



## NORTHERN TERRITORY OF AUSTRALIA

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No. 86 of 1982

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### AN ACT

To amend the *Summary Offences Amendment Act 1982*

[Assented to 14 December 1982]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Summary Offences Amendment Act 1982 Amendment Act 1982*.

2. NEW PART

Section 3 of the *Summary Offences Amendment Act 1982* is amended -

- (a) by omitting proposed section 45D and substituting the following:

"45D. DRINKING IN A PUBLIC PLACE

"A person shall not, within 2 kilometres of premises licensed under Part III of the *Liquor Act* for the sale of liquor, drink liquor in a public place or on unoccupied private land, unless -

- (a) the owner or lawful occupier of that public place or land has given him express permission, which has not been withdrawn, to do so; or
- (b) the public place or part of the public place in which he drinks the liquor is the subject of a Certificate of Exemption under section 45E or is an exempt area under section 45EA, and the drinking of that liquor is not in contravention

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of a condition of that Certificate of Exemption or declaration of the exempt area.

Penalty: \$200.";

- (b) by omitting from proposed section 45E(1) all words after "Certificate of Exemption" and substituting "in respect of that public place, or such part of that public place as is specified in the application.";
- (c) by omitting from proposed section 45E(3)(c) "in accordance with" and substituting "under";
- (d) by omitting proposed section 45E(5) and substituting the following:

"(5) The Commission may, in its discretion, issue a Certificate of Exemption applied for under sub-section (1) subject to such conditions, if any, as it thinks fit and specifies in the Certificate.";

- (e) by omitting from proposed section 45E(6) -
  - (i) "not less than 12 months after the issue to him of a Certificate,"; and
  - (ii) "and sub-section (4) applies to an application under paragraph (b)" and substituting "and sub-sections (2) and (4) apply to and in relation to an application under paragraph (b) as if it were an application under sub-section (1) for the issue of a Certificate of Exemption to the applicant";
- (f) by omitting from proposed section 45E(7) -
  - (i) "suspend or cancel" and substituting "vary, suspend or cancel"; and
  - (ii) "the terms" and substituting "the conditions".
- (g) by omitting proposed section 45E(8); and
- (h) by inserting after proposed section 45E the following:

"45EA. SPECIAL EXEMPTION OF CERTAIN PLACES

"(1) The Commission may, in its discretion and without application being made to it, and shall if so directed by the Minister, by notice in the Gazette, declare that a public place, or part of a public place, specified in the notice is an exempt area for the purposes

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of section 45D and in so doing may impose such conditions, if any, as the Commission thinks fit and specifies in the notice.

"(2) A person shall not contravene or fail to comply with a condition of a declaration specified in a notice under sub-section (1).

Penalty: \$200."

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