



City of Yarra and Victoria Police

Memorandum of Understanding: Consumption of Liquor in Public Places

Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra, and gives respect to the Elders past and present.

Context

1. In 2009, The Yarra City Council introduced the Consumption of Liquor in Public Places Local Law No. 8 ('Local Law 8') which prohibits the consumption of liquor in public, except for in designated places within designated times. The Local Law allowed for responsible consumption of liquor in prescribed areas including parks, gardens and reserves in recognition of the special use of these places by the community for social occasions.
2. In relation to the enforcement of this law, Victoria Police and the Yarra City Council co-signed the 'Protocol for public places 2009-2013'¹ that defined that way that Local Law 8 would be enforced. The purpose of the protocol was to ensure that residents and visitors, particularly those experiencing hardship or with cultural links to the area were not marginalised or disadvantaged by the creation or enforcement of the law.
3. Local Law 8 will sunset on the 19th of October 2019 at which time the Consumption of Liquor in Public Places Local Law No.1 of 2019 will take effect. This memorandum of understanding seeks to update and clarify the role of police and council in enforcing the updated local law.

Objectives

4. Victoria Police and the Yarra City Council support the overall objectives of the updated local law which are detailed below;
 - 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

¹ City of Yarra - Public places protocol 2019-2029

- f) Maintaining the peace, order and good governance of the Municipal District while ensuring vulnerable members of society are not unduly targeted.

Key Principles

- 5. Yarra City Council and Victoria Police acknowledge the rights of all members of the community to use public spaces, whilst also recognising their responsibility towards other members of the community who have the right to live in a safe and peaceful environment.
- 6. Council supports social inclusion and maintains a commitment to reducing the impact of alcohol on our most vulnerable populations such as young people, some Aboriginal and Torres Strait Islander people and people who are homeless and socially isolated.
- 7. This document is based on the additional principles that:
 - a) All people have a right to participate in public activities or events;
 - b) Police have a responsibility to address community concerns around safety and security and to ensure that appropriate intervention takes place prior to the commission of any criminal offences.

Street drinking within Yarra

- 8. The Yarra City Council and Victoria Police recognise that street drinkers may be among the most vulnerable people in our society. In enforcing the amended local law Victoria Police, Council officers and other services must be aware of the following background information, and take into consideration when enforcing this local law:
 - a) The person may be of Aboriginal or Torres Strait Islander heritage and, as such, have a special cultural relationship with a particular public place, event or suburb;
 - b) The person may be of the Stolen Generations and be dealing with complex social and personal issues as a result;
 - c) The person may have financial, cultural or social barriers preventing them from drinking alcohol in a licensed premise;
 - d) The person may be homeless or at risk of becoming homeless and, as a result, not have other places to meet and socialise with his or her community; and
 - e) The person may have substance abuse issues, a mental illness, acquired brain injury, or a combination of these which affect behaviour and capacity.

Where the Local Law applies

- 9. As defined within the updated provisions (2019), the local law relates only to public places which are defined as;
 - a) A Road; and;
 - b) Any land that is owned, managed or otherwise controlled by Council;

- c) But does not include any authorised premises or licensed premises within the meaning of the Liquor Control Reform Act 1998.

Enforcement of the local law

10. The enforcement of this local law - Consumption of Liquor in Public Places 2019 will be enforced by Victoria Police and City of Yarra enforcement officers. Victoria Police and City of Yarra enforcement officers are encouraged to attend cultural awareness training as opportunities arise.
11. Council and Victoria Police will share information regarding locations in which members of the public have been regularly consuming alcohol contrary to the local law.
12. All decisions regarding the prioritisation of policing resources to enforce this local law remains with Victoria Police.
13. Members of the community who are drinking in public in a non-offensive manner and are otherwise law abiding should not be unfairly treated through the implementation of the local law.
14. Victoria Police and Council enforcement officers are encouraged to use appropriate discretion when enforcing the provisions of the local law, particularly with vulnerable members of the community as outlined in Item 8. Victoria Police and Council enforcement officers will apply the ask, tell, enforce approach when applying the powers conferred to them in the updated local law as detailed below;
 - a) Ask – If a member of the public is seen consuming or has in his/her possession an open container of liquor, the first step is to advise them of the Local Law and request that they cease consuming the liquor and seal the container;
 - b) Tell – If there is a refusal to comply, the member of the public may then be told they must dispose of the alcohol in an approved receptacle;
 - c) Enforce – If there is still a refusal to comply then an infringement may then be issued.
15. This approach is consistent with the wording of the updated law and the way in which Police and Council have operated since 2009.
16. Nothing in this document seeks to prevent or curtail police from exercising their lawful responsibilities in relation to behaviour that threatens their own safety or the safety and security of people or that is likely to result in damage to property or to the environment

Communications

17. The Yarra City Council will lead any communications regarding the local law restrictions regarding the consumption of alcohol in public places. Communications may involve temporary signage at events, press releases, digital platforms and printed publications for specific audiences

18. Victoria Police will share consistent messages through media channels supporting communications regarding the local law restrictions regarding the consumption of alcohol in public places.

Evaluation

19. The Yarra City Council will regularly evaluate the updated local law.
20. The Yarra City Council will consult with Victoria Police and other partners regarding the evaluations to ensure all relevant information is assessed in the preparation of evaluation data.
21. Victoria Police will share information in the form of stakeholder interviews regarding the success or otherwise of the regulation of the consumption of alcohol in public spaces.
22. All official crime data will be sourced via Crime Statistics Agency through existing public access processes.

Signed by:

Vijaya Vaidyanath
Chief Executive Officer
City of Yarra

XX September 2019

Insp. Anne Rudd
Local Area Commander for Yarra
Victoria Police

XX September 2019