

NORTHERN TERRITORY OF AUSTRALIA

ALCOHOL HARM REDUCTION ACT 2017

As in force at 1 September 2017

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1
3	Object	1
4	Definitions	1
5	Family member	3
6	Application of Criminal Code	4

Part 2 Banned drinker orders (BDOs)

Division 1 BDO

7	What is a BDO	4
8	Notice of BDO	5
9	Registering BDO	5

Division 2 BDO made by police officer

10	When police may make BDO	5
11	Period of BDO	7
12	Court orders relating to BDO	8
13	Consequence of contravention of first or second police BDO	8

Division 3 BDO made by BDR Registrar – self-application

14	Self-application for BDO	9
15	Making BDO	9
16	Period of BDO	9
17	Revocation of BDO	10

Division 4 BDO made by BDR Registrar – application by others

18	Application for BDO	10
19	Referral for assessment	11
20	Assessment	11
21	Making BDO	11
22	Period of BDO	12
23	Extension of BDO by BDR Registrar	12
24	Extension of BDO by police	13

Division 5	General provisions for BDOs	
25	Variation or revocation of BDO	14
26	Assessment of adults for treatment	14
Part 3	Income Management	
27	Income management order may be made	15
28	Period of income management order	15
29	Variation and revocation of income management order	15
30	Notice to Secretary	16
Part 4	Review by Tribunal	
31	Definitions	16
32	Review by Tribunal	16
33	Reasons may be given orally	16
34	No fees	17
Part 5	Administration	
Division 1	BDR Registrar	
35	BDR Registrar	17
36	Functions and powers	17
37	Delegation	17
38	Record keeping	17
Division 2	Information sharing	
39	Sharing information	18
40	Restriction on use or disclosure of information	18
41	Interaction with other laws	19
Part 6	Miscellaneous matters	
42	Offence to supply alcohol to persons subject to prohibition	19
43	Police power to require breath test	19
44	Protection from liability	20
45	Regulations	20
Part 7	Repeals and transitional matters for Alcohol Harm Reduction Act 2017	
Division 1	Repeals	
46	Acts repealed	20

Division 2	Transitional matters	
47	Definitions.....	21
48	Alcohol protection orders become BDOs.....	21
Part 8	Consequential amendments	
Division 1	Information Regulations	
49	Regulations amended.....	21
50	Regulation 4A repealed	21
Division 2	Liquor Act	
51	Act amended	22
52	Section 31A amended	22
Division 3	Liquor Regulations	
53	Regulations amended.....	22
54	Regulation 5B amended	22
Division 4	Police Administration Act	
55	Act amended	23
56	Section 4 amended.....	23
57	Sections 128A and 128B repealed	23
Division 5	Volatile Substance Abuse Prevention Act	
58	Act amended	23
59	Section 41D repealed	23
Division 6	Other laws amended	
60	Other laws amended	23
Division 7	Expiry of Part	
61	Expiry of Part.....	23
Schedule 1	Reviewable decisions	
Schedule 2	Other laws amended	
ENDNOTES		

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 September 2017

ALCOHOL HARM REDUCTION ACT 2017

An Act to reduce the misuse of alcohol and the resulting harm by providing a framework for registering adults on the banned drinker register, to repeal the *Alcohol Mandatory Treatment Act* and *Alcohol Protection Orders Act*, and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Alcohol Harm Reduction Act 2017*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Object

The object of this Act is to reduce the harm associated with the misuse of alcohol and improve the health, safety and wellbeing of people in the Territory by providing a legislative framework for:

- (a) making banned drinker orders to enable adults to be registered on the banned drinker register; and
- (b) preventing the misuse of alcohol; and
- (c) protecting people who are misusing alcohol from severe or serious harm because of the misuse; and
- (d) protecting people, particularly children, from harm or nuisance resulting from the misuse of alcohol by others.

