



Yarra City Council

Consumption of Liquor in Public Places

Local Law No. # of 2019

**Adopted by Council on [DATE]
Effective [DATE] to [DATE]**

YARRA CITY COUNCIL

Part 1: General Provisions

1. Title

This Local Law is known as the Consumption of Liquor in Public Places Local Law No. # 2019.

2. Objective

The objectives of this Local Law are:

- (a) to control the consumption and possession of Liquor in Public Places within the Municipal District, including where such consumption or possession may interfere with the amenity and enjoyment of Public Places or of land in the vicinity of Public Places;
- (b) promoting the minimisation of alcohol-related harm by restricting the opportunity for unregulated public drinking within the Municipal District;
- (c) supporting the effective governance of the Municipal District by promoting improved amenity of public spaces and discouraging anti-social behaviour;
- (d) providing an effective means for police to deal with unregulated public drinking;
- (e) improving the management of festivals and events to reduce risk to attendees, organisers, and Council; and
- (f) the peace, order and good government of the Municipal District.

3. The power to make this Local Law

This Local Law is made pursuant to section 111 of the *Local Government Act* 1989.

4. Operation

This Local Law applies to all Public Places within the Municipal District of Council.

5. Commencement

This Local Law commences operation on the day after the date of the notice of the making of the Local Law is published in the Victorian Government Gazette.

6. Revocation of the Consumption of Alcohol in Public Places Local Law 2009

Upon the commencement of this Local Law, the Consumption of Alcohol in Public Places Local Law 2009 is revoked if it has not already been revoked.

7. Revocation of this Local Law

This Local Law will cease to operate on [DATE], unless sooner revoked.

8. Definitions

In this Local Law, unless inconsistent with the context:

"**Act**" means the *Local Government Act 1989*.

"**Authorised Officer**" means an Authorised Officer appointed by Council to be an Authorised Officer pursuant to section 224 of the Act, and includes a police officer referred to in section 224A of the Act.

"**Council**" means Yarra City Council.

"**Day Time Hours**" means 9.00 am to 8.59 pm.

"**Festival**" means a festival or other event declared by Council to be such in accordance with clause 11 of this Local Law.

"**Liquor**" has the same meaning as in the *Liquor Control Reform Act 1998*.

"**Municipal District**" means the district under the local government of Council.

"**Prescribed Area**" means an area declared by Council to be such in accordance with clause 16 of this Local Law.

"**Procedure and Protocol Manual**" means the Procedure and Protocol Manual authorised and published by Council from time to time and which is incorporated into this Local Law pursuant to section 112 of the Act.

"**Public Place**" means:

- (a) a Road; and
- (b) any land that is owned, managed or otherwise controlled by Council; but does not include any authorised premises or licensed premises within the meaning of the *Liquor Control Reform Act 1998*.

“Road” has the same meaning as in the Act.

Part 2: General Conditions

9. Consumption or possession of Liquor

- (1) Subject to clause 9(2), a person must not, in a Public Place:
 - (a) consume any Liquor; or
 - (b) possess or control any Liquor other than in a sealed container.
- (2) Clause 9(1) does not apply to:
 - (a) Festivals as declared under Part 3; or
 - (b) Prescribed Areas as declared under Part 4.

10. Directions to the public

- (1) If an Authorised Officer who observes a person contravening clause 9, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) seal the container of Liquor; or
 - (c) dispose of the Liquor into a receptacle approved by the Authorised Officer.
- (2) A person who fails to comply with a direction given in accordance with clause 10(1) is guilty of an offence.

Part 3: Festivals

11. Declaration of Festivals

Council may, of its own volition or upon application by any person, declare by a resolution of Council that a festival or public event is a Festival for the purpose of this Local Law.

12. Scope of declaration

A declaration made pursuant to clause 11 must specify:

- (a) the time period over which such Festival is to be conducted;

- (b) the area of the Municipal District within which the Festival is to be conducted, as may be described by words, plan, map, or a combination thereof;
- (c) areas within the Festival that are designated as allowing responsible service of Liquor and the specified times during which Liquor may be served; and
- (d) the name of the person or persons conducting the Festival.

