

**OFFENCES IN PUBLIC PLACES (JUVENILE DRINKING)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Offences in Public Places Act 1979, so as—

- (a) to make it an offence for a minor to possess or consume liquor in a public place, except under responsible adult supervision; and
- (b) to empower a member of the Police Force to seize liquor in the possession of a minor in a public place, if the minor is not under responsible adult supervision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a proclaimed day.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) inserts a new section 11B into the Principal Act. The new section contains the following provisions:

- (a) Subsection (1) defines "liquor" in terms of the Liquor Act 1982.
- (b) Subsection (2) makes it an offence for a minor to possess or consume liquor in a public place, unless the minor is under the supervision of a responsible adult or has a reasonable excuse (for example, possession was part of the minor's duties as an employee).
- (c) Subsection (3) empowers a member of the Police Force to seize liquor in the possession of a person in a public place, if the member reasonably suspects that the person is under the age of 18, is not under responsible adult supervision and does not have a reasonable excuse.
- (d) Subsection (4) provides that seized liquor is forfeited to the Crown.
- (e) Subsection (5) makes it clear that liquor may be seized from a person who is under the age of criminal responsibility.

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- (f) Subsection (6) provides that a person may not be arrested for an offence against the proposed section, except so far as may be necessary for the purpose of the administration of a caution by a member of the Police Force in relation to the offence.
- (g) Subsection (7) allows regulations to be made prescribing the procedures to be followed in and after the seizure of liquor, and providing that the proposed section does not apply in circumstances prescribed by the regulations.

Schedule 1 (2) inserts a new section 15 into the Principal Act. The new section formally allows the making of regulations for the purposes of the Principal Act.

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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 63, 1979

SCHEDULE 1—AMENDMENTS



**OFFENCES IN PUBLIC PLACES (JUVENILE DRINKING)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Offences in Public Places Act 1979 in relation to the possession of liquor in public places by minors.

Offences in Public Places (Juvenile Drinking) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Offences in Public Places (Juvenile Drinking) Amendment Act 1987.

5 Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of Act No. 63, 1979

3. The Offences in Public Places Act 1979 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 11B—

After section 11A, insert:

Possession of liquor by minors

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11B. (1) In this section—

“liquor” has the same meaning as in the Liquor Act 1982, and includes any container containing liquor.

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(2) A person under the age of 18 years is guilty of an offence if the person possesses or consumes any liquor in a public place, unless the person establishes that—

- (a) the person was under the supervision of a responsible adult; or
- (b) the person had a reasonable excuse for possessing or consuming the liquor.

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Penalty: \$20.

(3) A member of the Police Force may seize liquor in the possession of a person in a public place, if the member suspects, on reasonable grounds, that—

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- (a) the person is under the age of 18 years;
- (b) the person is not under the supervision of a responsible adult; and
- (c) the person does not have a reasonable excuse for possessing the liquor.

(4) Liquor seized under this section is forfeited to the Crown.

*Offences in Public Places (Juvenile Drinking) Amendment 1987*SCHEDULE 1—AMENDMENTS—*continued*

(5) Liquor may be seized from a person's possession under this section, even though the person is under the age of criminal responsibility.

5 (6) A person may not be arrested for an offence against this section, except so far as may be necessary for the purpose of the administration of a caution by a member of the Police Force in relation to such an offence.

(7) The regulations may make provision for or with respect to—

10 (a) the procedure to be followed as regards the seizure of liquor under this section and the procedure to be followed after its seizure;

15 (b) without limiting paragraph (a), prescribing the circumstances in which and the procedure by which liquor seized under this section is to be returned; and

