

Second Reading

Reverend the Hon. Dr GORDON MOYES [2.56 p.m.]: I move:

That this bill be now read a second time.

The Local Government Amendment (Confiscation of Alcohol) Bill 2010 amends 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. The bill also contains provisions relating to the creation and enforcement of alcohol-prohibited areas and alcohol-free zones. These provisions do not create offences in relation to drinking in public places or streets but instead provide for confiscation and tip-out powers.

Section 632A of the Local Government Act 1993, the principal Act, authorises police officers, and certain local council employees who have been approved in writing by the Commissioner of Police, 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 a 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 receptacle in which it is contained.

The Local Government Amendment (Confiscation of Alcohol) Bill 2010 simply removes section 632A (4) (a), which restricts the type of alcohol-prohibited area to which the confiscation and tip-out powers apply, that is, in the area 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. In a recent Focus on Family Values Forum, which I run every month, guest speaker Mr Geoff Munro, Policy Director for the Australian Drug Foundation, spoke on the topic of Australia's binge drinking epidemic. Mr Munro said:

New South Wales Magistrates had recently said they were sick and tired of alcohol-related violence clogging our courts. When people become intoxicated they lose their inhibitions, their aggressive impulses take over, and they can become violent. Unfortunately, we will not get the chance to change legislation until the community demands it—we desperately need to listen to the community and to the Magistrates when they say "enough is enough".

That is why I am here today introducing this bill, which I support entirely. I want to say enough is enough. We need to give the police the authority to confiscate and tip out alcohol in alcohol-prohibited areas, where unfortunately the current laws allow for only the issuing of fines. Most sensible people would assume this power exists and that the police can do it, but it does not and the police cannot.

I will briefly explain the difference between alcohol-free zones and alcohol-prohibited zones. They are both very different and very relevant to this bill. Alcohol-free zones already provide for confiscation and tip-out powers with regard to 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. Where a council has the control and management of parks or reserves it may erect notices stating "Alcohol Prohibited Area" to prohibit the consumption and possession of alcohol and/or other activities. However, in these areas police officers do not have the power to confiscate and tip out alcohol. Unless the area is part of a community liquor accord precinct current laws only allow police to issue infringement notices for acting contrary to notices erected by council, which carry a maximum fine of \$110. Simply put, police can confiscate and tip out alcohol in alcohol-free zones but not in alcohol-prohibited zones.

This legislation would not force police to confiscate alcohol from responsible adults but would give them the ability to protect public safety and community amenity where it was deemed to be in the public interest. It is not my intention to quote authorities from around the world about binge drinking and the adverse impact of alcohol on social amenity; that was done recently during debate on another bill. However, the member for Port Macquarie stated:

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.

Communities across the State are struggling to deal with the effects of alcohol-fuelled violence and anti-social behaviour whether through the pubs and clubs, domestic issues or, more worryingly, in public places where often large groups gather to drink excessively.

This is a matter of real concern to the police, particularly at this time of the year. For that reason it is essential that we support this bill today, not only to help the police control binge drinking and alcohol-fuelled violence but also in preparation for the upcoming Christmas and New Year's Eve celebrations, which are followed by holiday beach functions. The New South Wales Bureau of Crime Statistics and Research is often asked whether the incidence of crime increases over the Christmas and New Year period. In response to these enquiries it carried out an analysis of crime statistics for selected offences such as assaults, domestic violence and sexual assaults. The bureau found:

There is an obvious spike in both types of assault on 1 January and an increase in sexual offences on 31 December and 1 January. Twice as many incidents of domestic violence related assault are recorded on New Year's Day compared with other days during the four-week period. The number of recorded incidents of sexual offences around New Year is approximately double that of other days in the period. Of all personal offences, non-domestic violence related assault incidents showed the largest increase on New Year's Day, with over two and a half times as many of these incidents occurring on January 1 compared with other days during the period examined. The spike in these offences is likely due to the higher levels of alcohol consumption and social interaction.

When I was involved in providing Lifeline counsellors across the State I found that I had to double the number of counsellors on duty 24 hours a day from 24 December until 2 January because during that time we had double the number of calls taken at any other time of the year. What we are talking about is a worldwide binge drinking epidemic that increases violence towards individuals, families and the community. What can we do to address this growing problem? I would like to think that we can at least begin by giving the police officers the authority to confiscate and tip out alcohol in alcohol-prohibited areas. Removing the problem is far better than ignoring it or dealing with the consequences. Of course, the Police Association welcomes this bill. It stated:

[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.

In summary, this bill is simply about taking steps to prevent alcohol-fuelled violence and a potential binge-drinking epidemic. It will also allow the police to confiscate and tip out alcohol in alcohol-prohibited zones, which already occurs in alcohol-free zones. It is a simple but essential piece of legislation. I commend the bill to the House.