

NORTHERN TERRITORY OF AUSTRALIA
LIQUOR LEGISLATION AMENDMENT ACT 2007

Act No. 14 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 14 of 2007

AN ACT

to amend the *Liquor Act*, and for related purposes

[Assented to 4 September 2007]
[Second reading 22 August 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY MATTERS

1. Short title

This Act may be cited as the *Liquor Legislation Amendment Act 2007*.

2. Commencement

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

PART 2 – AMENDMENT OF *LIQUOR ACT*

3. Act amended

This Part amends the *Liquor Act*.

4. Amendment of section 4 (Interpretation)

(1) Section 4(1), definitions "condition", "permit" and "restricted area"

omit

(2) Section 4(1)

insert (in alphabetical order)

"community" includes an individual member and a group of members of a community;

"condition", of a licence, means a condition of the licence determined or varied under Part III;

"permit" means:

- (a) for Part VIII – a permit mentioned in section 87 or 89A; or
- (b) for Part VIII AA – a permit mentioned in section 101AI;

"relevant offence" means:

- (a) for Part VIII – see section 94A or 101AA; or
- (b) for Part VIII AA – see section 101AM;

"special restricted area" means a special restricted area declared under section 101AD;

"thing", in relation to a relevant offence, means a thing:

- (a) that is used in the commission of the offence; or
- (b) that may be used as evidence in proceedings for the prosecution of the offence.

5. Repeal and substitution of Part III, Division 2 heading

Part III, Division 2, heading

repeal, substitute

Division 2 – Conditions of licence generally

6. Amendment of section 32A (Variation of conditions on application by licensee)

After section 32A(9)

insert

(10) In this section:

"condition", of a licence, does not include a condition determined under Division 2AA.

7. Amendment of section 33 (Commission may vary conditions)

After section 33(5)

insert

(6) In this section:

"condition", of a licence, does not include a condition determined under section 33AA.

8. New Part III, Division 2AA

After section 33

insert

Division 2AA – Additional conditions determined by Minister

33AA. Minister's power to determine additional licence conditions

(1) The Minister may determine additional conditions of a licence if the Minister thinks the determination is urgently needed for the wellbeing of the communities that might be affected by the operation of the licence.

(2) Without limiting subsection (1), the Minister may determine any of the following conditions under that subsection:

- (a) a condition about when the licensed premises may be open for the sale of liquor;
- (b) a condition about the type of liquor that may be sold on the premises;
- (c) a condition about the amount of liquor that may be sold for consumption away from the premises;
- (d) a condition requiring proof of the purchaser's identity for a sale of liquor exceeding an amount prescribed by regulation;
- (e) a condition requiring the keeping of records prescribed by regulation for the sale.

(3) In determining the conditions, the Minister:

- (a) must have regard to the objects of this Act; and
- (b) may consult with the Commission (and in doing so, may seek information, advice or a recommendation from the Commission).

(4) The Minister must table a copy of the determination in the Legislative Assembly within 6 sitting days after making the determination.

(5) A condition of the licence determined under subsection (1) prevails to the extent to which it is inconsistent with a condition of the licence determined by the Commission.

9. Amendment of Part III, Division 2A heading

Part III, Division 2A, heading

omit

for liquor

10. Amendment of section 33C (Special conditions of licences)

Section 33C(2)

omit

on the issue of a licence under section 31 or by varying the conditions of a licence under section 33.

substitute

under section 31, 33 or 33AA.

11. Amendment of section 33E (Retention of credit and debit cards)

(1) Section 33E(1), after "of liquor"

insert

or other goods at the licensed premises

(2) Section 33E(4), after "record keeping requirements"

insert

for the sale of liquor

12. Amendment of section 48A (Power to suspend licence or impose or vary conditions)

After section 48A(2)

insert

(3) In this section:

"condition", of a licence, does not include a condition determined under section 33AA.

13. Amendment of section 49 (Decision on consideration of complaint)

After section 49(4)

insert

(5) In this section:

"condition", of a licence, does not include a condition determined under section 33AA.

14. New section 59A

After section 59

insert

59A. Minister's power to determine additional licence conditions

(1) The Minister may determine additional conditions of a special licence if the Minister thinks the determination is urgently needed for the wellbeing of the communities that might be affected by the operation of the licence.

