

[Act 1995 No 79]



New South Wales

Local Government Amendment (Alcohol-free Zones) Bill 1995

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993*:

- (a) to enable a council to prepare a proposal for the establishment of an alcohol-free zone on its own motion, and
 - (b) to enable alcohol-free zones to be established for public places that are car parks, and
 - (c) to enable alcohol-free zones to be established in relation to special events, and
 - (d) to enable alcohol-free zones to operate for a period of up to 3 years, and
 - (e) to make changes to the public notice procedures relating to the establishment of alcohol-free zones, and
-

Explanatory note

- (f) to provide that the enforcement of the alcohol-free zone provisions is to be carried out by police officers, except in circumstances where the Commissioner of Police has authorised particular council employees as enforcement officers for special events, and
- (g) to prevent a council from prohibiting the drinking of alcohol in a particular place by the erection of notices if the place could be the subject of a proposal to establish an alcohol-free zone.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Local Government Act 1993*.

Schedule 1 Amendments

Schedule 1 [1] prevents a council from erecting notices under section 632 of the Act prohibiting the drinking of alcohol on land that could be the subject of an alcohol-free zone under Part 4 of Chapter 16 of the Act.

Schedule 1 [4] repeals and re-enacts section 644 of the Act, providing a scheme for the establishment of alcohol-free zones, as proposed sections 644, 644A, 644B and 644C. The following changes have been made to the existing scheme:

- (a) a council may initiate a proposal for the establishment of an alcohol-free zone, and *so* need not rely on an application by other persons.,
- (b) a public place that is a car park may also be the subject of a proposal for the establishment of an alcohol-free zone (at present only public roads may be included in a zone),
- (c) alcohol-free zones may be established for a period of up to 3 years at a time rather than one year as at present and may be established in relation to a special event,
- (d) copies of a proposal to establish an alcohol-free zone must be given to the holder of a licence under the *Liquor Act 1982* for premises that border on, or adjoin or are adjacent to the proposed zone rather than as at present the occupier of such premises,

- (e) copies of a proposal to establish an alcohol-free zone must be given to the secretary of a registered club that borders on, or adjoins or is adjacent to, the proposed zone,
- (f) public consultation can take place at the same time as consultation with the persons and bodies required to be given copies of the proposal,
- (g) only a council listed in the guidelines prepared by the Minister need give copies of any proposal to establish an alcohol-free zone to the Anti-Discrimination Board,
- (h) the Anti-Discrimination Board is to be given 40 days to make submissions on a proposal for the establishment of an alcohol-free zone rather than 30 days as at present.

Schedule 1 [6] provides for the list of councils referred to in paragraph (g) above to be prepared after consultation with the Anti-Discrimination Board.

Schedule 1 [2], [3], [7], [8] and [10] provide that references to police officers in the enforcement provisions relating to alcohol-free zones do not include references to special constables appointed under the *Police Offences Act 1901*. The Commissioner of Police may appoint council employees as enforcement officers for the purposes of those provisions in relation to special events.

Schedule 1 [9] contains savings and transitional provisions providing that:

- (a) alcohol-free zones established before the commencement of the amendments are taken to have been established under the provisions of the Act as amended, and
- (b) a council may, by resolution, extend the operation of an existing alcohol-free zone for a period of up to 3 years from its starting date so long as the signs erected for the zone indicate the extended period.

Schedule 1 [5] makes a consequential amendment.