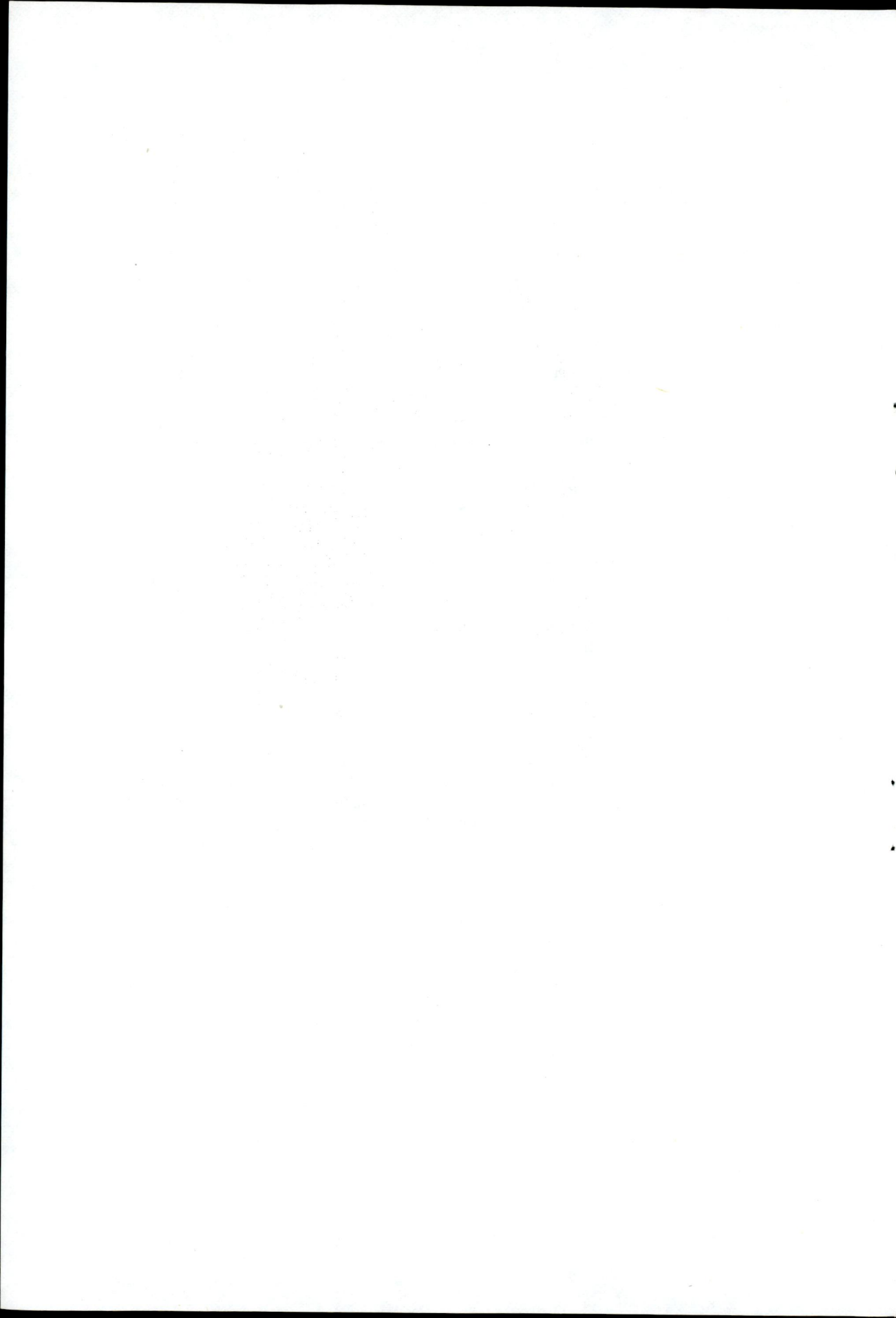
(c) prescribing circumstances in which the other provisions of this section do not apply.

(2) Section 15—

After section 14, insert:

20 **Regulations**

25 15. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.



**OFFENCES IN PUBLIC PLACES (JUVENILE DRINKING)
AMENDMENT ACT 1987 No. 224**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 63, 1979

SCHEDULE 1—AMENDMENTS

**OFFENCES IN PUBLIC PLACES (JUVENILE DRINKING)
AMENDMENT ACT 1987 No. 224**

NEW SOUTH WALES



Act No. 224, 1987

An Act to amend the Offences in Public Places Act 1979 in relation to the possession of liquor in public places by minors. [Assented to 10 December 1987]

Offences in Public Places (Juvenile Drinking) Amendment 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Offences in Public Places (Juvenile Drinking) Amendment Act 1987.

Commencement

2. This Act shall commence on a day to be appointed by proclamation.

Amendment of Act No. 63, 1979

3. The Offences in Public Places Act 1979 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 11B—

After section 11A, insert:

Possession of liquor by minors

11B. (1) In this section—

“liquor” has the same meaning as in the Liquor Act 1982, and includes any container containing liquor.

(2) A person under the age of 18 years is guilty of an offence if the person possesses or consumes any liquor in a public place, unless the person establishes that—

- (a) the person was under the supervision of a responsible adult; or
- (b) the person had a reasonable excuse for possessing or consuming the liquor.

Penalty: \$20.

(3) A member of the Police Force may seize liquor in the possession of a person in a public place, if the member suspects, on reasonable grounds, that—

- (a) the person is under the age of 18 years;
- (b) the person is not under the supervision of a responsible adult; and
- (c) the person does not have a reasonable excuse for possessing the liquor.

(4) Liquor seized under this section is forfeited to the Crown.

Offences in Public Places (Juvenile Drinking) Amendment 1987

SCHEDULE 1—AMENDMENTS—*continued*

(5) Liquor may be seized from a person's possession under this section, even though the person is under the age of criminal responsibility.

(6) A person may not be arrested for an offence against this section, except so far as may be necessary for the purpose of the administration of a caution by a member of the Police Force in relation to such an offence.

(7) The regulations may make provision for or with respect to—

- (a) the procedure to be followed as regards the seizure of liquor under this section and the procedure to be followed after its seizure;
- (b) without limiting paragraph (a), prescribing the circumstances in which and the procedure by which liquor seized under this section is to be returned; and
- (c) prescribing circumstances in which the other provisions of this section do not apply.

(2) Section 15—

After section 14, insert:

Regulations

15. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