4 Definitions

In this Act:

alcohol means liquor as defined in section 4(1) of the *Liquor Act*.

alcohol-related infringement notice, see section 10(3).

alcohol-related offence, see section 10(3).

alcohol-related protective custody, see section 10(2).

banned adult means an adult who is subject to a BDO.

banned drinker register means the identification system established under section 31A(2) of the *Liquor Act*.

BDO, see section 7(1).

BDR Registrar, see section 35.

child protection worker means a person appointed as an authorised officer under section 304(1)(a) of the *Care and Protection of Children Act*.

clinician means:

- (a) a medical practitioner; or
- (b) a nurse; or
- (c) a person employed in the Agency as an alcohol or other drugs clinician; or
- (d) a person prescribed by regulation.

family member, see section 5.

first police BDO, see section 7(2).

income management means the income management regime under Part 3B of the Social Security Administration Act.

income management order means an order under section 27.

information sharing authority means:

- (a) a public sector employee who is acting under a law of the Territory in relation to a banned adult; or
- (b) a licensee as defined in section 4(1) of the *Liquor Act*; or
- (c) a legal representative of a banned adult; or
- (d) a person or body prescribed by regulation.

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a student).

police DVO, see section 41(1) of the *Domestic and Family Violence Act*.

proceedings, see section 31.

publication, see section 31.

second police BDO, see section 7(3).

Secretary means the Secretary under the Social Security Administration Act.

Social Security Administration Act means the *Social Security (Administration) Act 1999* (Cth).

subsequent police BDO, see section 7(4).

Tribunal means the Civil and Administrative Tribunal.

Tribunal Act means the *Northern Territory Civil and Administrative Tribunal Act*.

Note for section 4

The Interpretation Act contains definitions and other provisions that may be relevant to this Act.

5 **Family member**

- (1) A **family member** of an adult is:
- (a) the spouse or de facto partner of the adult; or
 - (b) any other relative of the adult.
- (2) A relative of the adult includes a person who is related to the adult in accordance with customary law or tradition (including Aboriginal customary law or tradition).

Notes for section 5

- 1 A relative of an adult may include (for example) a parent, step-parent, grandparent, aunt, nephew, cousin, half-brother, mother-in-law or aunt-in-law.
- 2 Section 19A of the Interpretation Act contains definitions of certain domestic relationships, including **spouse** and **de facto partner**.

6 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 6

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Banned drinker orders (BDOs)

Division 1 BDO

7 What is a BDO

- (1) A **BDO** is a banned drinker order, in the form approved by the BDR Registrar, that states the following:
 - (a) the name of the adult who is subject to the order;
 - (b) that the adult is prohibited from purchasing, possessing or consuming alcohol during the period for which the order is in force;
 - (c) the reason why the order has been made;
 - (d) for a BDO made by a police officer – the name, rank and place of duty of the police officer, and the date and time it is made;
 - (e) that the order comes into force when it is registered, regardless of whether the adult actually receives a copy of the order;
 - (f) the period for which the order remains in force;
 - (g) the consequences of a contravention of the order and a description of what constitutes a contravention;
 - (h) any entitlement of the adult to apply to the Tribunal for review of the decision to make the order;
 - (i) that the adult may apply to the BDR Registrar for referral for assessment, which may result in reduction of the period of the BDO.

- (2) A **first police BDO** is a BDO made by a police officer for an adult at a time when there is no other BDO under Division 2 or 4 in force for the adult.
- (3) A **second police BDO** is a BDO made by a police officer for an adult at a time when a first police BDO is in force for the adult.
- (4) A **subsequent police BDO** is a BDO made by a police officer for an adult at a time when a BDO made by a police officer, other than a first police BDO, is in force for the adult.

Note for section 7

A BDO may be made in various ways:

- (a) a police officer may make a BDO under section 10;*
- (b) a second or subsequent police BDO may be made under section 13;*
- (c) the BDR Registrar may make a BDO under Division 3 or 4.*

8 Notice of BDO

A person who makes a BDO must take all reasonable steps to give a copy of the BDO to the adult for whom it is made as soon as practicable after making it.

