



New South Wales

Local Government Amendment (Confiscation of Alcohol) Bill 2010

Explanatory note

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

Overview of Bill

Section 632A of the *Local Government Act 1993* (the *principal Act*) authorises police officers and certain local council employees to confiscate alcohol from persons who are drinking in an *alcohol prohibited area*. This term is currently defined as a public place (eg a public beach or public park) that is situated in the precinct or area to which a precinct liquor accord, or a community event liquor accord, under the *Liquor Act 2007* applies and in which the drinking of alcohol is prohibited by a local council by notice under section 632 of the principal Act. The power to confiscate alcohol from persons drinking in an alcohol prohibited area includes the power to tip out the alcohol from the thing in which the alcohol is contained.

The object of this Bill is to amend the definition of *alcohol prohibited area* so that the power to confiscate and tip out alcohol may be exercised in an area in which the drinking of alcohol is prohibited by a notice under section 632 of the principal Act regardless of whether that area is situated in the precinct or area to which a precinct or community event liquor accord under the *Liquor Act 2007* applies.

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 amends the *Local Government Act 1993* in the manner described in the above overview.

Introduced by Mr Peter Besseling, MP

First print



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Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Local Government Act 1993 No 30	2



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Local Government Amendment (Confiscation of Alcohol) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Local Government Act 1993* to provide for the confiscation of alcohol in alcohol prohibited areas.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Local Government Amendment (Confiscation of Alcohol) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Local Government Act 1993 No 30	7
Section 632A Confiscation of alcohol in alcohol prohibited areas	8
Omit the definition of <i>alcohol prohibited area</i> in section 632A (4).	9
Insert instead:	10
<i>alcohol prohibited area</i> means a public place in which the drinking of alcohol is prohibited by a notice under section 632.	11 12 13