



## Licensing, Regulation and Alcohol Strategy

# Designated Areas, Banning Notices & Exclusion Orders

### Northern Territory *Liquor Act* amendments affecting Licensees

The Northern Territory Parliament passed a number of amendments to the *Liquor Act* one of which is the ability for the Minister to declare a designated area following incidents of alcohol related violence in public spaces within the vicinity of licensed premises.

#### Designated Areas

In an effort to reduce alcohol related violence around licensed premises, the Minister for Alcohol will have the power to declare an area of land, for example, Mitchell Street in Darwin or Todd Mall in Alice Springs a designated area.

Once an area has been declared a designated area, police will have the power to issue banning notices to any person that has committed, or is likely to commit, a specified offence. Specified offences range from failing to leave licensed premises to serious assault and arson.

Designated areas will be published to ensure the public is aware of the boundaries of the area and a licensee whose premises fall within a designated area will be advised separately.

#### Banning Notices

If a person commits a specified offence in a designated area, police may issue them a banning notice. The ban may last for up to 48 hours. Receiving a banning notice does not mean that the police cannot also charge the person for an offence.

The banning notice will either apply to all of the designated area, or just licensed premises within the area. The issuing police officer will specify this on the notice. If banned from the whole area, the person may only enter if they work or live in the area and only for the purposes of working or going home. This means the person issued with the banning notice cannot go to any licensed premises, other business or shops within the designated area or even visit friends who may live within that area. Banning notices will be accompanied by a map of the designated area so that the recipient understands the boundaries of the area.

The Police Commissioner has the ability to waive the notice under special circumstances and the issuing police officer may also amend the notice if, 'in the light of day', an amendment is needed.

Upon the issuing of a banning notice, licensees will be advised by police so that they can take appropriate steps to ensure the banned person doesn't enter, or remain on, their premises. The issuing of a banning notice by police does not prevent the licensee issuing their own banning notice (as per section 121 of the *Liquor Act*) to the same person.

# Licensing, Regulation and Alcohol Strategy

## Exclusion Orders

If a person commits a serious specified offence, or has received a number of banning notices for the same designated area, police may request the courts to issue an exclusion order.

An exclusion order works similar to a banning notice in that the person will generally be banned from the designated area for a period longer than 48 hours but not exceeding 12 months. The court may make specific conditions in an exclusion order which may allow the person access to some part of the designated area or even some specific licensed premises. This will generally depend upon the circumstances resulting in the police request for the order.

A person may be issued an exclusion order even if they are convicted of the offence and serve a prison sentence, as long as that sentence is not more than 12 months.

Receiving a banning notice or exclusion order for one designated area doesn't mean that the person is banned from all declared designated areas.

## Contravening a Banning Notice or Exclusion Order

It is an offence for a licensee or an employee of the licensee, to knowingly permit a person, who has been issued a banning notice or exclusion order, to enter, or remain on, licensed premises.

Licensees will be responsible for ensuring they have suitable processes in place to alert all staff to those persons who have received banning notices or exclusion orders, and to remove banned persons from their premises should they be found there.

It is also an offence for a banned person to knowingly remain in the banned area or in licensed premises from which they have been banned.

### LICENSING, REGULATION AND ALCOHOL STRATEGY

#### Darwin

Level 1, Enterprise House  
28-30 Knuckey Street, Darwin  
GPO Box 1154, Darwin, NT 0801  
Ph: 08 8999 1800  
Fax: 08 8999 1888

#### Katherine

Ground Level  
16-18 Randazzo Building Katherine  
GPO Box 1154, Darwin, NT 0801  
Ph: 08 89728906  
Fax: 08 8972 8910

#### Alice Springs

Level 1 Belvedere House  
Cnr Parsons & Bath Sts, Alice Springs  
GPO Box 8470, Alice Springs NT 0871  
Ph: 08 8951 5195  
Fax: 08 8951 8591

Email: [Lr.doj@nt.gov.au](mailto:Lr.doj@nt.gov.au) Website: [www.nt.gov.au/justice/licenreg](http://www.nt.gov.au/justice/licenreg)  
(L5)