

*Note*

*These Regulations have been modified by Part 2 of the Northern Territory National Emergency Response Act 2007 (Cth) in relation to prescribed areas declared under that Act.*

See <http://www.comlaw.gov.au/Details/C2011C00053>

## **NORTHERN TERRITORY OF AUSTRALIA**

### **LIQUOR REGULATIONS**

As in force at 31 March 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 31 March 2008

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## LIQUOR REGULATIONS

### Regulations under the *Liquor Act*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Liquor Regulations*.

##### 2 Commencement

These Regulations shall come into operation on 1 January 1982.

##### 3 Definitions

In these Regulations:

***infringement offence*** means an offence against section 31A(6), 75(1B), 101AE(1), 101AK(2) or 101L(1) of the Act.

***prescribed amount***, for an infringement offence, means the amount prescribed by regulation 7.

#### Part 2 General matters

##### 4 Days and times at which liquor may be sold

- (1) Subject to the subregulation (1AA), the times and days that liquor may be sold for consumption away from the premises under a licence that authorises such sales are:

(a) Sunday to Friday (inclusive) – between 10.00am and 10.00pm; and

(b) Saturday and public holidays – between 9.00am and 10.00pm,

or such shorter periods of time within the times specified in paragraphs (a) and (b), and on such days, as the Commission may determine in respect of a particular licence or particular licences.

(1AA) The times and days that liquor may be sold for consumption away from the premises under a store licence are:

(a) Monday to Friday (inclusive) – between 10.00am and 10.00pm; and

(b) Saturday and public holidays – between 9.00am and 10.00pm,

or such shorter periods of time within the times specified in paragraphs (a) and (b), and on such days, as the Commission may determine in respect of a particular store licence or particular store licences.

(1A) Notwithstanding subregulation (1) or (1AA), the Commission may permit a licensee to sell liquor for consumption away from the premises at times other than those specified in or determined under that subregulation where it is satisfied that the liquor sold is not likely to be consumed in public or to lead to public drunkenness.

(1B) Where the Commission gives permission under subregulation (1A) it shall endorse the licensee's licence accordingly.

(2) In this regulation:

***public holidays*** means public holidays observed in the Territory pursuant to sections 5 and 6 of the *Public Holidays Act*, but does not include Good Friday and Christmas Day.

***store licence*** means a licence that authorises the sale of liquor for removal and consumption away from the licensed premises and that is endorsed with the words '**AUTHORITY – STORE**'.

## **5 Application fee**

The prescribed fee for the purposes of section 26(1) of the Act is \$200.

## **Part 2A                      Licence conditions**

### **5A                      Conditions about identification system**

Section 31A(1) of the Act applies to a sale of liquor for consumption away from licensed premises under a licence having any of the following licence numbers:

80901791	80117506	80902690
81301673	81200500	80902628
80316511	80900058	80902856
80101789	81200372	80902573
80100963	80102399	80902634
80900131	80102200	80902567
80900042	80902640	80901729
80900070	80902951	
80900703	80902945	

## **Part 3                      Infringement notices**

### **6                      Service of infringement notice for infringement offence**

If a police officer reasonably believes a person has committed an infringement offence, the police officer may serve an infringement notice on the person.

### **7                      Prescribed amount for infringement offence**

The prescribed amount payable for an infringement offence is \$100.

### **8                      Contents of infringement notice**

- (1) The infringement notice must specify the following particulars:
- (a) the name and address of the alleged offender, if known;
  - (b) the date of the infringement notice;
  - (c) the date, time and place of the infringement offence;

- (d) a description of the infringement offence and the prescribed amount payable for the offence;
  - (e) the enforcement agency, within the meaning of the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) Also, the infringement notice must include a statement to the effect of the following:
- (a) the alleged offender may expiate the infringement offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
  - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;
  - (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act* which may result in any of the following:
    - (i) suspension of the alleged offender's licence to drive;
    - (ii) seizure of personal property of the alleged offender;
    - (iii) deduction of an amount from the alleged offender's wages or salary;
    - (iv) registration of a statutory charge on land owned by the alleged offender;
    - (v) making of a community work order for the alleged offender and imprisonment if the alleged offender breaches the order.
- (3) In addition, the infringement notice must include the statement of election mentioned in subregulation (2)(b).

## **9 Payment by cheque**

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on presentation.

**10 Withdrawal of infringement notice**

A police officer may withdraw the infringement notice at any time within 28 days after it is served, but before payment of the prescribed amount, by serving on the alleged offender a notice:

- (a) signed by the police officer; and
- (b) stating that the infringement notice is withdrawn.