(2) Without limiting subsection (1), the Minister may determine any of the following conditions under that subsection:

- (a) a condition about when the licensed premises may be open for the sale of liquor;
- (b) a condition about the type of liquor that may be sold on the premises;
- (c) a condition about the amount of liquor that may be sold for consumption away from the premises;
- (d) a condition requiring proof of the purchaser's identity for a sale of liquor exceeding an amount prescribed by regulation;
- (e) a condition requiring the keeping of records prescribed by regulation for the sale.

(3) In determining the conditions, the Minister:

- (a) must have regard to the objects of this Act; and

(b) may consult with the Commission (and in doing so, may seek information, advice or a recommendation from the Commission).

(4) The Minister must table a copy of the determination in the Legislative Assembly within 6 sitting days after making the determination.

(5) A condition of the licence determined under subsection (1) prevails to the extent to which it is inconsistent with a condition of the licence determined by the Commission.

15. Repeal and substitution of Part VIII heading

Part VIII, heading

repeal, substitute

PART VIII – GENERAL AND PUBLIC RESTRICTED AREAS

16. Repeal and substitution of Part VIII, Division 1 heading

Part VIII, Division 1, heading

repeal, substitute

Division 1 – Preliminary matters

17. Amendment of section 73 (Interpretation)

Section 73(1) and (1A)

omit, substitute

(1) In this Part:

"area of land" includes premises on an area of land;

"relevant area" means a specified area of land which is, or proposed to be, a restricted area;

"restricted area" means a general restricted area or public restricted area.

18. Repeal and substitution of sections 95 to 101

Sections 95 to 101

repeal, substitute

95. Powers of search and seizure

(1) An inspector may, without a warrant:

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- (a) do 1 or more of the following if the inspector reasonably suspects a relevant offence has been, or is being or likely to be, committed:
 - (i) enter and search an area of land (whether or not it is the general restricted area);
 - (ii) stop, enter, search, remove and retain a vehicle, vessel or aircraft (whether or not it is in the general restricted area);
 - (iii) stop, detain and search a person in connection with the exercise of a power under subparagraph (i) or (ii);
 - (iv) search a thing in connection with the exercise of a power under subparagraph (i), (ii) or (iii); and
 - (b) seize a thing found in connection with the exercise of a power under paragraph (a)(i), (ii), (iii) or (iv) that the inspector reasonably believes to be related to a relevant offence.
- (2) In addition, an inspector may, without a warrant:
- (a) do 1 or more of the following on a random basis for the detection of a relevant offence that has been, or is being or likely to be, committed:
 - (i) stop, enter, search, remove and retain a vehicle (whether or not it is in the general restricted area);
 - (ii) stop, detain and search a person (whether or not in connection with the exercise of a power under subparagraph (i));
 - (iii) search a thing in connection with the exercise of a power under subparagraph (i) or (ii); and
 - (b) seize a thing in connection with the exercise of a power under paragraph (a)(i), (ii) or (iii) that the inspector reasonably believes to be related to a relevant offence.
- (3) A person is guilty of an offence if the person:
- (a) obstructs the exercise of a power under subsection (1) or (2); or
 - (b) fails to comply with a reasonable request made by the inspector for the purposes of exercising powers under subsection (1) or (2).

Maximum penalty: 100 penalty units.

(4) It is a defence to a prosecution for an offence against subsection (3) if the person has a reasonable excuse.

(5) In exercising a power under this section, an inspector must carry an identity card provided by the Director that:

- (a) states the name and office of the inspector; and
- (b) contains:
 - (i) the signature of the inspector; and
 - (ii) a photograph of the inspector; and
 - (iii) the verification of the signature and photograph by the Director.

(6) If an inspector purports to exercise a power under this section without producing the inspector's identity card when requested to do so:

- (a) the inspector is not authorised to exercise the power; and
- (b) a person is not required to comply with a requirement made by the inspector.

(7) A person may only be searched under this section by someone who is of the same gender as the person.

(8) An inspector who seizes a container that the inspector reasonably believes contains liquor may immediately:

- (a) empty the container if it is opened; or
- (b) destroy the container (including its content) if it is unopened.

(9) If the container is not so emptied or destroyed, the inspector must ensure it is taken to a police station to be destroyed.

(10) The inspector may use any reasonable force or assistance in acting under this section.

