area.

- (2) The application must be in the form set out in the guidelines in force under section 646 or, if there are no such guidelines, in the approved form.
- (3) The proposal must comply with the guidelines (if any) in force under section 646.
- (4) The proposed alcohol-free zone may comprise either or both of the following:
  - (a) a public road or part of a public road,
  - (b) a public place that is a car park or part of a car park.
- (5) The proposal may provide for an alcohol-free zone to be established for a period not exceeding 3 years and for the zone to operate for the whole of that period or just for days on which particular special events occur.

**644A Public consultation on proposal to establish alcohol-free zone**

- (1) After preparing a proposal under section 644, the council may, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
  - (a) declare that it proposes to establish an alcohol-free zone, indicating the location of the zone and the proposed period or special events for which it will operate, and
  - (b) state the place at which, the dates on which and the times during which a copy of the proposal may be inspected, and
  - (c) invite representations and objections from persons and groups within the area, indicating that any representations or objections by them must be made within 14 days after the date on which the notice is published.

- (2) The council must give a copy of its proposal to each of the following persons, indicating that any representations or objections by the person must be made within 30 days after the date on which the copy is given:
  - (a) the officer in charge of the police station within or nearest to the proposed alcohol-free zone,
  - (b) each holder of a licence in force under the *Liquor Act 1982* for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone,
  - (c) each secretary of a registered club under the *Registered Clubs Act 1976* that borders on, or adjoins or is adjacent to, the proposed alcohol-free zone.
- (3) If required to do so by the guidelines in force under section 646, the council must also give a copy of its proposal to the Anti-Discrimination Board, indicating that any representations or objections by the Board must be made within 40 days after the date on which the copy is given.
- (4) The council must consider all representations and submissions that are duly made to it under this section.

**644B Establishment of alcohol-free zones**

- (1) After complying with the procedures set out in sections 644 and 644A, the council may, by resolution, adopt a proposal (with or without modifications) to establish an alcohol-free zone.
- (2) The resolution has the effect of establishing the alcohol-free zone in accordance with the terms of the resolution.
- (3) After making the resolution, the council must, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
  - (a) declare that an alcohol-free zone has been established, and

- (b) specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.
- (4) An alcohol-free zone may be re-established from time to time, in accordance with this Part, for further periods each not exceeding 3 years.

**644C Operation of alcohol-free zones**

- (1) An alcohol-free zone operates, in accordance with the terms of the resolution establishing the zone, for the whole of the period specified in the resolution or just for specified days on which particular special events occur.
- (2) However, an alcohol-free zone cannot operate earlier than 7 days after the first publication of the relevant notice under section 644B.
- (3) An alcohol-free zone operates only so long as there are erected at the outer limits of the zone, and at suitable intervals within the zone, conspicuous signs:
  - (a) stating that the drinking of alcohol is prohibited in the zone, and
  - (b) specifying the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate, as specified in the resolution by which it was established.
- (4) The signs must comply with the requirements of the guidelines (if any) in force under section 646.

**[5] Section 646 Guidelines for alcohol-free zones**

Omit “to be” from section 646 (1).  
Insert instead “that must be”.

**[6] Section 646 (3) and (4)**

Insert after section 646 (2):

- (3) The guidelines are to include a list of the names of the councils that are required to advise the Anti-Discrimination Board under section 644A (3). The list is to be prepared after consultation with the Board.
- (4) However, the guidelines are to make it clear that other councils may also advise the Anti-Discrimination Board under section 644A (3).

**[7] Section 647 Penalty notices**

Insert “or an enforcement officer” after “A police officer” in section 647 (1).

**[8] Section 647 (1)**

Insert “or enforcement officer” after “the police officer”.

**[9] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert after Part 3:

**Part 4 Provisions consequent on the enactment of the Local Government Amendment (Alcohol-free Zones) Act 1995**

**16 Existing alcohol-free zones**

- (1) An alcohol-free zone established under Part 4 of Chapter 16 before its amendment by the *Local Government Amendment (Alcohol-free Zones) Act 1995* is taken to have been established under Part 4, as so amended.
- (2) A council may, by resolution, extend the period of operation of such a zone for up to 3 years from the starting date for the zone’s operation last notified under Part 4 of Chapter 16.



Schedule 1 Amendments

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- (3) The resolution is taken to be the resolution establishing the zone for the purposes of section 644C (3).
- (4) Sections 644, 644A, 644B and 644C (1) and (2) do not apply to a resolution under this clause or to an alcohol-free zone whose period of operation is extended under this clause.
- (5) The period of operation of an alcohol-free zone may be extended once only under this clause.

**[10] Dictionary**

Insert in alphabetical order:

*enforcement officer*, in Part 4 of Chapter 16, means an employee of a council authorised in writing by the Commissioner of Police to be an enforcement officer for the purposes of this Part in relation to a specified alcohol-free zone and for a specified period in relation to a specified special event.

*police officer*, in Part 4 of Chapter 16, does not include a special constable appointed under the *Police Offences Act 1901*.

[Minister's second reading speech made in—  
Legislative Assembly on 26 October 1995  
Legislative Council on 11 December 1995]