



New South Wales

# Alcohol Consumption in Public Places (Liberalisation) Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to remove restrictions and prohibitions on the consumption of alcohol in public places other than—

- (a) in public places prescribed by the regulations that are of cultural or religious significance, or
- (b) where a person is intoxicated and disorderly.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** provides for the purpose of the proposed Act.

**Clause 4** defines *public place* for the proposed Act.

**Clause 5** provides that the proposed Act binds the Crown.

**Clause 6** provides that the proposed Act prevails to the extent of an inconsistency with another Act or law unless otherwise provided for by the proposed Act.

**Clause 7** provides that a person does not commit an offence under an Act or law related to the person's consumption of alcohol in a public place.

**Clause 8** provides that alcohol must not be confiscated from a person in a public place unless the person is subject to a direction under the *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 14.

**Clause 9** provides that, despite the proposed Act, offences related to a person's consumption of alcohol continue to apply if a public place is declared by the regulations to be a place of cultural or religious significance.

**Clause 10** provides that, despite the proposed Act, the following continue to apply—

- (a) police powers to give directions under the *Law Enforcement (Powers and Responsibilities) Act 2002*, Part 14, including to give move on directions to people who are intoxicated and disorderly,
- (b) the offence under the *Summary Offences Act 1988*, section 9 for not complying with move on directions under the *Law Enforcement (Powers and Responsibilities) Act 2002*, section 198.

**Clause 11** enables the Governor to make regulations.



New South Wales

# Alcohol Consumption in Public Places (Liberalisation) Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments*



New South Wales

## **Alcohol Consumption in Public Places (Liberalisation) Bill 2024**

No           , 2024

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### **A Bill for**

An Act to remove restrictions on the consumption of alcohol in public places; and for related purposes.

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*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.*

*Legislative Assembly*

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*Clerk of the Legislative Assembly*

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Alcohol Consumption in Public Places (Liberalisation) Act 2024</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Purpose of Act</b>	6
The purpose of this Act is to limit the prohibition and regulation of the consumption of alcohol in public places in NSW.	7 8
<b>4 Definition</b>	9
In this Act—	10
<i>public place</i> means land used by the public for recreation—	11
(a) including the following—	12
(i) Crown land within the meaning of the <i>Crown Land Management Act 2016</i> ,	13 14
(ii) public land within the meaning of the <i>Local Government Act 1993</i> ,	15
(iii) land held by a statutory body or NSW government agency, but	16
(b) not including a road within the meaning of the <i>Roads Act 1993</i> unless recreational activities are permitted on the road.	17 18
<b>Note—</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	19 20
<b>5 Act to bind Crown</b>	21
This Act binds the Crown in right of New South Wales and, to the extent the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	22 23 24
<b>6 Relationship with other Acts and laws</b>	25
(1) This Act prevails to the extent of an inconsistency with another Act or law unless otherwise provided for by this Act.	26 27
(2) To avoid doubt, reference to another Act or law includes the following—	28
(a) the <i>Centennial Park and Moore Park Trust Act 1983</i> ,	29
(b) the <i>Crown Land Management Act 2016</i> ,	30
(c) the <i>Greater Sydney Parklands Trust Act 2022</i> ,	31
(d) the <i>Local Government Act 1993</i> ,	32
(e) the <i>Luna Park Site Act 1990</i> ,	33
(f) the <i>National Parks and Wildlife Act 1974</i> ,	34
(g) the <i>Parramatta Park Trust Act 2001</i> ,	35
(h) the <i>Royal Botanic Gardens and Domain Trust Act 1980</i> ,	36
(i) the <i>Sydney Olympic Park Authority Act 2001</i> ,	37
(j) the <i>Western Sydney Parklands Act 2006</i> .	38
<b>7 Freedom of consumption of alcohol in public places</b>	39
A person does not commit an offence under an Act or law related to the person’s consumption of alcohol in a public place.	40 41

<b>8</b>	<b>Limitations on confiscation of alcohol</b>	1
(1)	Alcohol in the possession of a person who is in a public place must not be confiscated.	2 3
(2)	Subsection (1) does not apply if the person is subject to a direction under the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 14.	4 5
<b>9</b>	<b>Exception for public places of cultural or religious significance</b>	6
	Sections 7 and 8 do not apply to a public place declared by the regulations to be a place of cultural or religious significance.	7 8
	<b>Examples—</b>	9
	war memorial	10
	place of worship	11
<b>10</b>	<b>Exception for intoxicated and disorderly conduct</b>	12
	Despite this Act, the following provisions continue to have effect—	13
(a)	the <i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Part 14	14
(b)	the <i>Summary Offences Act 1988</i> , section 9.	15
<b>11</b>	<b>Regulations</b>	16
	The Governor may make regulations about a matter that is—	17
(a)	required or permitted by this Act to be prescribed, or	18
(b)	necessary or convenient to be prescribed for carrying out or giving effect to this Act.	19 20