9 Registering BDO

- (1) The Commissioner of Police must ensure that a BDO made by a police officer is registered.
- (2) The BDR Registrar must ensure that a BDO made by the BDR Registrar is registered.
- (3) A BDO is registered, and comes into force, when the name of the adult for whom it is made, and other relevant details, are entered on the banned drinker register.
- (4) Subsection (3) applies regardless of whether the adult for whom the BDO is made receives a copy of the BDO.

Division 2 BDO made by police officer

10 When police may make BDO

- (1) A police officer may make a BDO for an adult who:
 - (a) in relation to an alcohol-related offence:
 - (i) is arrested and charged; or
 - (ii) is summoned; or

- (iii) is served with a notice to appear before a court; or
- (b) is named as the defendant in a police DVO, if the police officer who makes the DVO believes on reasonable grounds that the defendant was affected by alcohol at the time of engaging in the conduct to which the DVO relates; or
- (c) is taken into alcohol-related protective custody if, within the previous 2 years, the adult was:
 - (i) taken into alcohol-related protective custody at least twice; or
 - (ii) given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*, at least twice; or
 - (iii) taken into alcohol-related protective custody at least once and given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*, at least once; or
- (d) is given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*, if, within the previous 2 years, the adult was:
 - (i) given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*, at least twice; or
 - (ii) taken into alcohol-related protective custody at least twice; or
 - (iii) given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*, at least once and taken into alcohol-related protective custody at least once.

Note for subsection (1)

A second or subsequent police BDO may be made for an adult who contravenes a BDO made by a police officer – see section 13.

Examples for subsection (1)(c) and (d)

A BDO could be made for an adult in the following circumstances:

- (a) *the adult is taken into custody under section 128 of the Police Administration Act for a third time in 2 years;*
- (b) *the adult is taken into custody under section 128 of the Police Administration Act for the second time in 2 years and in that 2 year period the adult had also been issued with an infringement notice for possessing liquor in a general restricted area (see section 75(1) of the Liquor Act).*

(2) For subsection (1)(c) and (d), an adult is taken into **alcohol-related protective custody**:

- (a) if the adult is apprehended and taken into custody under section 128 of the *Police Administration Act*; or
- (b) in other circumstances prescribed by regulation.

(3) In this section:

alcohol-related infringement notice means an infringement notice in relation to an offence against:

- (a) section 75(1) or (1B), 101AE(1), 101L(1), 101V(1), 101W(1), 101ZE(4), 120N(1), 120P(3), 120T(1), 120U(3), 121(2) or 121A(1) of the *Liquor Act*; or
- (b) section 25(3) or 26(1) of the *Traffic Act*; or
- (c) section 47 or 53(1)(a) or (7) of the *Summary Offences Act*, if the police officer giving the infringement notice believes on reasonable grounds that the alleged offender is, at that time, affected by alcohol.

alcohol-related offence means one of the following offences:

- (a) an offence for which the maximum penalty is imprisonment for a term of at least 6 months, if a police officer attending the scene believes on reasonable grounds that the alleged offender was affected by alcohol during the commission of the offence;
- (b) an immediate suspension offence as defined in section 19(1) of the *Traffic Act* that involves alcohol;
- (c) an offence against section 42(1);
- (d) another offence that involves alcohol (for example, stealing alcohol);
- (e) an offence prescribed by regulation.

11 Period of BDO

- (1) A first police BDO remains in force for a period of 3 months.
- (2) A second police BDO remains in force for a period of 6 months.
- (3) A subsequent police BDO remains in force for a period of 12 months.

- (4) This section is subject to sections 12, 13 and 25.