(11) A police officer is taken to be an inspector for this section (except subsections (5) and (6)).

96. Holding of seized thing

The Commissioner of Police must keep a thing seized, but not destroyed, under section 95 in the Commissioner's custody until it is otherwise dealt with under this Division.

97. Commissioner of Police may release seized thing

(1) A person who owns, or has an interest in, the thing may apply to the Commissioner of Police for its release.

(2) The application must be made within 60 days after the seizure of the thing or that period as extended by the Commissioner.

(3) The application may be made only if:

- (a) the thing has not been forfeited under section 99; and
- (b) the applicant is not being charged with a relevant offence to which the thing is related; and
- (c) if someone has been charged with such an offence – the proceedings for the prosecution of the offence are continuing.

(4) The Commissioner must, within 14 days after the application is made or that period as extended by the Commissioner:

- (a) approve the application by releasing the thing to the applicant; or
- (b) refuse the application.

(5) The Commissioner may release the thing to the applicant only if the Commissioner is satisfied:

- (a) the applicant owns, or has an interest in, the thing; and
- (b) the applicant did not know or could not reasonably have known about the commission of the offence.

(6) Despite subsection (5), the Commissioner may refuse the application if the Commissioner decides it is inappropriate for the Commissioner to release the thing, having regard to:

- (a) the evidential value of the thing for any proceedings for the prosecution of a relevant offence; and
- (b) any other matters the Commissioner considers relevant in deciding the application.

(7) The release of the thing under subsection (4)(a) is subject to:

- (a) any conditions specified by the Commissioner; and
- (b) any order made under section 98 at a later time.

(8) The Commissioner may:

- (a) extend the period mentioned in subsection (2) or (4) more than once; but
- (b) must do so before the expiry of the period or the period as extended under that subsection.

(9) The Commissioner may invite anyone who appears to own, or have an interest in, the thing to make an application under this section.

98. Court may release or dispose of seized thing

(1) A person who owns, or has an interest in, the thing may apply to the Local Court for an order under this section if:

- (a) the thing has not been forfeited under section 99; and
- (b) proceedings for the prosecution of a relevant offence to which the thing is related have ended; and
- (c) the person:
 - (i) was not the defendant in the proceedings; or
 - (ii) was the defendant in the proceedings but was found not guilty of the offence.

(2) The application must be made within 60 days after the end of the proceedings or that period as extended by the court.

(3) The applicant must give notice of the application to the Commissioner of Police.

(4) The Local Court:

- (a) must make an order under this section if the court is satisfied:
 - (i) the applicant owns, or has an interest in, the thing; and
 - (ii) the applicant did not know or could not reasonably have known about the commission of the offence; and
- (b) otherwise – must refuse the application.

(5) An order under this section must:

- (a) state whether the applicant owns, or has an interest in, the thing; and
- (b) if the applicant has an interest in the thing – state the nature and value of the interest as at the time of the making of the order; and

- (c) direct that:
 - (i) the thing be released to the applicant; or
 - (ii) the thing be disposed of in a specified way and all or a specified part of the proceeds from the disposal be paid to the applicant and any other specified persons.

(6) The Court may extend the period mentioned in subsection (2) only on the application of the Commissioner of Police.

- (7) The Court:
 - (a) may extend the period more than once; but
 - (b) must do so before the expiry of the period or the period as extended under subsection (2).

99. Forfeiture of seized thing

(1) A thing seized under section 95 that is not destroyed under that section is forfeited to the Territory if:

- (a) no application for the thing has been made under section 97 within the period mentioned in section 97(2), or such an application has been made and is refused; and
- (b) 1 of the following applies:
 - (i) no application for the thing has been made under section 98 within the period mentioned in section 98(2);
 - (ii) such an application has been made and is refused;
 - (iii) such an application has been made and an order ("disposal order") containing a direction mentioned in section 98(5)(c)(ii) is made for the thing.

(2) Except as provided in a disposal order, the Commissioner of Police may dispose of the thing as the Commissioner considers appropriate.

(3) Any proceeds from the disposal must be paid in the following order of priority:

- (a) first – the expenses for the sale;
- (b) second – the cost of holding and removing the thing;
- (c) third – any payment under a disposal order;

- (d) fourth – the Central Holding Authority.

