Alcohol - Table of Changes

Current Local Law	Draft Local Law	Key Changes	Change Type
68A. Introduction to this Part This Part is not intended to criminalise social or economic disadvantage or chronic health issues, nor to create barriers to seeking or receiving support from appropriate health and social services. People may be in vulnerable circumstances if they are: (i) experiencing homelessness (ii) socially, culturally or economically marginalised (iii) experiencing chronic physical or mental health issues For these reasons, in situations in which provisions in this Part would usually apply, Authorised Officers must address the reason for the apparent breach of the provision and first offer the option of support through local health and outreach services and/or considering the non-punitive options set out in the Procedure and Protocols Manual. **68B. Prescription by the Council** 68B.1 A prescription is only to be made under this clause 68B where it is evident to the Council that there is an extraordinary and imminent risk to public safety related to the possession, control or consumption of liquor in a public place (or part of a public place). 68B.2 The Council may prescribe a public place (or part of a public place) to be a Prescribed Area for the purposes of this Part. 68B.3 If the Council prescribes a public place (or part of a public place) to be a Prescribed Area, the prescription may also specify: 68B.3.1 days on; or 68B.3.2 times between which a person must not: 68B.3.3 consume any liquor; or 68B.3.4 possess or control any liquor other than in a sealed container in the Prescribed Area. 68B.4 The Council must not make a prescription without first complying with the Procedure and Protocols Manual. 68B.5 Any prescription by the Council under this Part will not be effective, and no person can be prejudicially affected or made subject to any liability under this Part, until notice of the prescription is published on the Council's website. **68B.6 A prescription by the Council under this Part may:** 68B.6.1 expire, if it is specified to remain in operation only for a limited period and that period passes; and 68B.6.2 be revoked by resolution of the Council. **68C. General Provision** 68C.1 A person must not: 68C.1.1 consume any liquor; or 68C.1.2 possess or control any liquor other than in a sealed container at any time: 68C.1.3 between 9pm and 9am on the following day while present in a municipal reserve; 68C.1.4 in a Prescribed Area, contrary to the terms of any prescription made in respect of that Prescribed Area; 68C.1.5 on a footway adjoining any area which is licensed under the Liquor Control Reform Act 1998, if the premises in respect of which the area is licensed: 68C.1.5.1 is open for business or otherwise trading; and 68C.1.5.2 does not have as its predominant purpose the sale of packaged liquor; 68C.1.6 within 10 metres of a pedestrian entrance or exit to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footway or not; and 68C.1.7 while on any road (excluding a footway), whether in a vehicle or not. **68D. Clarification** If a person is present in a municipal reserve between 9am and 9pm and the person's location is one of the places in or on which a person is prohibited from: 68D.1 consuming any liquor; or 68D.2 possessing or controlling any liquor other than in a sealed container under sub-clause 68C.1.4, 68C.1.5, 68C.1.6 or 68C.1.7, that person will, if they: 68D.3 consume any liquor; or 68D.4 possess or control any liquor other than in a sealed container, breach sub-clause 68C.1.4, 68C.1.5, 68C.1.6 or 68C.1.7 (as the case may be). **68E. Additional Provisions**	**7.1 Introduction to this Part** (1) This Part is not intended to criminalise social or economic disadvantage or chronic health issues, nor to create barriers to seeking or receiving support from appropriate health and social services. People may be in vulnerable circumstances if they are: (a) experiencing homelessness (b) socially, culturally or economically marginalised (c) experiencing chronic physical or mental health issues (2) For these reasons, in situations in which provisions in this Part would usually apply, Authorised Officers must address the reason for the apparent breach of the provision and first offer the option of support through local health and outreach services and/or considering the non-punitive options. **7.2 Prescription by the Council** (1) A prescription is only to be made under this clause where it is evident to the Council that there is an extraordinary and imminent risk to public safety related to the possession, control or consumption of liquor in a public place (or part of a public place). (2) The Council may prescribe a public place (or part of a public place) to be a Prescribed Area for the purposes of this Part. (3) If the Council prescribes a public place (or part of a public place) to be a Prescribed Area, the prescription may also specify: (a) days on or times between which a person must not consume any liquor or (b) possess or control any liquor other than in a sealed container in the Prescribed Area. (4) The Council must not make a prescription without first being satisfied that there is an imminent risk to the safety or welfare of members of the community if the prescription is not made. (5) Every prescription must specify or otherwise prescribe the public place (or part of the public place) being prescribed as a Prescribed Area, whether by map, plan or other means. (6) Any prescription by the Council under this Part will not be effective, and no person can be prejudicially affected or made subject to any liability under this Part, until notice of the prescription is published on the Council's website. (7) A prescription by the Council under this Part may expire if it is specified to remain in operation only for a limited period and that period passes and be revoked by resolution of the Council. **7.3 General Provision** (1) A person must not consume any liquor or possess or control any liquor other than in a sealed container at any time: (a) between 9pm and 9am on the following day while present in a municipal reserve (b) in a Prescribed Area, contrary to the terms of any prescription made in respect of that Prescribed Area (c) on a footpath adjoining any area which is licensed under the Liquor Control Reform Act 1998, if the premises in respect of which the area is licensed, is open for business or otherwise trading and does not have as its predominant purpose the sale of packaged liquor (d) within 10 metres of a pedestrian entrance or exit to an aquatic or leisure centre, a public library, a Maternal and Child Health Centre, a play centre, a child care centre, a