12 Court orders relating to BDO

- (1) A court may make the orders it considers appropriate in relation to a BDO in force under this Division for a banned adult appearing in the court in relation to the matter that led to a police officer making a BDO for the adult.
- (2) Without limiting subsection (1), the orders may include any of the following:
- (a) the BDO continues in force for a stated period;
 - (b) the BDO is varied as stated;
 - (c) the BDO is revoked and the adult is subject to conditions relating to:
 - (i) the adult's purchase, possession or consumption of alcohol, as stated by the court; and
 - (ii) any other matter the court considers appropriate for the adult (for example, the assessment or treatment of the adult for alcohol misuse);
 - (d) the BDO is revoked.

13 Consequence of contravention of first or second police BDO

- (1) If a police officer believes on reasonable grounds that a banned adult has contravened a first police BDO:
- (a) the police officer may make a second police BDO for the adult; and
 - (b) if the police officer does so, the first police BDO ceases to be in force.
- (2) If a police officer believes on reasonable grounds that a banned adult has contravened a second police BDO:
- (a) the police officer may make a subsequent police BDO for the adult; and
 - (b) if the police officer does so, the second police BDO ceases to be in force.

- (3) If a police officer believes on reasonable grounds that a banned adult has contravened a subsequent police BDO:
 - (a) the police officer may make a further subsequent police BDO for the adult; and
 - (b) if the police officer does so, the previous BDO ceases to be in force.

Division 3 BDO made by BDR Registrar – self-application

14 Self-application for BDO

- (1) An adult who is not a banned adult may apply for a BDO to be made for themselves.
- (2) The application:
 - (a) must be lodged:
 - (i) with the BDR Registrar; or
 - (ii) at a police station; or
 - (iii) at a location, or by a method, prescribed by regulation; and
 - (b) may contain a request that the BDO be in force for a period of 3, 6 or 12 months.
- (3) An application lodged under subsection (2)(a)(ii) or (iii) must be forwarded to the BDR Registrar as soon as practicable.

15 Making BDO

Within 2 business days after receiving an application under section 14, the BDR Registrar must make a BDO for the applicant if satisfied as to the applicant's identity and that the applicant:

- (a) is not already a banned adult; and
- (b) consents to the terms of the BDO.

16 Period of BDO

- (1) In making a BDO under section 15, the BDR Registrar must:
 - (a) take into account any request of the applicant under section 14(2)(b); and

- (b) decide whether the BDO will be in force for a period of 3, 6 or 12 months; and
 - (c) specify the period in the BDO.
- (2) Subject to subsection (3), the BDO remains in force for the period specified in it unless it is revoked earlier under section 17.
- (3) If a first police BDO is made for an adult who is subject to a BDO under this Division, the BDO under this Division ceases to be in force.

17 Revocation of BDO

- (1) An adult who is subject to a BDO made under this Division may request that the BDO be revoked.
- (2) The request must be lodged:
 - (a) with the BDR Registrar; or
 - (b) at a police station; or
 - (c) at a location, or by a method, prescribed by regulation.
- (3) As soon as practicable after the request is made, the BDR Registrar must revoke the BDO and take all reasonable steps to give the adult written notice that it has been revoked.

Division 4 BDO made by BDR Registrar – application by others

18 Application for BDO

- (1) Any of the following may apply to the BDR Registrar for the making of a BDO under this Division for an adult:
 - (a) a police officer;
 - (b) a child protection worker;
 - (c) a person registered under the Health Practitioner Regulation National Law (other than as a student);
 - (d) a family member of the adult;
 - (e) a guardian or carer of the adult;
 - (f) the Public Guardian;

(g) a person prescribed by regulation.

- (2) An application must be in the form, contain the information, and be made in the manner specified by the BDR Registrar.

19 Referral for assessment

- (1) If an application is made by a person mentioned in section 18(1)(d) to (f), the BDR Registrar must refer the adult to whom the application relates for assessment under section 20.
- (2) If an application is made by another person mentioned in section 18(1), the BDR Registrar may refer the adult to whom the application relates for assessment under section 20.