**11 How service effected**

Service of an infringement notice or notice of withdrawal of an infringement notice must be effected by:

- (a) delivering it to the alleged offender personally; or
- (b) posting it to the alleged offender at the alleged offender's last known address; or
- (c) leaving it for the alleged offender at the alleged offender's last known place of residence or business with a person who appears to be at least 16 years old and resident or employed there.

**12 Application of Part**

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence unless the offence is expiated and does not limit the penalty that may be imposed by a court for the offence.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.
- (3) In addition, this Part does not require an infringement notice to be served and does not affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

## **Part 4                  Restricted areas**

### **13                  Private premises that may be included in public restricted area**

- (1) This regulation has effect for section 74(1A) of the Act.
- (2) A public restricted area may include any private premises specified in the Schedule, Part A, which are situated on the Crown land leased to Nhulunbuy Corporation Limited and described in the Schedule, Part B.



## **Schedule**

regulation 13

### **Part A**

#### **Private Premises on Crown Land Leased to Nhulunbuy Corporation Limited**

ALCAN Sports and Social Club – Lot 1348  
Banyan Road Park – Lot 457  
Captain Cook Community Centre – Lot 1395  
G3 Wet Mess – Lot 1628  
Gove Hockey Club – Lot 1538  
Gove Squash Club – Lot 1133  
Hagney Park – the portion of land north of Beagle Court between Lots 1266 and 1316  
Harleys of Gove Hog Shed – NT Portion 1316, Lot 98  
Jasmine Close Park – Lot 699  
Jasper Road Park – Lot 477  
Lions Club – Lot 1618  
Lions Park – Lot 488  
Mimosa Close Park – Lot 163  
Nhulunbuy BMX Club – Lot 1365  
Nhulunbuy Community Child Care Centre – Lot 1392  
Nhulunbuy Community Neighbourhood Centre – Lot 1258  
Nhulunbuy High School – Lot 23  
Nhulunbuy Primary School – Lot 71  
Nhulunbuy Scout Hall – Lot 1229  
Nhulunbuy Senior Citizens Association – western part of Lot 1336  
NT Fire & Rescue Service, Nhulunbuy – Lot 3  
Raintree Close Park – Lot 781  
Rotary South Park – the portion of land on the corner of Chippis Road and Enalu Road  
Sandlewood Avenue Park – Lot 162  
Sinclair Street Park – Lot 798  
South Oval – Lot 1438

Town Hall – Lot 8

Town Oval No. 1 – Lot 1347

Town Oval No. 2 – Lot 1626

Whitewood Circuit Park – Lot 1505

Wolsey Circuit Park – Lot 1282

## **Part B**

### **Description of area of Crown land leased to Nhulunbuy Corporation Limited**

All those parcels of land at Nhulunbuy in the Northern Territory of Australia containing a total area of 679.83 hectares more or less, being Northern Territory Portions 1192 and 1316 (which include the town centre, the main residential areas and the main industrial area) and being more particularly delineated on Survey Plans A708 and A952 lodged with the Surveyor General, Darwin.

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Liquor Regulations (SL No. 40, 1981)***

Notified	30 December 1981
Commenced	1 January 1982 (r 2)

#### ***Liquor (Amendment) Regulations (SL No. 36, 1982)***

Notified	2 July 1982
Commenced	2 July 1982 (r 1)

#### ***Amendments of the Liquor Regulations (SL No. 11, 1984)***

Notified	24 February 1984
Commenced	24 February 1984

#### ***Amendment of the Liquor Regulations (SL No. 61, 1984)***

Notified	31 October 1984
Commenced	31 October 1984

#### ***Amendments of the Liquor Regulations (SL No. 18, 1985)***

Notified	1 July 1985
Commenced	1 July 1985 (r 1)

#### ***Amendment of the Liquor Regulations (SL No. 25, 1986)***

Notified	22 July 1986
Commenced	22 July 1986

#### ***Amendment of Liquor Regulations (SL No. 33, 1987)***

Notified	1 July 1987
Commenced	1 July 1987

#### ***Amendment of Liquor Regulations (SL No. 8, 1988)***

Notified	9 March 1988
Commenced	9 March 1988

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***Amendment of Liquor Regulations (SL No. 10, 1989)***

Notified	7 June 1989
Commenced	7 June 1989

***Amendments of Liquor Regulations (SL No. 15, 1990)***

Notified	29 June 1990
Commenced	1 July 1990 (r 1)

