

TOWNSVILLE CITY COUNCIL

LOCAL LAW NO. 51

(CONTROL OF INTOXICATING LIQUOR)

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PART 1 - PRELIMINARY.

Citation

1. The local law may be cited as Local Law No. 51 (Control of Intoxicating Liquor).

Objects

2. The objects of this interim local law are to--
 - (a) regulate certain activities in parks and on roads to ensure appropriate standards of conduct.
 - (b) protect the safety and convenience of persons using parks and roads.

Definitions

3. In this local law--

"authorised person" means a person authorised by the local government to exercise the powers of an authorised officer under this interim local law. The term shall include a Police Officer.

"park" means any public park, open space, garden, recreation ground, reserve, common or any land in the area dedicated to or vested in or under the control or management of the local government or of which the local government is trustee.

"road" includes--

- (a) a State-controlled road under the "Transport Infrastructure Act 1994", or,
- (b) a mall, or
- (c) a square, court, plaza or other public place under the local government's control.

"intoxicating liquor" means wines, spirits, beer, stout, cider, or any other spirituous or fermented fluid whatever of an intoxicating nature. The term also includes methylated spirits. The term also includes any beverage or substance intended for human consumption in which the level of ethyl alcohol (ethanol) is greater than 5mL/L (0.5%) at 20 degrees C.

PART 2 --- REGULATION OF ACTIVITIES IN PARKS AND ON ROADS

Consumption of intoxicating liquor

4. (1) A person must not consume intoxicating liquor in a park or on a road unless the local government has by resolution authorised the park or road as a place where intoxicating liquor can be consumed.
- (2) Where the local government authorises the consumption of intoxicating liquor in a park or on a road, the following conditions shall apply--
 - (a) The authorised person shall cause to be erected signs identifying the designated park or road and specifying the period of time during which the park or road is a designated public place in accordance with the provisions of the Liquor Act 1992.

- (b) No intoxicating liquor other than liquor as defined by the Liquor Act 1992 may be consumed.

Maximum penalty -- 1 penalty unit.

Possession of intoxicating liquor

- 5. (1) A person shall not take intoxicating liquor in to a park or be in possession of intoxicating liquor in a park unless the local government has by resolution authorised the park as a place where intoxicating liquor may be taken or be possessed.
- (2) The provisions of this section shall not apply to any person who is transporting intoxicating liquor directly through any park for legal consumption or use at some other place provided that the person does not tarry in the park or use the park for any purpose other than access while in possession of such intoxicating liquor.

Maximum penalty -- 1 penalty unit.

PART 3 -- ENFORCEMENT

Compliance orders

- 6. (1) If a person (an "offender") engages in conduct that is a contravention of a provision of this local law, an authorised person may require the offender, by order--
 - (a) if the conduct is still continuing -- to stop the conduct; and
 - (b) whether or not the conduct is still continuing -- to take specified action to remedy the contravention.
- (2) An offender must comply with an order under this section.

Maximum penalty -- 10 penalty units.

Power to secure compliance with order

- 7. (1) If an offender does not comply with a compliance order, the authorised person may take action reasonably necessary to have the order carried out and may use reasonable force for the purpose.
- (2) If an offender consumes or possesses intoxicating liquor in a park or on a road in contravention of this local law, and does not comply immediately with a requirement under a compliance order to remove it from the park or road, an authorised person may confiscate the intoxicating liquor.
- (3) An authorised officer when confiscating intoxicating liquor in accordance with this Part shall confiscate the intoxicating liquor being drunk by the offender together with all other intoxicating liquor in the possession of the offender at the time of the offence.

PART 4 -- CONFISCATED INTOXICATING LIQUOR

Disposal of confiscated intoxicating liquor

8. (1) When an authorised officer exercises a power under this local law to confiscate intoxicating liquor, the property in the intoxicating liquor vests in the local government upon confiscation.
- (2) If an authorised officer confiscates intoxicating liquor under this local law the intoxicating liquor may be disposed of as the Chief Executive Officer directs.

PART 5 -- EVIDENCE IN PROCEEDINGS

Proof of intoxicating liquor

9. For the purposes of any proceedings for a suspected breach of this Local Law a Certificate purporting to be signed by an analyst within the meaning of Section 5 of the Health Act 1937, stating that any fluid is an intoxicating liquor, as herein defined, shall be evidence that the fluid was an intoxicating liquor.