20 Assessment

- (1) If, under section 19, an adult is referred by the BDR Registrar for assessment, a clinician must take all reasonable steps to assess the adult for section 21.
- (2) An assessment may be made in person or on the basis of information provided or otherwise available to the clinician.
- (3) Following the assessment, the clinician must make a report of the assessment to the BDR Registrar, containing the following:
- (a) a recommendation as to whether a BDO should be made for the adult;
 - (b) a recommendation as to any appropriate therapeutic support program for the adult.
- (4) If, despite taking all reasonable steps, the clinician is unable to assess the adult within a reasonable time:
- (a) the clinician must notify the BDR Registrar accordingly; and
 - (b) the application to which the referral for assessment relates lapses.

21 Making BDO

- (1) Subject to subsection (2), the BDR Registrar may make a BDO under this Division for an adult if satisfied as to the adult's identity and that:
- (a) the adult is misusing or has misused alcohol; and
 - (b) the adult's misuse of alcohol is a risk to the health, safety or wellbeing of the adult or any other person.

- (2) If the adult has been assessed under section 20, the BDR Registrar must consider the clinician's report of the assessment under section 20(3) in deciding whether to make a BDO.
- (3) The BDR Registrar cannot make a BDO under this Division on the application of a person mentioned in section 18(1)(d) to (f) unless:
 - (a) the adult for whom the BDO is proposed to be made has been assessed under section 20; and
 - (b) the BDR Registrar has received a report on the assessment under section 20(3).

22 Period of BDO

- (1) In making a BDO under this Division, the BDR Registrar must:
 - (a) decide whether the BDO will be in force for a period of 3, 6 or 12 months; and
 - (b) specify the period in the BDO.
- (2) If an adult has been assessed under section 20, the BDR Registrar must consider the clinician's report of the assessment under section 20(3) in deciding the period of the BDO.
- (3) The BDO remains in force for the period specified in it unless it is:
 - (a) revoked earlier under section 25; or
 - (b) extended under section 23 or 24.

23 Extension of BDO by BDR Registrar

- (1) The BDR Registrar may extend a BDO made under this Division if the BDR Registrar believes on reasonable grounds that:
 - (a) the banned adult has contravened the BDO; or
 - (b) the grounds for making the BDO continue to apply.
- (2) The extension is to be in accordance with the following:
 - (a) a BDO for a period of 3 months may be extended to a period of 6 months;
 - (b) a BDO for a period of 6 months may be extended to a period of 12 months;
 - (c) a BDO for a period of 12 months may be extended for a further period of 12 months.

- (3) The BDR Registrar must take all reasonable steps to give the banned adult written notice of an extension of the BDO under this section.
- (4) An extension under this section may be made on the application of a person mentioned in section 18(1) or on the BDR Registrar's own initiative.

24 Extension of BDO by police

- (1) A police officer may extend a BDO made under this Division if any of the following occurs in relation to the banned adult:
 - (a) the adult is, in relation to an alcohol-related offence:
 - (i) arrested and charged; or
 - (ii) summoned; or
 - (iii) served with a notice to appear before a court;
 - (b) the adult is named as the defendant in a police DVO, if the police officer who makes the DVO believes on reasonable grounds that the defendant was affected by alcohol at the time of engaging in the conduct to which the DVO relates;
 - (c) the adult is taken into alcohol-related protective custody;
 - (d) the adult is given an alcohol-related infringement notice, or a contravention notice under the *Liquor Act*.
- (2) The extension is to be in accordance with the following:
 - (a) a BDO for a period of 3 months may be extended to a period of 6 months;
 - (b) a BDO for a period of 6 months may be extended to a period of 12 months;
 - (c) a BDO for a period of 12 months may be extended for a further period of 12 months.
- (3) The police officer must take all reasonable steps to give the banned adult written notice of an extension of the BDO under this section.

