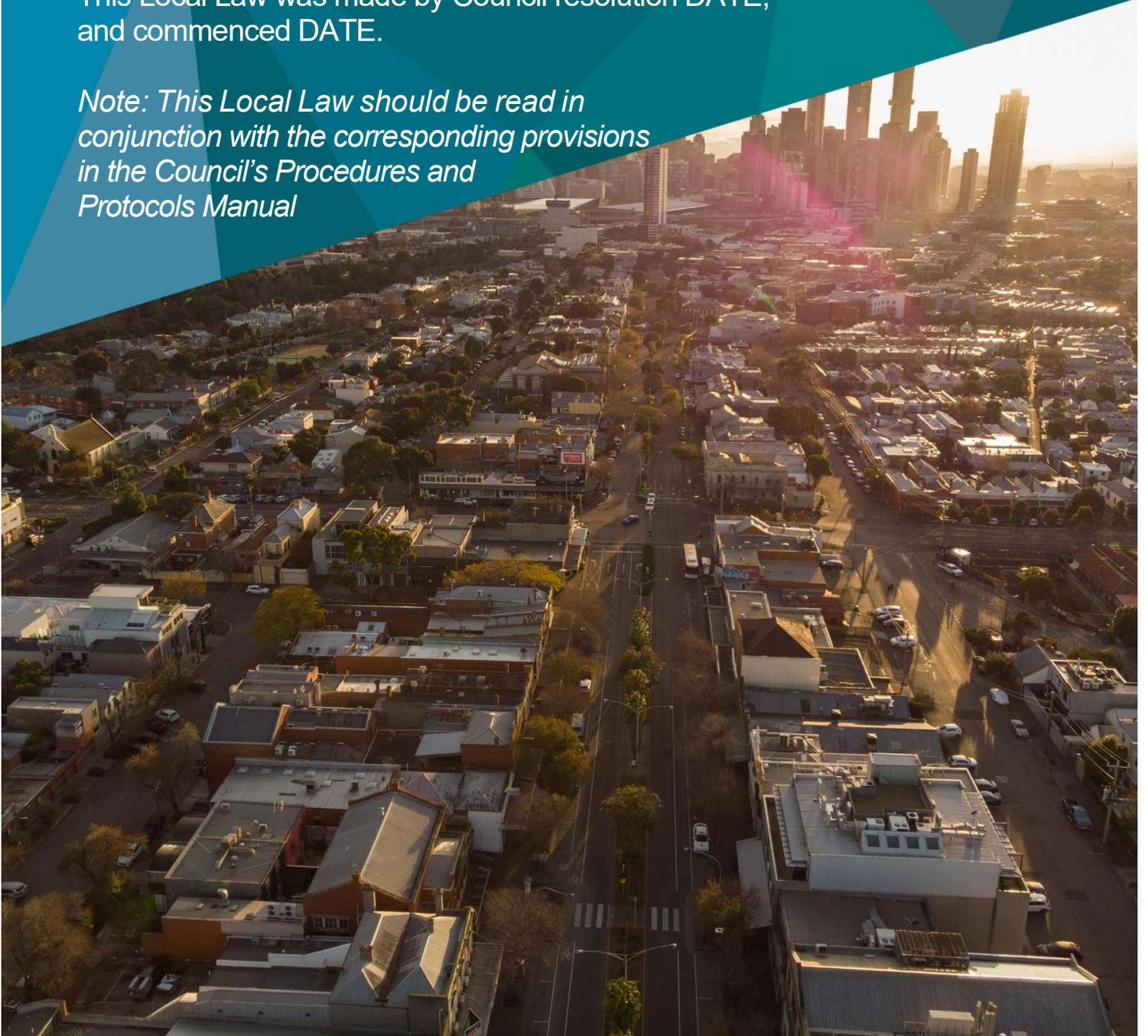




COMMUNITY AMENITY (AMENDMENT) LOCAL LAW 2026 (DRAFT)

This Local Law was made by Council resolution DATE,
and commenced DATE.

*Note: This Local Law should be read in
conjunction with the corresponding provisions
in the Council's Procedures and
Protocols Manual*



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Part 1 - Preliminary

1. Title

This is the Community Amenity Amendment Local Law 2026.

2. Purpose

The purpose of this Local Law is to provide for the peace, order, and good governance of the City of Port Phillip in a way that is complementary to the Council Plan by:

- (1) amending Council's Community Amenity Local Law; and
- (2) further regulating the presence on Council land, roads or footpaths of persons who camp there or intend to camp there.

3. Authorising Provision

This Local Law is made under Section 71 of the *Local Government Act 2020*.

4. Commencement, Revocation and Area of Operation

This Local Law:

- (1) commences on the day immediately after the day on which notice of the making of this Local Law was published in the *Victoria Government Gazette*.
- (2) ceases to operate on the day on which Council's Amenity Local Law ceases to operate, unless revoked sooner; and
- (3) operates throughout the whole municipal district.

5. Definitions of Words used in this Local Law

In this Local Law:

Words	Definition
<i>Principal Local Law</i>	means the Community Amenity Local Law 2023 made by <i>Council</i> .

Part 2 - Amendments

6. **Insertion of new Part 4A**

Immediately after the text of clause 55 and before Part 5 of the *Principal Local Law*, insert:

**PART 4A – ENCAMPMENT EQUIPMENT ON COUNCIL LAND,
ROADS AND FOOTPATHS**

55A 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:

- (1) experiencing homelessness
- (2) experiencing family violence
- (3) socially, culturally or economically marginalised
- (4) experiencing chronic physical or mental health issues

For these reasons, in situations in which provisions in this Part would usually apply, *authorised officers* must first use best endeavours to address the behaviours that breach the provision with support through local health and outreach services and/or considering any non-punitive options set out in the *Procedure and Protocol Manual*.

55B Definitions

In this Part, “**encampment equipment**” means any:

- (1) mattress;
- (2) tent;
- (3) shelter, whether comprised of cardboard or otherwise; or
- (4) other chattel whatsoever intended or obviously adapted to facilitate camping or sleeping.

55C Direction by Authorised Officer

If a person on *Council land*, a *road* or a *footpath*:

- (1) is present there with the intention or apparent intention of camping or sleeping there; and
- (2) is in possession of *encampment equipment* that will enable the person to camp or sleep there; and
- (3) behaves in a manner such that:
 - (a) the amenity of persons on the *Council land*, *road* or *footpath* or the amenity of persons on land in the vicinity of the *Council land*, *road* or *footpath* is being or is likely to be adversely affected; or
 - (b) the safety or welfare of a person is or is likely to be put at risk

an *authorised officer* may direct the person to remove the *encampment equipment* from the *Council land*, *road* or *footpath*.

55D Obligation to Comply with Direction

- (1) A person to whom a direction is given under clause 55C must comply with that direction.
- (2) Notwithstanding anything in Part 8 of this Local Law, a person who fails to comply with or who contravenes sub-clause (1) is not guilty of an offence or liable to a penalty.

55E Power of Impoundment

- (1) If a person to whom a direction is given to remove *encampment equipment* does not comply with that direction, an *authorised officer* may remove and impound the *encampment equipment*.
- (2) If *encampment equipment* has been impounded in accordance with sub-clause (1), sub-clauses (2) – (7) (inclusive) of clause 78 will apply as if each item of *encampment equipment* was an item for the purposes of those sub-clauses.