

Act No. 224

OFFENCES IN PUBLIC PLACES (JUVENILE DRINKING) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Offences in Public Places Act 1979, so as—

- (a) to make it an offence for a minor to possess or consume liquor in a public place, except under responsible adult supervision; and
- (b) to empower a member of the Police Force to seize liquor in the possession of a minor in a public place, if the minor is not under responsible adult supervision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) inserts a new section 11B into the Principal Act. The new section contains the following provisions:

- (a) Subsection (1) defines “liquor” in terms of the Liquor Act 1982.
- (b) Subsection (2) makes it an offence for a minor to possess or consume liquor in a public place, unless the minor is under the supervision of a responsible adult or has a reasonable excuse (for example, possession was part of the minor’s duties as an employee).
- (c) Subsection (3) empowers a member of the Police Force to seize liquor in the possession of a person in a public place, if the member reasonably suspects that the person is under the age of 18, is not under responsible adult supervision and does not have a reasonable excuse.
- (d) Subsection (4) provides that seized liquor is forfeited to the Crown.
- (e) Subsection (5) makes it clear that liquor may be seized from a person who is under the age of criminal responsibility.

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- (f) Subsection (6) provides that a person may not be arrested for an offence against the proposed section, except so far as may be necessary for the purpose of the administration of a caution by a member of the Police Force in relation to the offence.
- (g) Subsection (7) allows regulations to be made prescribing the procedures to be followed in and after the seizure of liquor, and providing that the proposed section does not apply in circumstances prescribed by the regulations.

Schedule 1 (2) inserts a new section 15 into the Principal Act. The new section formally allows the making of regulations for the purposes of the Principal Act.