Division 5 General provisions for BDOs

25 Variation or revocation of BDO

- (1) Subject to any order made under section 12, the BDR Registrar may vary or revoke a BDO if satisfied:
- (a) that the banned adult has participated in and completed a therapeutic support program; or
 - (b) that the variation or revocation is required because of an administrative error; or
 - (c) for a BDO made under section 10(1)(a):
 - (i) that the charge was withdrawn, dismissed or not proceeded with; or
 - (ii) that the banned adult was found not guilty of the offence; or
 - (d) for a BDO made under section 10(1)(b) – that the police DVO was revoked.
- (2) A variation or revocation may be made on the application of the banned adult or on the BDR Registrar's own initiative.

26 Assessment of adults for treatment

- (1) On application by a banned adult, the BDR Registrar may refer the adult to a clinician for assessment for treatment.
- (2) A clinician must take all reasonable steps to assess:
- (a) an adult who is referred under subsection (1) by the BDR Registrar for assessment; or
 - (b) an adult who is subject to an order under section 12(2)(c)(ii) for assessment or treatment.
- (3) An assessment may be made in person or on the basis of information provided or otherwise available to the clinician.
- (4) Following the assessment, the clinician must make a report of the assessment to the BDR Registrar, containing a recommendation as to any appropriate therapeutic support program for the adult.

Part 3 Income Management

27 Income management order may be made

The BDR Registrar may make an order that an adult is required to be subject to income management, if the BDR Registrar is satisfied that:

- (a) either:
 - (i) a BDO is in force for the adult for a period of 12 months; or
 - (ii) a BDO will be in force for the adult for a period of 12 months when the income management order comes into force; and
- (b) the adult would benefit from the making of an income management order; and
- (c) the adult, or the adult's partner, is an eligible recipient of a category H welfare payment under Part 3B of the Social Security Administration Act.

28 Period of income management order

An income management order:

- (a) comes into force when it is made or when a BDO for the adult comes into force, whichever is later; and
- (b) remains in force for a period of 12 months.

29 Variation and revocation of income management order

- (1) An adult who is subject to income management may apply to the BDR Registrar for variation or revocation of an income management order.
- (2) On application:
 - (a) the BDR Registrar may vary the income management order if satisfied that it is appropriate to do so having regard to the criteria for making the order; or
 - (b) the BDR Registrar may revoke the income management order if satisfied that the adult no longer meets the criteria for making the order; or
 - (c) the BDR Registrar may refuse to vary or revoke the order.

30 Notice to Secretary

If the BDR Registrar makes, varies or revokes an income management order, the BDR Registrar must notify the Secretary and give the Secretary a copy of the order, variation or revocation.

Part 4 Review by Tribunal**31 Definitions**

In this Part:

proceedings means proceedings in the Tribunal in relation to a matter under this Act.

publication includes broadcast and dissemination.

32 Review by Tribunal

- (1) The Tribunal has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 1.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 1 for the decision.
- (3) An affected person for a reviewable decision may apply to the Tribunal for review of the decision.

Note for section 32

The Tribunal Act sets out the procedure for applying to the Tribunal for review and other relevant matters in relation to reviews.

33 Reasons may be given orally

- (1) Despite section 105(2) of the Tribunal Act, the Tribunal may give the reasons for the decision in any proceedings and any relevant findings of fact (the **reasons**) orally to the parties to the proceedings.
- (2) A party to the proceedings may apply to the Tribunal to give the reasons in writing, and the Tribunal must do so within 28 days after the application is made.
- (3) A party to the proceedings who proposes to make an application under subsection (2) must do so within 28 days after the reasons are given orally.
- (4) Section 105(4) of the Tribunal Act applies to the time limit mentioned in subsection (2).

34 No fees

No application fees or other fees are payable in relation to proceedings.

Part 5 Administration

Division 1 BDR Registrar

35 BDR Registrar

- (1) The BDR Registrar is:
 - (a) the Chief Executive Officer; or
 - (b) the person appointed under subsection (2).
- (2) The Chief Executive Officer may appoint a public sector employee to be the BDR Registrar, if the Chief Executive Officer is satisfied that the employee is suitably qualified for appointment.