13. Operation of declaration

A declaration made pursuant to clause 11 comes into operation upon publication of the declaration on Council's website.

14. Consumption or possession of Liquor at a Festival

A person must not in a Public Place during a Festival:

- (a) consume any Liquor; or
- (b) possess or control any Liquor other than in a sealed container;

other than in accordance with a declaration made by Council pursuant to clause 11.

15. Directions to the public

- (1) If an Authorised Officer who observes a person contravening clause 14, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) remove the Liquor from the festival;
 - (c) seal the container of Liquor;
 - (d) dispose of the Liquor into a receptacle approved by the Authorised Officer; or
 - (f) leave the Festival.
- (2) A person who fails to comply with a direction given in accordance with clause 15(1) is guilty of an offence.

Part 4: Prescribed Areas

16. Declaration of Prescribed Areas

Council may, of its own volition or upon application by any person, declare by a resolution of Council an area within the Municipal District to be a Prescribed Area for the purposes of this Part.

17. Scope of declaration

- (1) A declaration made pursuant to clause 16 must specify:
 - (a) the area of the Municipal District declared to be a Prescribed Area, as may be described by words, plan, map, or a combination thereof; and
 - (b) the hours to which the declaration applies.
- (2) For the purpose of clause 16, the whole of the Municipal District may be a Prescribed Area.

18. Operation of declaration

A declaration made pursuant to clause 16 comes into operation upon the publication of the declaration on Council's website.

19. Consumption, possession, or control of Liquor in a Prescribed Area

- (1) A person may in a Public Place within a Prescribed Area during Day Time Hours:
 - (a) consume any Liquor;
 - (b) possess or control Liquor other than in a sealed container.
- (2) A person who consumes, possesses or controls Liquor within a Prescribed Area must not:
 - (a) detrimentally affect the amenity of the area; or
 - (b) behave in a way that is likely to detrimentally affect the amenity of the area;
 - (c) possess or control Liquor, other than in a sealed container, or consume Liquor other than during Day Time Hours;
 - (d) consume or possess or control Liquor other than in accordance with the declaration.

20. Directions to the public

- (1) If an Authorised Officer who observes a person contravening clause 19, the Authorised Officer may direct the person to:
 - (a) cease the consumption of Liquor;
 - (b) seal the container of Liquor; or
 - (c) dispose of the Liquor into a receptacle approved by the Authorised Officer.
- (2) A person who fails to comply with a direction given in accordance with clause 20(1) is guilty of an offence.

Part 5: Administration and Enforcement

21. Consideration of applications

In considering an application for the declaration of a Festival, Council must have regard to the matters specified in the Procedure and Protocol Manual which relate to the declaration of a Festival.

22. Offences

A person who contravenes or fails to comply with any provision of this Local Law is guilty of an offence and is liable to a penalty of 20 units.

23. Infringement notices

- (1) If an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer may issue and serve, or caused to be served, on that person an infringement notice as an alternative to prosecution for an offence.
- (2) The infringement notice must specify the penalty (shown as penalty units) specified for that offence in Schedule 1.

Schedule 1: Penalties

Clause	Offence	Penalty Unit
9(1)	Consume, possess or control Liquor in a Public Place	1
10(2)	Fail to comply with direction given in accordance with clause 10(1)	1
14	Consume, possess or control Liquor in an open container other than in accordance with a declaration	1
15(2)	Fail to comply with direction given in accordance with clause 15(1)	1
19(1)	Consume, possess or control Liquor other than in accordance with the declaration	1
19(2)	Consume, possess or control Liquor and did detrimentally affect the amenity of the area or behave in a way that is likely to detrimentally affect the amenity of the area	1
20(2)	Fail to comply with a direction given in accordance with clause 20(1)	1