

**LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT  
(MOVE ON DIRECTIONS) BILL 2011**

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**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.**

**Second Reading**

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.10 a.m.]: I move:

That this bill be now read a second time.

Alcohol-related violence and antisocial behaviour have been a source of concern to the community in New South Wales and Australia-wide. The Government is seeking new ways to address this complex issue. The Bureau of Crime Statistics and Research [BOCSAR] identified a significant increase in alcohol-related incidents of offensive behaviour between 2005 and 2009. In 2008 the Bureau of Crime Statistics and Research also reported a statistical increase over a five-year period in alcohol-related assaults and incidents using a glass or bottle as a weapon. Alcohol-related injuries pose a significant cost to the health system. A study conducted at St Vincent's Hospital emergency department in 2004-05 calculated that up to \$1.38 million per year was spent on alcohol-related injuries and intoxication alone.

People are entitled to enjoy a night out without fear of having their evening ruined by drunken and violent hooligans. That is why the Coalition Government is proposing the implementation of the first stage of the Making Our Streets Safe Again policy by strengthening existing move-on powers. Current move-on powers in section 198 of the Law Enforcement (Powers and Responsibilities) Act restrict police to giving directions to intoxicated persons in groups of three or more. The proposed amendment enables police to give directions to intoxicated individuals regardless of whether they are by themselves or part of a group. Move-on powers give police an effective enforcement tool to address drunk and disorderly behaviour before it becomes a public safety issue. Giving police the power to encourage intoxicated individuals to go home will help to reduce the incidence of violence around entertainment and licensed venues.

The current thresholds in relation to the likelihood of the intoxicated person causing injury, causing damage or giving rise to a risk to public safety will continue to apply. The direction given by the police officer must be reasonable in the circumstances in order to prevent injury or damage or to reduce the risk to public safety. The period during which a person may be directed not to return to the public place is not to exceed six hours. While our election commitments focus on alcohol-related violence, we recognise that antisocial behaviour can be the result of the consumption of alcohol or drugs, or both. The current definition of "intoxicated" in section 198 covers the effects of both alcohol and drugs. A person is intoxicated for the purposes of issuing a move-on direction when:

- (a) the person's speech, balance, co-ordination or behaviour is noticeably affected, and
- (b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of alcohol or any drug.

The only substantive amendment in the bill amends the Law Enforcement (Powers and

Responsibilities) Act 2002 to omit from section 198 (1) "in a group of 3 or more intoxicated persons". This amendment means there is no longer a requirement for the intoxicated person to be in company with other intoxicated persons for the direction to apply. The amendment authorises police to move on intoxicated individuals regardless of whether they are by themselves, with another person or in a group of people. This bill is the first important step towards making the streets of New South Wales safe again. Police will be able to direct intoxicated persons to move on before trouble starts. Strengthening the existing move-on powers will lay the groundwork of the next stage of our election commitments relating to intoxicated and disorderly behaviour. The Government is committed to ensuring that intoxicated and disorderly behaviour on our streets will not be tolerated. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Amanda Fazio and set down as an order of the day for a future day.**