***Amendment of Liquor Regulations (SL No. 44, 1990)***

Notified	10 October 1990
Commenced	10 October 1990

***Amendment of Liquor Regulations (SL No. 52, 1990)***

Notified	21 December 1990
Commenced	21 December 1990

***Amendments of Liquor Regulations (SL No. 23, 1991)***

Notified	12 June 1991
Commenced	12 June 1991

***Amendments of the Liquor Regulations (SL No. 4, 1992)***

Notified	28 February 1992
Commenced	r 2: 1 April 1992; rem: 1 March 1992 (r 1)

***Amendments of the Liquor Regulations (SL No. 10, 1992)***

Notified	30 March 1992
Commenced	1 April 1992 (r 1)

***Amendments of Liquor Regulations (SL No. 44, 1993)***

Notified	1 December 1993
Commenced	1 December 1993

***Amendment of Liquor Regulations (SL No. 22, 1995)***

Notified	30 June 1995
Commenced	30 June 1995

***Statute Law Revision Act 1999 (Act No. 27, 1999)***

Assent date	18 June 1999
Commenced	18 June 1999

***Amendment of Liquor Regulations (SL No. 34, 1999)***

Notified	10 November 1999
Commenced	10 November 1999

***Liquor Amendment (Infringement Notices) Regulations 2006 (SL No. 18, 2006)***

Notified	14 June 2006
Commenced	14 June 2006

***Liquor Amendment (Infringement Offence) Regulations 2006 (SL No. 34, 2006)***

Notified	18 October 2006
Commenced	18 October 2006

***Liquor Legislation Amendment Act 2007 (Act No. 14, 2007)***

Assent date	4 September 2007
Commenced	ss 9 to 11: 15 November 2007 ( <i>Gaz S34</i> , 15 November 2007; s 20 (to extent it ins s 140): nc; rem: 14 September 2007 ( <i>Gaz S27</i> , 14 September 2007)

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***Liquor Amendment Regulations 2007 (SL No. 41, 2007)***

Notified 20 December 2007  
Commenced 31 March 2008 (*Gaz G11*, 19 March 2008, p 3)

***Liquor Legislation Amendment Act 2008 (Act No. 11, 2008)***

Assent date 23 May 2008  
Commenced s 5: 31 March 2008 (s 2(2), r 2 *Liquor Amendment Regulations 2007* (SL No. 41, 2007) and *Gaz G11*, 19 March 2008, p 3); rem: 23 June 2008 (*Gaz G24*, 18 June 2008, p 6)

### 3 SAVINGS AND TRANSITIONAL PROVISIONS

r 3 *Amendment of the Liquor Regulations* (SL No. 61, 1984)  
r 3(2) *Amendments of the Liquor Regulations* (SL No. 4, 1992)  
r 2 *Amendments of Liquor Regulations* (SL No. 44, 1993)

### 4 LIST OF AMENDMENTS

pt 1 hdg	ins No. 18, 2006, r 3
r 3	sub No. 18, 1985, r 2 amd No. 23, 1991, r 1; No. 4, 1992, r 2; No. 10, 1992, r 2 sub No. 18, 2006, r 4 amd No. 34, 2006, r 3; Act No. 14, 2007, s 22; Act No. 11, 2008, s 6
pt 2 hdg	ins No. 18, 2006, r 5
r 4	ins No. 36, 1982, r 2 amd No. 11, 1984, r 1 sub No. 25, 1986 amd No. 33, 1987; No. 8, 1988; No. 15, 1990, r 2; No. 4, 1992, r 3; No. 44, 1993, r 1; No. 34, 1999
r 5	ins No. 36, 1982, r 2 rep No. 11, 1984, r 2 ins No. 44, 1990
pt 2A hdg	Act No. 11, 2008, s 6
r 5A	Act No. 11, 2008, s 6
pt 3 hdg	ins No. 18, 2006, r 7
r 6	ins No. 52, 1990 amd No. 23, 1991, r 2; No. 10, 1992, r 3 rep No. 18, 2006, r 6 ins No. 18, 2006, r 7
r 7	ins No. 52, 1990 amd No. 23, 1991, r 3; No. 10, 1992, r 4 rep No. 18, 2006, r 6 ins No. 18, 2006, r 7
r 8	ins No. 10, 1992, r 5 rep Act No. 27, 1999, s 16 ins No. 18, 2006, r 7
rr 9 – 12	ins No. 18, 2006, r 7
pt 4 hdg	ins No. 41, 2007, r 3
r 13	ins No. 41, 2007, r 3
sch	amd No. 61, 1984, r 2; No. 18, 1985, r 3; No. 10, 1989; No. 10, 1992, r 6 sub No. 15, 1990, r 3 amd No. 22, 1995 rep No. 18, 2006, r 8 ins No. 41, 2007, r 4