19. New Part VIII AA

After section 101AC

insert

PART VIII AA – SPECIAL RESTRICTED AREAS

Division 1 – General matters

101AD. Minister's power in regard to special restricted area

(1) The Minister may, by *Gazette* notice, declare a specified area of land to be a special restricted area if the Minister thinks the declaration is urgently needed for the wellbeing of the communities in and near the area.

(2) The declaration has effect:

(a) from the date of the notice or a later date specified in the notice; and

(b) for the period specified in the notice.

(3) The Minister may, before the expiry of the period:

(a) extend the period by *Gazette* notice; or

(b) revoke the declaration by *Gazette* notice.

(4) The declaration may be extended more than once.

(5) In making the declaration, the Minister:

(a) must have regard to the objects of this Act; and

(b) may consult with the Commission (and in doing so, may seek information, advice or a recommendation from the Commission).

(6) If the area is, or includes, a general or public restricted area, the declaration of the general or public restricted area is suspended while the declaration under subsection (1) is in force.

(7) However, the declaration of the general or public restricted area is in force again when the declaration under subsection (1) ceases to be in force.

(8) The Minister must table a copy of each notice under subsection (1) or (3) in the Legislative Assembly within 6 sitting days after making the notice.

101AE. Prohibitions for special restricted areas

- (1) A person must not engage in any of the following acts:
 - (a) bringing liquor into a special restricted area;
 - (b) having liquor in the person's possession in the area;
 - (c) supplying or engaging in conduct for the supply of liquor in the area;
 - (d) consuming or otherwise disposing of liquor in the area.

Maximum penalty: \$1 000 or imprisonment for 6 months.

(2) It is a defence for an offence against subsection (1) if the act is carried out:

- (a) for a religious service conducted by a person approved by the Director in the area; or
- (b) in accordance with a permit for the area, or a licence for licensed premises in the area, that is in force.

(3) It is a defence for an offence against subsection (1)(a) or (b) if the defendant proves:

- (a) the liquor is in unopened containers; and
- (b) the act is carried out for transporting the liquor to a place outside the area.

101AF. Notice of declaration for special restricted area

(1) The Minister must, within 28 days after declaring a special restricted area, publish a notice of the declaration in a newspaper circulating in the area.

(2) The notice must specify:

- (a) the special restricted area; and
- (b) when the declaration has effect; and
- (c) any other matters the Minister considers appropriate.

(3) The Minister:

- (a) must, before the declaration takes effect, set up signs in and near the area publicising the declaration; and

- (b) must maintain the signs while the declaration has effect; and
 - (c) may publicise the declaration in other way the Minister considers appropriate.
- (4) Without limiting subsection (3), a sign mentioned in that subsection must specify the following:
- (a) the declaration;
 - (b) the offence against section 101AE;
 - (c) the penalty for the offence.
- (5) If all or part of the area comprises all or part of a council area, the Minister may enter into an arrangement with the local government council for each such area for the doing of a thing mentioned in subsection (3).

101AG. Variation and revocation of declaration

- (1) A declaration of a special restricted area may be varied or revoked by the Minister by *Gazette* notice.
- (2) Section 101AF applies to the variation or revocation as if:
 - (a) a reference to the declaration in section 101AF(1) or (2) were a reference to the variation or revocation; and
 - (b) if the proposal relates to a variation – a reference to the declaration in section 101AF(3) or (4) were a reference to the declaration as varied; and
 - (c) if the proposal relates to a revocation – section 101AF(3)(a) and (b) and (4) had been omitted and a reference to the declaration in section 101AF(3)(c) were a reference to the revocation.

101AH. Delegation

The Minister may delegate any of the Minister's powers and functions under this Part (other than section 101AD and this section) to the Commission.

Division 2 – Permits for special restricted areas

101AI. Application for permit

- (1) A body (whether incorporated or not) or an individual who is at least 18 years of age may apply for a permit for a special restricted area for a purpose specified in the application.

(2) Without limiting subsection (1), the purpose may be any of the following:

- (a) a single special event (for example, a wedding or festival);
- (b) special events held periodically or regularly (for example, a gathering to be held once a month).

101AJ. Minister's decision

(1) The Minister may:

- (a) approve the application by issuing the permit to the applicant; or
- (b) refuse the application.

