



LICENSING AND REGULATION

WHAT SHOULD I KNOW ABOUT PUBLIC RESTRICTED AREAS?

What is a Public Restricted Area?

Under section 86F of the NT *Liquor Act*, the Licensing Commission may declare a Public Restricted Area. A Public Restricted Area is an area of land, including buildings on the land that has been defined and declared as a Public Restricted Area, where possession of liquor without a permit is illegal.

Who may apply for a Public Restricted Area?

Only the following may apply to the Licensing Commission for a Public Restricted Area:

- local community council;
- Commissioner of Police; or
- The Director Licensing;

What will the Licensing Commission do?

The Licensing Commission:

- will conduct an inquiry to inform itself about the Public Restricted Area application;
- must conduct the inquiry in or near the area sought as a Public Restricted Area;
- may conduct the inquiry in any way the Commission considers appropriate;
- must advise the local government council in or near the area sought of the application;
- must place an advertisement in a newspaper circulating in the area advising of the inquiry;
- must invite individuals and bodies to make submissions about the application;
- must take into account information:
 - about the consumption of liquor in or near the proposed area;
 - about alcohol related incidents of crime in or near the proposed area;
 - of the views of individuals who live or work, or propose to live or work in the area, any bodies that has, or proposes to have, an address in the area, or who have an interest in the area, each local government council that relates to the proposed area, the police or other NT Government Agencies.

After the inquiry, the Commission must either:

- declare the Public Restricted Area sought or an area smaller than that sought; or
- advise the applicant of the reasons why the area sought has been refused.

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If the Public Restricted Area is declared:

- publish details of this in a newspaper and the Government Gazette; and
- ensure that signs are erected at the main entry points to the Public Restricted Area stating the penalties for disobeying the restricted area's conditions.

What happens if people consume liquor in a Public Restricted Area?

When people are caught consuming liquor in a Public Restricted Area:

- police can conduct a search of the person for liquor;
- police can take the liquor and charge the person who has the liquor;
- police will not seize any vehicles containing liquor in a Public Restricted Area.

Can liquor permits be obtained?

An individual or body may apply for a liquor permit to enable liquor to be brought into a Public Restricted Area for a particular function or event, e.g. a wedding. The permit granted covers all those who are participating in the function, i.e. individual permits are not required.

How may a liquor permit for a function be obtained?

Permits may be obtained from the Licensing Commission. Where:

- the Chief Executive Officer of a local government council;
- a police officer of or above the rank of senior sergeant;
- a police officer in charge of a police station;
- the Director or a Deputy Director of Licensing; or a
- a member of the Licensing Commission;

has been delegated the power by the Licensing Commission, the above persons may also issue a permit for a function in a Public Restricted Area.

What penalties apply for breaking the Public Restricted Area laws?

If found with opened or unopened liquor in a Public Restricted Area, police may:

- tip out or confiscate the liquor and issue a contravention notice;
- tip out or confiscate the liquor and issue an infringement notice with a fine of \$100;
- tip out or confiscate the liquor and take the person to court. The court can impose a maximum fine of \$500. In Darwin and Alice Springs the court may also refer a person to the Alcohol Court where a prohibition order may be made.

The Public Restricted Area penalties do not allow for vehicles to be seized.

Further information

Contact the nearest Licensing and Regulation Officer, or telephone 89991800.