pre-school, a school or any other building or structure used predominantly for the purpose of providing services to families or children, whether the person is on a footway or not and (e) while on any road (excluding a footway), whether in a vehicle or not. **7.4 Clarification** (1) If a person is present in a municipal reserve between 9am and 9pm and the person's location is one of the places in or on which a person is prohibited from consuming any liquor or possessing or controlling any liquor other than in a sealed container under sub-clause 7.3 (1)(b), 7.3 (1)(c), 7.3 (1)(d), or 7.3 (1)(e), that person will, if they consume any liquor or possess or control any liquor other than in a sealed container be in breach (as the case may be). **7.5 Additional Provisions** (1) Notwithstanding clause 7.3, a person must not, consume any liquor, or possess or control any liquor other than in a sealed container in: (a) the area around Swan Street, Cremorne and Richmond, which is bounded by Tanner and Gipps Streets to the north, Church Street to the east, the railway line to the south and Punt Road to the west (being the area shaded red in the map attached to this Local Law), from 9pm on the day immediately preceding the AFL Grand Final until 9am on the day immediately following the AFL Grand Final; or (b) any public place from 9pm on 30 December to 9am on 1 January. **7.6 Directions by Authorised Officer**	**Consolidates and simplifies** The new clauses represent a restructuring and clarification of the previous version. The legal substance of the two documents is identical, but the new law is much more organised and user-friendly. Key benefits and changes include: • The complex, multi-level numbering system of the old clause (e.g., 68C.1.5.1) is replaced with a simple, sequential numbering system (7.1, 7.2, etc.) and a single-level alphabetised list. • Clauses regarding prescription and direction by an authorised officer (previously hidden in the 'Procedure and Protocol Manual') have been moved directly into this clause, making the rules much clearer and fully accessible. • The consolidation and simplified numbering make the rules much clearer, easier to read, and reference. • The legal requirements and intent remain identical to the previous version.	**Minor**

68E.1 Notwithstanding clause 68C, a person must not: 68E.1.1 consume any liquor; or 68E.1.2 possess or control any liquor other than in a sealed container in: 68E.1.3 the area around Swan Street, Cremorne and Richmond, which is bounded by Tanner and Gipps Streets to the north, Church Street to the east, the railway line to the south and Punt Road to the west (being the area shaded red in the map attached to this Local Law), from 9pm on the day immediately preceding the AFL Grand Final until 9am on the day immediately following the AFL Grand Final; or 68E.1.4 any public place from 9pm on 30 December to 9am on 1 January. **68F. Directions by Authorised Officer** 68F.1 If an Authorised Officer observes a person contravening clause 68C or 68E, and it is clear to the Authorised Officer that the person is not vulnerable within the meaning of the Procedure and Protocols Manual, the Authorised Officer may direct the person to: 68F.1.1 cease the consumption of liquor; 68F.1.2 seal the container of liquor; or 68F.1.3 dispose of the liquor into a receptacle approved by the Authorised Officer. 68F.2 A person to whom a direction is given under sub-clause 68F.1 must comply with that direction. **68G. Exceptions** 68G.1 Nothing in clause 68C or 68E applies to any person who is: 68G.1.1 on premises which are or in an area which is licensed under the Liquor Control Reform Act 1998; or 68G.1.2 attending an Event prescribed by Council. 68G.2 Council may, for the purposes of this Part, prescribe a festival or other event as an Event to which clause 68C or 68E does not apply**.** 68G.3 Any prescription which is made by Council under sub-clause 68G.2 must be published on Council's website, and must specify: 68G.3.1 the period during which the Event is being conducted; 68G.3.2 the area of the municipal district in which the Event is being conducted, which may be described by words, a plan or a map or a combination of words, a plan and a map; 68G.3.3 areas within the Event that are designated as allowing responsible service of liquor and the specified times during which liquor may be served there; and 68G.3.4 the name of the person or persons conducting the Event.	(1) If an Authorised Officer observes a person contravening clause 7.3 or 7.5, and it is clear to the Authorised Officer that the person is not vulnerable within the meaning of the sub-clause (2), 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) Before giving any direction under clause 7.6, an Authorised Officer should consider whether there are extenuating circumstances in respect of the apparent breach of clause 7.3 or 7.5 and whether, given the apparent situation of the person to whom a direction would otherwise be given, the person is vulnerable such that it is preferable to offer support to the person through a local health and outreach service. A person will be vulnerable if they are: (a) experiencing homelessness (b) socially, culturally or economically marginalised (c) experiencing chronic physical or mental health issues For these reasons, in situations in which provisions in this Part of the Local Law would usually apply, authorised officers must address the reason for the apparent breach of the provision and first offer the person who is vulnerable the option of support through local health and outreach services and/or considering the non-punitive options. (3) A person to whom a direction is given under sub-clause (1) must comply with that direction. **7.7 Exceptions** (1) Nothing in clause 7.3 or 7.5 applies to any person who is: (a) on premises which are or in an area which is licensed under the Liquor Control Reform Act 1998 or (b) attending an Event prescribed by Council. (2) Council may, for the purposes of this Part, prescribe a festival or other event as an Event to which clause 7.3 or 7.5 does not apply. (3) Any prescription which is made by Council under sub-clause 7.7(2) must be published on Council's website, and must specify: (a) the period during which the Event is being conducted (b) the area of the municipal district in which the Event is being conducted, which may be described by words, a plan or a map or a combination of words, a plan and a map (c) areas within the Event that are designated as allowing responsible service of liquor and the specified times during which liquor may be served there and (d) the name of the person or persons conducting the Event.		