

Alcohol Free Zones and Alcohol Prohibited Areas in NSW

Key points

- Alcohol free zones (AFZs) and alcohol prohibited areas (APAs) may be used by councils to prohibit alcohol consumption in public places to reduce anti-social behaviour and crime.
- AFZs apply to road-related public areas (e.g. public road, footpath or carpark). APAs apply to non-road-related public places (e.g. parks).
- These measures can help councils to keep public spaces and streets safe and enjoyable for residents and visitors while not discriminating against particular community groups.
- AFZs and APAs should be used where there is demonstrable community need, deal with short-term issues and regularly reviewed to see if they are still needed.
- Used in isolation, AFZs and APAs may simply move a problem from one place to another. They are likely to be more effective when they form part of a broader strategy including things like education, community programs and public place design.

Snapshot Summary

	Alcohol Free Zones (AFZs)	Alcohol Prohibited Areas (APAs)
Purpose	To prevent anti-social behaviour and alcohol-related crime in public	As for AFZs
Enabling power	Enables councils to use signage to prohibit the drinking of alcohol in a designated public place	As for AFZs
Location	A road-related public place (such as car park, public road or footpath)	A non-road-related public place (such as a park or beach or reserve)
Legislation	Sections 642 - 648 of the <i>Local Government Act 1993</i> (the Act)	Section 632A of the Local Government Act
Duration Limit	Maximum 4 years	Not required. Best practice is for a council to review it within 4 years.
Special Times and Events	May be established for special events (eg. New Year's Eve)	May be established to operate at certain times of the day and for special events (eg. New Year's Eve)

<p>Establishment trigger</p>	<p>Request from local community representative, Police or council.</p>	<p>Not required. Best practice is for a council to establish where there is local need.</p>
<p>Consultation</p>	<p>Council must consult (allowing at least 30 days for feedback) to decide if an AFZ is appropriate, including with:</p> <ul style="list-style-type: none"> • Local Police • Local liquor licensees/registered clubs adjacent to a proposed zone • Organisation/s able to speak on behalf of an Aboriginal or culturally and linguistically diverse group • NSW Anti-Discrimination Board IF a council is one of 16 councils listed in Appendix 2 of the Ministerial Guidelines on AFZs. 	<p>Council must consult with:</p> <ul style="list-style-type: none"> • Local Police • NSW Land and Housing Corporation (IF the APA is to be on open space on public housing land, which can only occur when it is adjacent to another APA or AFZ) • NSW Anti-Discrimination Board IF a council is one of 16 councils listed in Appendix 2 of the Ministerial Guidelines on AFZs. These councils must additionally follow all other AFZ consultation requirements. <p>Best practice is for a council to undertake community consultation to decide of an APA is appropriate.</p>
<p>Evidence of need</p>	<p>A proposal to establish an AFZ must be supported by evidence of need.</p>	<p>Not required. Best practice is an APA is established only after evidence of need.</p>
<p>Council resolution</p>	<p>Required.</p>	<p>Not required. Best practice is for a council to resolve to establish an APA.</p>
<p>Signposting</p>	<p>Required. Signs clearly showing restrictions in place, including places at which alcohol consumption is prohibited.</p>	<p>Required. Signs clearly showing restrictions, including places and times at which alcohol consumption is prohibited.</p>
<p>Public Notice</p>	<p>Appropriate public notice at least 7 days prior to establishing an AFZ.</p>	<p>Not required. Best practice is for a council to notify the public when establishing an APA</p>

Enforcement	Council enforcement officers and Police	As for AFZs.
Enforcement power	<p>To tip out or otherwise dispose of alcohol being consumed.</p> <p>Note: Focus is to deter irresponsible drinking without imposing fines on potentially disadvantaged people.</p>	As for AFZs.
Guidelines	Mandatory <u>Ministerial Guidelines</u> for AFZ establishment and review.	<p>Not required.</p> <p>Best practice is to follow the process in the Guidelines.</p>
Why are AFZs and APAs different?	<p>This is largely historic in nature to meet Government policy objectives at the time.</p> <p>If in doubt, best practice is to follow the process to establish, consult on and review both APAs as for AFZs as outlined in the <u>Ministerial Guidelines</u> for AFZs.</p>	