

RESTRICTED AREAS

Restricted areas information

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| | General Restricted Area | Public Restricted Area | Restricted Premises (Dry Private Premises) |
|---|---|---|--|
| <i>What are restricted areas?</i> | A specified area of land, including any buildings on the land, where the consumption and/or possession of liquor is an offence, unless a permit has been granted. | A specified area of land, including any buildings on the land, where the consumption of liquor is an offence, unless a permit has been granted. | A specified area of land, including any buildings on the land, where the consumption and/or possession of liquor is an offence. |
| <i>Where are restricted areas included in the Liquor Act</i> | Sections 73 to 86. | Sections 86A to 86G. | Section 101A to 101S. |
| <i>What do different restricted areas look like?</i> | Usually a large area of land, covering a whole community. It may also include large areas of land surrounding the community. Over 100 of these areas exist, all are on Aboriginal land. | A piece of public land, eg a park or other open public space and any premises on that land. Privately owned land that is open to the public may also be declared as a public restricted area. | Private land and any premises on that land eg a house. Also includes private premises that are generally open to and used by the public such as shopping centres, hospitals and schools. |
| <i>Who can apply for a restricted area to be declared?</i> | Any person or group may apply for a General Restricted Area. If the area is within a local council boundary, the council is usually the applicant. | Only the local government council, Commissioner of Police or Director of Licensing may apply for a Public Restricted Area. | The owner or occupier of private premises. An interested person may also apply for a Restricted Premises declaration with respect to private premises that are open to the public. |
| <i>Who receives the application and makes the declaration?</i> | The Licensing Commission | | |

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| Who must be consulted? | The residents who live in the area to be declared and the local council. | Any individuals and bodies who live and work in the area, any organisations in the area, or any party that has an interest in the area. Also the local government council, police and NT Government agencies. | Residents at the premises, including tenants, the owner of the premises and police. Also an interested person, where the application has been made with respect to premises that are open to the public. |
| What will the Licensing Commission consider? | The views of the residents and the views of the local council of the proposed area. The objects of the <i>Liquor Act</i> (section 3). | Information about liquor and crime in the area; the views of individuals or bodies who live or work or propose to have an address in the area, or who have an interest in the area; the views of the local council, police and Territory Government agencies. | The occupants and owners of the premises. A declaration over private premises open to and used by the public, must be in the public interest. All declarations must be practicable in the circumstances. |
| Are liquor permits available? | Yes, for individual people to possess and consume liquor at permit holders' residences. | Yes, for the conduct of a specific event or function, eg a wedding. | No. |
| Who enforces the restricted area laws? | Northern Territory Police | | |
| What are the penalties? | Forfeiture of liquor and any vehicles seized in connection with the offence, max \$1000 fine or 6 months gaol for a first offence and a \$2000 fine or 12 months gaol for a second and subsequent offences. | Forfeiture of liquor found in the area or at the premises. Liquor may be tipped out on-the-spot or confiscated. An infringement notice may be issued with a penalty of \$100. If the matter goes to court a max fine of \$500 may be imposed. Repeat offenders (multiple infringement notices) or if a complaint is made by Police, may result in a person being taken before the court of summary jurisdiction where they may be referred to the Alcohol Court. Vehicles may not be seized. | |

Two Kilometre Law

In addition to the above restricted area laws, the *Summary Offences Act* also prohibits drinking liquor in public places, or on unoccupied private land, within two kilometres of licensed premises. Police may tip out on-the-spot or confiscate any opened or unopened containers of liquor in the possession of people who contravene this provision.