36 Functions and powers

- (1) The BDR Registrar has the functions conferred on the BDR Registrar under this or another Act.
- (2) The BDR Registrar may do all things necessary or convenient to be done for, or in relation to, the performance of the BDR Registrar's functions.

37 Delegation

The BDR Registrar may delegate any of the BDR Registrar's powers and functions under this Act to a public sector employee.

38 Record keeping

- (1) The BDR Registrar must keep the records in relation to the performance of the BDR Registrar's functions that are reasonable in the circumstances.

Note for subsection (1)

See Part 9 of the Information Act for further requirements for record keeping.

- (2) Without limiting what records must be kept, records must include the following:
 - (a) the number of applications made to the BDR Registrar for a BDO;

- (b) the number of BDOs made by the BDR Registrar;
- (c) the number of variations and revocations of BDOs made by the BDR Registrar.

Division 2 Information sharing

39 Sharing information

- (1) A person who applies to the BDR Registrar for a BDO under Part 2, Division 4 may give the BDR Registrar any information about the adult to whom the application relates.
- (2) A police officer or the BDR Registrar may give an information sharing authority any information about a BDO that is in force.
- (3) The police officer or BDR Registrar may do so only if:
 - (a) the police officer or BDR Registrar specifies the BDO when giving the information; and
 - (b) the police officer or BDR Registrar believes on reasonable grounds that the information would:
 - (i) assist the information sharing authority to provide a service to, or perform a function relating to, the adult who is subject to the BDO; and
 - (ii) ensure the effective and efficient enforcement of the BDO.

40 Restriction on use or disclosure of information

- (1) Subject to this section, an information sharing authority given information under this Division must not use or disclose the information for any purpose other than the one for which it was given.
- (2) An information sharing authority given information under this Division may disclose the information:
 - (a) in a statistical form that does not identify the person to whom the information relates; or
 - (b) for the purpose of evaluating the effectiveness of the administration of this Act; or
 - (c) if authorised or required by another law in force in the Territory.

41 Interaction with other laws

This Division has effect despite the operation of any other law of the Territory that prohibits or restricts the disclosure of information.

Part 6 Miscellaneous matters**42 Offence to supply alcohol to persons subject to prohibition**

- (1) A person commits an offence if:
- (a) the person intentionally supplies a substance to another person; and
 - (b) the substance is alcohol and the person has knowledge of that circumstance; and
 - (c) the other person is subject to a prohibition mentioned in section 31A(2) of the *Liquor Act* and the person has knowledge, or ought reasonably to have knowledge, of that circumstance.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply if the person is:
- (a) an authorised seller mentioned in section 31A of the *Liquor Act*; or
 - (b) a protected person as defined in section 4 of the *Domestic and Family Violence Act*.
- (3) A person who is found guilty of an offence against subsection (1) is prohibited from purchasing alcohol for a period of 12 months starting on the day the person is found guilty.

43 Police power to require breath test

- (1) A police officer may require an adult to submit to a breath test to determine whether there is alcohol in the adult's breath, if:
- (a) the adult is in a public place; and
 - (b) the police officer believes on reasonable grounds that the adult:
 - (i) is a banned adult; and
 - (ii) has been consuming alcohol in contravention of the adult's BDO.

(2) In this section:

breath test, see section 3(1) of the *Traffic Act*.

public place, see section 4(1) of the *Liquor Act*.

44 Protection from liability

(1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as any of the following:

- (a) the BDR Registrar;
- (b) a clinician.

(2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

(3) In this section:

exercise, of a power, includes the purported exercise of the power.

performance, of a function, includes the purported performance of the function.

45 Regulations

The Administrator may make regulations under this Act.

Part 7 Repeals and transitional matters for Alcohol Harm Reduction Act 2017

Division 1 Repeals

46 Acts repealed

The following Acts are repealed:

- (a) *Alcohol Mandatory Treatment Act 2013* (Act No. 17 of 2013);
- (b) *Alcohol Protection Orders Act 2013* (Act No. 31 of 2013).