(2) The Minister must not approve the application unless:

- (a) the Minister has considered the following:
 - (i) the likely impact of the issuing of the permit on the communities in and near the area;
 - (ii) any view expressed by the communities about the application; and

(b) the Minister is satisfied the issuing of the permit is unlikely to harm the communities in any way.

(3) The Minister must specify in the permit:

- (a) the purpose for which the permit is issued; and
- (b) the conditions of the permit.

(4) The Minister must, as soon as practicable after issuing the permit, give notice to each of the following about the permit:

- (a) if all or part of the special restricted area comprises all or part of a council area – the local government council for each such area;
- (b) the person in charge of the police station that is closest to the special restricted area.

101AK. Effect of permit

(1) A person may do any of the things mentioned in section 101AE(1) in the special restricted area in accordance with the conditions of the permit.

- (2) A person must not contravene a condition of the permit.

Maximum penalty: \$1 000 or imprisonment for 6 months.

101AL. Variation, suspension or revocation of permit

(1) The Minister may vary, suspend or revoke the permit by written notice given to the permit holder.

(2) Without limiting subsection (1), the Minister may suspend or revoke the permit if the holder of the permit contravenes a condition of the permit.

(3) The Minister may specify conditions under which the permit is suspended.

- (4) A person must not contravene any of the conditions.

Maximum penalty: \$1 000 or imprisonment for 6 months.

Division 3 – Search and seizure

101AM. Application

This Division applies to an offence against a provision in this Part in relation to a special restricted area (a "relevant offence").

Note

The provisions in this Division are similar, but not identical to, the provisions for a general restricted area in Part VIII, Division 3.

The major difference between these provisions is that, under this Division, a person who is charged with a relevant offence or found guilty of such an offence may apply for the release of a thing seized by an inspector, which is not allowed under Part VIII, Division 3.

101AN. Powers of search and seizure

- (1) An inspector may, without a warrant:
- (a) do 1 or more of the following if the inspector reasonably suspects a relevant offence has been, or is being or likely to be, committed:
- (i) enter and search an area of land (whether or not it is the special restricted area);
- (ii) stop, enter, search, remove and retain a vehicle, vessel or aircraft (whether or not it is in the special restricted area);
- (iii) stop, detain and search a person in connection with the exercise of a power under subparagraph (i) or (ii);

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- (iv) search a thing in connection with the exercise of a power under subparagraph (i), (ii) or (iii); and
- (b) seize a thing found in connection with the exercise of a power under paragraph (a)(i), (ii), (iii) or (iv) that the inspector reasonably believes to be related to a relevant offence.
- (2) In addition, an inspector may, without a warrant:
 - (a) do 1 or more of the following on a random basis for the detection of a relevant offence that has been, or is being or likely to be, committed:
 - (i) stop, enter, search, remove and retain a vehicle (whether or not it is in the special restricted area);
 - (ii) stop, detain and search a person (whether or not in connection with the exercise of a power under subparagraph (i));
 - (iii) search a thing in connection with the exercise of a power under subparagraph (i) or (ii); and
 - (b) seize any thing in connection with the exercise of a power under paragraph (a)(i), (ii) or (iii) that the inspector reasonably believes to be related to a relevant offence.
- (3) A person is guilty of an offence if the person:
 - (a) obstructs the exercise of a power under subsection (1) or (2); or
 - (b) fails to comply with a reasonable request made by the inspector for the purposes of exercising powers under subsection (1) or (2).

Maximum penalty: 100 penalty units.

(4) It is a defence to a prosecution for an offence against subsection (3) if the person has a reasonable excuse.

(5) In exercising a power under this section, an inspector must carry an identity card provided by the Director that:

- (a) states the name and office of the inspector; and
- (b) contains:
 - (i) the signature of the inspector; and
 - (ii) a photograph of the inspector; and

(iii) the verification of the signature and photograph by the Director.

(6) If an inspector purports to exercise a power under this section without producing the inspector's identity card when requested to do so:

- (a) the inspector is not authorised to exercise the power; and
- (b) a person is not required to comply with a requirement made by the inspector.

(7) A person may only be searched under this section by someone who is of the same gender as the person.

(8) An inspector who seizes a container that the inspector reasonably believes contains liquor may immediately:

- (a) empty the container if it is opened; or
- (b) destroy the container (including its content) if it is unopened.

