

PUBLIC RESTRICTED AREAS INFORMATION

Overview

The *Liquor Act* has been amended to introduce a new category of public restricted areas or public 'dry' areas. The Act allows city, town and community councils, as well as the police or the Director of Licensing, to apply to the Northern Territory Licensing Commission for a declaration that applies to specified public areas that prohibits the consumption of liquor in those areas.

How Do Public Restricted Areas Work?

The process to obtain and operation of public restricted areas includes:

1. An application for a public restricted area may be made by the relevant local government council, the Commissioner of Police, or the Director of Licensing. It is envisaged that most applications will be made by local councils. Applications for a public restricted area cannot be made by individual persons, groups or agencies due to the importance of having recognised government councils as the main instigator of public restricted area requests.
2. Once an application is made, the Licensing Commission must undertake an inquiry and invite individuals and bodies to make submissions regarding the application. When the Licensing Commission is considering an application for a public restricted area declaration, it must take into account:
 - information about the consumption of liquor in or near the area;
 - incidences of crime in or near the area;
 - the views of:
 - a) individuals who live, work or propose to live or work in or near the area, or who have an interest in the area;
 - b) body that has, or proposes to have, an address in or near the area, or who have an interest in the area;
 - c) the local government council responsible for the area within which the declaration is sought;
 - d) police or any Northern Territory Government agency or authority;
 - e) anyone else who has an interest in the area.

The Licensing Commission may only make a public restricted area declaration if it considers that it would be in the public interest, as well as consistent with the objectives in the *Liquor Act*. The primary objective of the Act is to regulate the sale, provision, promotion and consumption of liquor so as to minimise harm associated with the consumption of alcohol and in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor.

3. When conducting an inquiry, the Licensing Commission has a broad discretion to conduct it in any way the Commission considers appropriate, to invite individuals and bodies to make submissions in writing or any other way the Commission considers appropriate, and to inform itself about the application by conducting investigations and consultations.

4. The Licensing Commission may delegate to a member of the Commission or the Director of Licensing, the power to undertake investigations or consultations in connection with an inquiry and the obligation to publicise declarations, including matters dealing with signage in public restricted areas.
5. The Licensing Commission is required to set up signs prior to a declaration taking effect in the relevant area and must maintain those signs. It may also publicise the declaration in ways the Commission considers appropriate. The Commission may also enter into an arrangement with a local government council to set up and maintain signs and otherwise publicise the declaration.
6. The Licensing Commission (or its delegate) may grant a permit to any individual or body to allow the consumption of liquor in a public restricted area for a specific event, such as a wedding.
7. The power to grant a permit may be delegated by the Licensing Commission to:
 - a member of the Commission;
 - the Director or a Deputy Director of Licensing;
 - the chief executive officer of a local government council;
 - a police officer who is a Senior Sergeant or higher rank or the police officer in charge of a police station.
8. The Licensing Commission has the power to amend or revoke a public restricted area declaration.
9. It is an offence for a person to consume liquor in a public restricted area.
10. A police officer has the power to search a person, and seize any opened or unopened container of liquor where the officer believes on reasonable grounds that the person has, is or is likely to commit the offence in a declared public restricted area. The maximum penalty that might be imposed by a court for the offence is \$500. The offence may also be enforced by an infringement notice. Police also have discretion to enforce the offence by arrest and/or summons and court prosecution for the offence, infringement notice or contravention notice. A contravention notice leads to forfeiture of liquor seized by police, unless the person applies to the court for a finding that they did not commit the offence. A contravention notice alone does not lead to any prosecution for the offence. Where a person is found guilty of the offence (through court proceedings or an infringement notice) any liquor seized by police is also forfeited.
11. When liquor is seized, the police officer may destroy, ie tip out the liquor, or take the liquor to a police station where it must be destroyed. Once liquor is destroyed, the value of the interest that the person may have in it is converted to an interest in an amount of money equal to the value of the liquor. However once forfeiture occurs the person loses that interest.

For further information contact Racing, Gaming and Licensing:

Phone: Darwin (08) 8999 1800
Alice Springs (08) 8951 8452
Email: rgl.ntt@nt.gov.au
Internet: www.nt.gov.au/ntt/licensing