

Agreement in Principle

Mr PETER BESSELING (Port Macquarie) [10.21 a.m.]: I move:

That this bill be now agreed to in principle.

The objects of the Local Government Amendment (Confiscation of Alcohol) Bill 2010 are very clear. The bill provides a common-sense approach to a problem that is affecting communities right across our State, particularly in times of public celebration when celebrations are taken too far: alcohol-fuelled antisocial behaviour and alcohol-fuelled violence. The intention of this legislation is very clear, as can be seen by the explanatory notes. This is legislation to amend the Local Government Act 1993 to provide for the confiscation of alcohol in alcohol-prohibited areas. The object of the 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 applies under the Liquor Act 2007.

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—for example, 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 the alcohol out from the thing in which it is contained. Section 632A, which provides for the confiscation of alcohol in certain alcohol-prohibited areas, states:

(1) A police officer or an enforcement officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol prohibited area if the officer has reasonable cause to believe that the person:

- (a) is drinking;
- (b) is about to drink; or
- (c) has recently been drinking alcohol in the alcohol prohibited area.

(2) Any alcohol or thing seized under this section is, by virtue of the seizure, forfeited:

- (a) if seized by a police officer to the State; or
- (b) if seized by an enforcement officer to the council that employs the officer.

(3) Any alcohol seized under this section may:

- (a) be disposed of immediately by tipping it out of the bottle, can, receptacle or package in which it is contained; or
- (b) be otherwise disposed of in accordance with directions given by the Commissioner of Police or the council (as the case requires).

These sections of the current legislation are eminently sensible and the general public would understand them to be measures that ensure the safety and amenity of public areas. The Local Government Amendment (Confiscation of Alcohol) Bill 2010 simply removes section 632A (4) (a) that restricts the type of alcohol-prohibited area to which the confiscation and tip-out powers apply, that is, situated wholly or partly in the precinct to which a precinct liquor accord within the meaning of the Liquor Act applies or in the area to which a community event liquor accord applies. In order to simplify this legislation, to ensure that both law enforcement officers and the broader community responsibilities are clearly defined, confiscation and tip-out powers must be extended to include all alcohol-prohibited areas.

Alcohol-prohibited areas differ from alcohol-free zones. Alcohol-free zones already provide for confiscation and tip-out powers over alcohol, but are restricted to being established over a public road or part of a public road, or a public place that is a car park or part of a car park. Under the current legislation as it relates to the town of Port Macquarie, police have the power to confiscate or tip out alcohol in the car park that lies in front of the Town Green but are unable to do so once the person has moved onto the grassed area and into the alcohol-prohibited area. Current laws enable that absurd situation, but this bill would address the discrepancy. However, a general lack of understanding and a great deal of confusion remains in the community surrounding the differences between alcohol-prohibited areas and alcohol-free zones. I urge the Government to consider consolidating legislation at a future date.

Communities across the State are struggling to deal with the effects of alcohol-fuelled violence and antisocial behaviour whether through the pubs and clubs, domestic issues or, more worryingly, in public places where often large groups gather to drink excessively. This has been particularly evident in coastal communities that encourage beautiful public areas along our coastline and large public beaches that attract locals and tourists alike. Recent events such as those in Byron Bay, the Australia Day riots in Cronulla and events closer to home in my electorate, from Port Macquarie to Bonny Hills, Dunbogan, Crowdy Head and Harrington, all had the common element of vast amounts of alcohol consumed throughout the day, which lead to violence and fears for the safety of those people trying to enjoy public facilities. This situation cannot continue lest the broader community resists supporting public community events because of the loutish behaviour of a drunken few.

Let us not be under any illusions about the toll that alcohol abuse is taking on our society. The report "Range and Magnitude of Alcohol's Harm to Others", released in August 2010, puts the annual cost from alcohol misuse in the Australian community at \$36 billion. The research estimated that 70,000 Australians would be victim of an alcohol-related assault this year, and that 24,000 of those will be victims of domestic violence. The report also noted 20,000 children across Australia would be victims of substantial alcohol-related child abuse. Whilst we do not wish to legislate against everything and anything and turn New South Wales into a nanny State, sensible approaches to deal with these problems and practical intervention strategies must be introduced to protect public amenity. In commending this bill to the House, I note and thank the Police Association of New South Wales and the Port Macquarie-Hastings Council for their support. In a press release issued today the Police Association of New South Wales stated:

Giving police more powers to confiscate alcohol will help prevent the growing problem of anti-social behaviour on our streets

The Police Association welcomes this bill and states:

[it] will make it easier for police to patrol our streets and keep the community safe.

This bill makes it clear that anyone drinking in an alcohol prohibited area can and will have that alcohol confiscated and tipped out.

Giving police this power makes a real difference and ensures the community is safe from anti-social behaviour—especially late at night, in and around liquor hotspots.

I would extend that also to public areas. The Port Macquarie-Hastings Council administrator also sent me a note offering its support regarding this legislation:

Port Macquarie-Hastings Council strongly supports the proposed legislation to enable police to confiscate and tip out alcohol in designated alcohol prohibited areas.

The proposal provides a very effective mechanism to enable authorities to control anti social behaviour where alcohol is concerned in public areas.

The Hastings, like a number of other coastal areas has had major issues with alcohol fuelled violence and anti social behaviour which has impacted on families during the festive season as well as Australia Day.

Council and local Police have been working hard to try and reduce this type of behaviour.

Public areas are family friendly zones and our community deserves the right to enjoy local facilities without experiencing anti-social behaviour through alcohol consumption in public places. We cannot tolerate this type of activity.

While current fines and penalties provide some disincentive, tip out powers will provide an immediate response and help to prevent the problem from being displaced to another area.

I strongly support your move to get the proposed bill adopted by the New South Wales Parliament and I appreciate your endeavours to assist in helping maintain a safe community.

In summary, in relation to the ability of police to confiscate and tip out alcohol in all alcohol-prohibited areas I am reminded of a recent statement about the topic that simply made sense. Most sensible people would assume this power exists; it does not, but it should. I commend the bill to the House.