(9) If the container is not so emptied or destroyed, the inspector must ensure it is taken to a police station to be destroyed.

(10) The inspector may use any reasonable force or assistance in acting under this section.

(11) A police officer is taken to be an inspector for this section (except subsections (5) and (6)).

101AO. Holding of seized thing

The Commissioner of Police must keep a thing seized, but not destroyed, under section 101AN in the Commissioner's custody until it is otherwise dealt with under this Division.

101AP. Commissioner of Police may release seized thing

(1) A person who owns, or has an interest in, the thing may apply to the Commissioner of Police for its release.

(2) The application must be made within 60 days after the seizure of the thing or that period as extended by the Commissioner.

- (3) The application may be made only if:
 - (a) the thing has not been forfeited under section 101AR; and
 - (b) if someone has been charged with such an offence – the proceedings for the prosecution of the offence are continuing.

(4) The Commissioner must, within 14 days after the application is made or that period as extended by the Commissioner:

- (a) approve the application by releasing the thing to the applicant; or
- (b) refuse the application.

(5) The Commissioner may release the thing to the applicant only if the Commissioner is satisfied the applicant owns, or has an interest in, the thing.

(6) Despite subsection (5), the Commissioner may refuse the application if the Commissioner decides it is inappropriate for the Commissioner to release the thing, having regard to:

- (a) the evidential value of the thing for any proceedings for the prosecution of a relevant offence; and
- (b) any other matters the Commissioner considers relevant in deciding the application.

(7) The release of the thing under subsection (4)(a) is subject to:

- (a) any conditions specified by the Commissioner; and
- (b) any order made under section 101AR at a later time.

(8) The Commissioner may:

- (a) extend the period mentioned in subsection (2) or (4) more than once; but
- (b) must do so before the expiry of the period or the period as extended under that subsection.

(9) The Commissioner may invite anyone who appears to own, or have an interest in, the thing to make an application under this section.

101AQ. Court may release or dispose of seized thing

(1) A person who owns, or has an interest in, the thing may apply to the Local Court for an order under this section if:

- (a) the thing has not been forfeited under section 101AR; and
- (b) proceedings for the prosecution of a relevant offence to which the thing is related have ended (whether or not the person is the defendant in the proceedings).

(2) The application must be made within 60 days after the end of the proceedings or that period as extended by the court.

(3) The applicant must give notice of the application to the Commissioner of Police.

(4) The Local Court:

(a) must make an order under this section if the Court is satisfied the applicant owns, or has an interest in, the thing; or

(b) otherwise – must refuse the application.

(5) An order under this section must:

(a) state whether the applicant owns, or has an interest in, the thing; and

(b) if the applicant has an interest in the thing – state the nature and value of the interest as at the time of the making of the order; and

(c) direct that:

(i) the thing be released to the applicant; or

(ii) the thing be disposed of in a specified way and all or a specified part of the proceeds from the disposal be paid to the applicant and any other specified persons.

(6) The Court may extend the period mentioned in subsection (2) only on the application of the Commissioner of Police.

(7) The Court:

(a) may extend the period more than once; but

(b) must do so before the expiry of the period or the period as extended under subsection (2).

101AR. Forfeiture of seized thing

(1) A thing seized under section 101AN that is not destroyed under that section is forfeited to the Territory if:

(a) no application for the thing has been made under section 101AP within the period mentioned in section 101AP(2), or such an application has been made and is refused; and

(b) 1 of the following applies:

(i) no application for the thing has been made under section 101AQ within the period mentioned in section 101AQ(2);

- (ii) such an application has been made and is refused;
- (iii) such an application has been made and an order ("disposal order") containing a direction mentioned in section 101AQ(5)(c)(ii) is made for the thing.

(2) Except as provided in a disposal order, the Commissioner of Police must dispose of the thing as the Commissioner considers appropriate.

(3) Any proceeds from the disposal must be paid in the following order of priority:

- (a) first – the expenses for the sale;
- (b) second – the cost of holding and removing the thing;
- (c) third – any payment under a disposal order;
- (d) fourth – the Central Holding Authority.

