



## Liquor bans and penalties

### Overview

The Government has legislated to:

- ban liquor in prescribed areas of the Northern Territory
- restrict the amount of liquor brought into communities through new requirements for take-away sales across the Territory.

The laws came into effect on 15 September 2007 under the Northern Territory National Emergency Response Act 2007.

Liquor restrictions will be reviewed as part of the comprehensive review to be undertaken after 12 months of implementation. The review will assess what is working and what may need to be changed.

#### Liquor bans in communities

The liquor bans apply in prescribed areas in the Northern Territory:

- freehold land held by a Land Trust under the *Aboriginal Land Rights (Northern Territory) Act 1976*
- other Aboriginal communities described as Northern Territory Community Living Areas
- Aboriginal living areas described as 'town camps'
- other areas declared by the Minister for Families, Housing, Community Services & Indigenous Affairs

If you live in or visit a prescribed area and:

- consume, possess, supply or transport liquor in a prescribed area, you could face a fine of up to \$1,100 for a first offence or up to \$2,200 for a second or subsequent offence.
- are found with 1350 mls or more of pure alcohol in a prescribed area, you could be charged with supplying liquor and may face a fine of up to \$74,800 or up to 18 months imprisonment.

You could also be fined \$550 if you damage or remove a sign advising people they are entering a prescribed area.

#### Are there any special defences under the new law?

There are three defences against prosecution under the new law. It is your responsibility to prove you meet the conditions of these defences. The following information will help you decide whether these defences apply in your particular circumstances.



### **Tourism defence**

A special defence is available for people who are part of an organised tour and are engaged in recreational activities being provided by a tour company. This defence only applies to Northern Territory national parks in prescribed areas, and Endyalgout Island on the western side of the Cobourg Peninsula. To use this defence, the recreational activities must be consistent with the park's management plan or similar document. You should check with your tour operator whether your recreational activities meet with this condition.

The defence requires you to be consuming liquor responsibly, and for this to be secondary to the organised recreational activity.

The defence does not cover free and independent travellers. The defence is not intended to provide open season for anyone to take liquor into or drink liquor in areas where it is banned.

### **Recreational Boating/Commercial fishing defence**

The new law also provides for a defence where a person is engaged in recreational boating or commercial fishing activities in a prescribed area.

To use this defence your boat must be on water, (such as a river or estuary or on inter-tidal waters between the low and high water mark). Nothing in this defence allows you to bring liquor across a prescribed area to get to the water. This means the boat must enter the water from outside the prescribed area, either from the sea or from non-Aboriginal land. You cannot claim this defence if you are on a river bank or beach.

### **Transportation defence**

As mentioned earlier, the new law provides a defence for transporting liquor across a prescribed area, as long as you can prove that your final destination is outside the prescribed area. Under this defence the liquor must be in your control and must not be consumed whilst travelling in the prescribed area. This means the liquor must not be opened. It may be difficult for you to claim this defence if you have a half drunk bottle of wine even though the cap has been screwed back on or the wine was drunk outside the prescribed area.

## **New laws about purchasing take-away liquor**

If you purchase larger amounts of liquor at a take-away outlet in the NT, you will be asked for identification and details of where the liquor is to be consumed.

### **Licensee requirements**

Licensees and their staff are required to comply with new identification and recording requirements when selling take-away liquor.

When you purchase \$100 or more of liquor or more than 5 litres of wine (including two or more containers of at least 2 litres each) in a single transaction, licensees are required to sight proof of your identity.

Valid forms of identification include a passport, Australian driver's licence, NT Proof of Age card, NT Seniors card, Larrakia card, KRALAS card, club membership card (only for the club from which takeaway liquor is being purchased); and ACN or ABN on business letterhead (for corporate orders).

People selling take-away liquor are required to record:



- your name and address; AND
- the address or name of the area where the liquor is intended to be consumed.

Harsh penalties apply for failure to comply with these restrictions:

- for licensees – a maximum fine of up to \$34,400; and
- for employees of licensees – a maximum fine of up to \$6600.

In the case of an employee's breach, if a licensee cannot prove that all steps were taken to ensure that the employee was aware of these requirements, the licensee also faces a fine of up to \$18,700.

A licensee must keep records of large purchases for at least three years. Failure to do so will result in a fine of up to \$5500.