

LICENSING, REGULATION AND ALCOHOL STRATEGY

Liquor Legislation Amendment Act 2007

Seized Vehicles

A Police Officer or Inspector appointed under the Northern Territory *Liquor Act* may seize a vehicle* if they reasonably believe it was used in the commission of a relevant offence or that it may be used as evidence in proceedings for the prosecution of the relevant offence. A relevant offence is an offence relating to Special or General Restricted Area declarations, such as possessing liquor in a restricted area.

How do I get a seized vehicle returned?

To ask for the return of a seized vehicle you will need to be able to demonstrate that you own the vehicle or have an interest in it.

If the relevant offence is an offence relating to a General Restricted Area you will not be able to seek return of the vehicle if you are found guilty of a relevant offence.

If the relevant offence is an offence relating to a Special Restricted Area you can seek return of the seized vehicle even if you are found guilty of the relevant offence.

In both cases the return of the seized vehicle may be delayed if necessary, for instance in the event of extended court proceedings.

An application to have a seized vehicle returned should be made to the Commissioner of Police, unless a relevant offence has already been heard and determined by a court. In this instance the application should be made to the Local Court.

If the relevant offence relates to the General Restricted Area provisions of the Act, then an application can only be made to the Commissioner of Police by:

- someone who owns or has an interest in the vehicle; and
- someone who did not know or could not reasonably have known about the commission of the alleged offence.

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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
18 Katherine Terrace, Katherine
GPO Box 2138, Katherine NT 0850
Ph: 08 8972 8906
Fax: 08 8972 8910

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

What time limits exist for asking for return of a seized vehicle?

The time limits vary depending on the circumstances. It is wise to make an application as soon as you become aware that a vehicle you own or have an interest in has been seized. Both the Commissioner of Police and the Local Court have discretion to extend time for making an application. The time limit is never less than 60 days.

If nobody claims a seized vehicle, or it is not capable of return because the owner is found guilty of a relevant offence under the General Restricted Area provisions of the Act, the vehicle will be forfeited to the Northern Territory Government. The government may dispose of the vehicle in accordance with the *Liquor Act*.

*What is a vehicle?

Under the *Liquor Act* any thing can be seized including boats and planes. Wherever this fact sheet reads vehicle it should be understood that it could also refer to other things.

TERRITORY BUSINESS CENTRES

TOLL FREE LINE: 1800 193 111 (Australia Wide)

Darwin	Katherine	Tennant Creek	Alice Springs	Postal Address
Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700	1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8972 8906	Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411	Peter Sitzler Bldg 67 Nth Stuart Hwy Alice Springs NT 0870 Phone: (08) 8951 8524	GPO Box 9800 Darwin NT 0801 territory.businesscentre@nt.gov.au

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