101AS. Contravention notice

(1) A police officer may give a contravention notice to a person if the officer:

- (a) reasonably believes the person has committed a relevant offence (the "alleged offence"); and
- (b) has seized 1 or more unopened containers of liquor under section 101AN in relation to the alleged offence; and
- (c) does not intend to make a complaint or serve an infringement notice for the alleged offence.

(2) The contravention notice must specify:

- (a) the name of the person; and
- (b) the date, time and area of the alleged offence; and
- (c) a description of the alleged offence and the circumstances causing the officer to believe the offence was committed; and
- (d) a description of the liquor seized by the officer; and
- (e) the name and rank of the officer; and
- (f) the police station to which the officer is attached; and

- (g) a statement that the alleged offender may choose to have the matter dealt with by the Court of Summary Jurisdiction by making an application under section 101AT.

(3) The police officer in charge of the police station must send a copy of the notice to the Court of Summary Jurisdiction.

101AT. Application to court by alleged offender

(1) The person may apply to the Court of Summary Jurisdiction for the alleged offence to be dealt with by the Court.

(2) The application must be:

- (a) made within 28 days after the date of the alleged offence; and
- (b) in writing; and
- (c) accompanied by a copy of the contravention notice.

(3) On receiving the application, the clerk of the court must:

- (a) fix a time and date for the court to deal with the matter; and
- (b) notify the following persons of the time and date:
 - (i) the alleged offender;
 - (ii) the police officer in charge of the police station.

(4) The date fixed by the clerk must not be earlier than 14 days after the last day the alleged offender is permitted by this section to make the application.

101AU. How court deals with alleged offence

(1) The contravention notice is taken to be a complaint alleging the person specified in the notice committed the offence at the time and place, and in the circumstances, specified in the notice.

(2) If a court receives 2 or more applications under section 101AT and is satisfied the alleged offences arose out of the same facts, the Court may deal with the applications together.

101AV. Court order if no application under section 101AT

If a person who is given a contravention notice does not make an application under section 101AT, the Court of Summary Jurisdiction may make an order that the person committed the alleged offence as specified in the notice.

101AW. Interest in destroyed liquor

(1) The interest that a person had in any liquor destroyed because of section 101AN is taken to have become, on the destruction, an interest in an amount of money equal to the liquor's value.

(2) The interest in the amount is forfeited to the Territory if:

(a) an order is made under section 101AV for a relevant offence in relation to the liquor; or

(b) a court otherwise finds a person guilty of a relevant offence in relation to the liquor.

(3) If subsection (2) does not apply, a person who has the interest in the amount may seek compensation for the interest in the court of competent jurisdiction.

(4) Without limiting subsection (3), a court that finds a person not guilty of a relevant offence in relation to the liquor may make an order of compensation for the interest in the amount.

20. New Part XV

After section 137

insert

**PART XV – TRANSITIONAL MATTERS FOR LIQUOR LEGISLATION
AMENDMENT ACT 2007**

138. Savings – permit

(1) This section applies if:

(a) a permit is in force in relation to a general or public restricted area; and

(b) the declaration of the restricted area is suspended because of section 101AD.

(2) The permit has force, during the suspension, as if it had been issued under section 101AJ.

139. Savings – licence

(1) This section applies if:

(a) a licence or special licence is in force in relation to premises in a general or public restricted area; and

- (b) the declaration of the restricted area is suspended because of section 101AD.

(2) The licence has force, during the suspension, as if any provisions for the licence relating to the general or public restricted area were related to the special restricted area giving rise to the suspension.

140. Savings – seized thing

(1) This section applies to anything that was seized under section 95 if it has not been released or disposed of under this Act before the commencement of the *Liquor Legislation Amendment Act 2007*.

(2) The thing must be dealt with under this Act as in force after that commencement.

21. Further amendments

The Schedule has effect.

PART 3 – AMENDMENT OF *LIQUOR REGULATIONS*

22. Amendment of *Liquor Regulations*

(1) This section amends the *Liquor Regulations*.

(2) Regulation 3, definition "infringement offence", after "75(1B)"

insert

, 101AE(1), 101AK(2)

SCHEDULE

Section 21

FURTHER AMENDMENTS

Provision	Amendment	
	omit	substitute
Sections 101N(2)(f) and (3), 101P and 101Q(1)	a court of summary jurisdiction	the Court of Summary Jurisdiction
Section 101Q(3) and (4)	court (all references)	Court