Division 2 Transitional matters

47 Definitions

In this Division:

APO Act means the *Alcohol Protection Orders Act 2013* as in force immediately before its repeal.

commencement means the commencement of section 46(b).

first alcohol protection order, see section 7(3) of the APO Act.

later alcohol protection order, see section 7(3) of the APO Act.

second alcohol protection order, see section 7(3) of the APO Act.

48 Alcohol protection orders become BDOs

- (1) A first alcohol protection order in force immediately before the commencement is taken, on and after the commencement, to be a first police BDO for the remaining period for which it would have been in force if the APO Act had not been repealed.
- (2) A second alcohol protection order in force immediately before the commencement is taken, on and after the commencement, to be a second police BDO for the remaining period for which it would have been in force if the APO Act had not been repealed.
- (3) A later alcohol protection order in force immediately before the commencement is taken, on and after the commencement, to be a subsequent police BDO for the remaining period for which it would have been in force if the APO Act had not been repealed.

Part 8 Consequential amendments

Division 1 Information Regulations

49 Regulations amended

This Division amends the *Information Regulations*.

50 Regulation 4A repealed

Regulation 4A

repeal

Division 2 Liquor Act

51 Act amended

This Division amends the *Liquor Act*.

52 Section 31A amended

Before section 31A(2)(b)

insert

(a) a BDO or court order under the *Alcohol Harm Reduction Act*,

Division 3 Liquor Regulations

53 Regulations amended

This Division amends the *Liquor Regulations*.

54 Regulation 5B amended

(1) Regulation 5B(a)

omit

34,

(2) Regulation 5B(b), after "83(1)"

insert

, or a family responsibility order made under section 140J,

(3) Regulation 5B(d)

omit

liquor.

insert

liquor;

(4) After regulation 5B(d)

insert

(e) a supervision direction under section 123(1)(a)(i) of the *Care and Protection of Children Act* relating to liquor;

- (f) a prohibition under section 42(3) of the *Alcohol Harm Reduction Act*.

Division 4 Police Administration Act

55 Act amended

This Division amends the *Police Administration Act*.

56 Section 4 amended

Section 4(1), definitions ***assessment***, ***assessment facility*** and ***senior assessment clinician***

repeal

57 Sections 128A and 128B repealed

Sections 128A and 128B

repeal

Division 5 Volatile Substance Abuse Prevention Act

58 Act amended

This Division amends the *Volatile Substance Abuse Prevention Act*.

59 Section 41D repealed

Section 41D

repeal

Division 6 Other laws amended

60 Other laws amended

Schedule 2 amends the laws mentioned in it.

Division 7 Expiry of Part

61 Expiry of Part

This Part expires on the day after it commences.

Schedule 1 Reviewable decisions

section 32

Reviewable decision	Affected person
Making BDO by police under section 10(1)(c) or (d)	Adult for whom BDO is made
Making BDO by BDR Registrar under Part 2, Division 4	Adult for whom BDO is made
Extension of BDO under Part 2, Division 4	Adult subject to BDO
Refusal to vary or revoke BDO on application under section 25(2)	Applicant
Making income management order under section 27	Adult for whom order is made
Refusal to vary or revoke income management order under section 29(2)(c)	Adult subject to order

Schedule 2 Other laws amended

section 60

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Coroners Act		
section 12(1), definition <i>person held in care</i> , paragraph (b)	from a hospital; or	from a hospital.
section 12(1), definition <i>person held in care</i> , paragraph (c)	whole paragraph	
Mental Health and Related Services Act		
section 34(9) and (10)	whole subsection	

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2

LIST OF LEGISLATION

Alcohol Harm Reduction Act 2017 (Act No. 16, 2017)

Assent date	30 August 2017
Commenced	1 September 2017 (Gaz S61, 31 August 2017)