

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR AMENDMENT REGULATIONS 2011

Subordinate Legislation No. 26 of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 26 of 2011*

Liquor Amendment Regulations 2011

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Liquor Act*.

Dated 7 June 2011

T. I. PAULING
Administrator

By His Honour's Command

D. P. LAWRIE
Minister for Racing, Gaming and Licensing

* Notified in the *Northern Territory Government Gazette* on 15 June 2011.

1 Citation

These Regulations may be cited as the *Liquor Amendment Regulations 2011*.

2 Commencement

These Regulations commence immediately after the commencement of the *Alcohol Reform (Liquor Legislation Amendment) Act 2011*.

3 Regulations amended

These Regulations amend the *Liquor Regulations*.

4 Regulation 3 repealed

Regulation 3

repeal

5 Regulation 5A amended

(1) Regulation 5A, before "Section"

insert

(1)

(2) After regulation 5A(1)

insert

(2) However, section 31A of the Act does not apply to the sale of liquor under a licence listed in Schedule 1.

6 Regulation 5B inserted

After regulation 5A, in Part 2A

insert

5B Persons subject to prohibition relating to purchase of liquor

For section 31A(2)(d) of the Act, the following provisions are prescribed:

(a) a court order under section 11, 13, 34, 40, 44 or 78K of the *Sentencing Act* (including the order as varied under that Act);

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- (b) an order under section 5 of the *Parole of Prisoners Act* (including the order as varied under that Act).

7 Regulations 6 and 7 replaced

Regulations 6 and 7

repeal, insert

6 Definitions

In this Part:

Director infringement offence, see regulation 7(2).

infringement notice, see regulation 7A.

infringement offence means a police infringement offence or Director infringement offence.

police infringement offence, see regulation 7(1).

prescribed amount, see regulation 7(3).

7 Infringement offences and prescribed amount

- (1) A ***police infringement offence*** is an offence against a provision of the Act specified in Schedule 2, Part 1.
- (2) A ***Director infringement offence*** is an offence against a provision of the Act specified in Schedule 2, Part 2.
- (3) The ***prescribed amount*** for an infringement offence is the amount equal to the monetary value of the number of penalty units specified for the offence:
 - (a) for a police infringement offence – in Schedule 2, Part 1; or
 - (b) for a Director infringement offence – in Schedule 2, Part 2.

7A When infringement notice may be given

- (1) If a police officer reasonably believes a person has committed a police infringement offence, the police officer may give a notice (an ***infringement notice***) to the person.
- (2) If the Director reasonably believes a person has committed a Director infringement offence, the Director may give a notice (an ***infringement notice***) to the person.

8 Regulation 10 replaced

Regulation 10

repeal, insert

10 Withdrawal of infringement notice

- (1) A police officer may withdraw an infringement notice given by a police officer by written notice given to the alleged offender.
- (2) The Director may withdraw an infringement notice given by the Director by written notice given to the alleged offender.
- (3) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the alleged offender; and
 - (b) before payment of the prescribed amount.

9 Regulation 13 amended

Regulation 13(2)

omit

the Schedule

insert

Schedule 3

10 Part 5 repealed

Part 5

repeal

11 Schedule amended

Schedule, heading

omit, insert

Schedule 3 Private premises that may be included in public restricted area

12 Schedules 1 and 2 inserted

Before Schedule 3

insert

Schedule 1 Licences exempt from section 31A

regulation 5A(2)

Licence number	Premises
80201092	Asti Motel
80203860	Alice in the Territory
80102591	All Seasons Oasis - Alice Springs
80201870	Bluestone Motor Inn
80201864	Comfort Inn Vitina
80103715	Crowne Plaza Darwin
80817046	Darwin Wharf Precinct Cruiseship Facility/Function Centre
80202513	Elkira Resort Motel
80104168	Gagudju Crocodile Holiday Inn
81202714	Glen Helen Outback Resort
80103654	Holiday Inn Esplanade Darwin
81115530	Landmark – Katherine
80103004	Lasseters Casino
81117401	Litchfield Cafe
81117212	Lorella Springs Station
81116712	MacDonnell Range Holiday Park
80115620	Mantra on the Esplanade
80216470	Mary River Park
80117981	Medina Grand Darwin Waterfront & Vibe Hotel Darwin Waterfront
80104103	Novotel Atrium Darwin
80900103	NT Oriental Emporium
80215270	Old Alice

Licence number	Premises
81117302	Outback Caravan Park
80204377	Outback Pioneer Hotel
80202018	Paraway Motel
80204400	Peppers Seven Spirit Bay
80216120	Point Stuart Wilderness Lodge
81115860	Red Centre Farm
80117547	Ross River resort
80803343	Sails In The Desert Hotel
80100141	SKYCITY Darwin
81115970	Southern Cross Caterers
81117717	Stuart Caravan & Cabin Tourist Park
80201886	Territory Manor
80204199	Travelodge Mirambeena Resort Darwin
81104982	Wharf Oyster Bar and Takeaway
80304680	Wildman Wilderness Lodge
80317565	Wisdom Bar & Cafe

Schedule 2 Infringement offences and prescribed amounts

regulation 7

Part 1 Police infringement offences

Provision of Act	Penalty units
section 31A(6)	1
section 75(1)	1
section 75(1B)	1
section 101AE(1)	1
section 101AK(2)	1
section 101L(1)	1
section 120N(1)	1
section 120P(3)	1
section 120T(1)	1
section 120U(3)	1

Provision of Act	Penalty units
section 120Y(1) and (2)	1
section 121(2)	1
section 121A(1)	1

Part 2 Director infringement offences

Provision of Act	Penalty units
section 31A(6)	1
section 33D(1)	5
section 33E(1)	5
section 33I	5
section 47(1) and (4)	2
section 47D(1A)	2
section 53(1)	4
section 54(1)	4
section 102	5
section 103	5
section 104(1)	2
section 105(1)	5
section 106(3)	2
section 106A(1) and (2)	2
section 106B(1)	5
section 106BA(1) to (4)	2
section 106BB(1) to (4)	3
section 106BD(1), (3) and (4)	2
section 106CA(1)	5
section 106CA(4)	2
section 107(1)	2
section 108(1)	2
section 109(1)	5
section 110	5
section 111(3A)	3
section 112	2
section 113(1)	2

Provision of Act	Penalty units
section 114(1)	2
section 117(1)	5
section 118(1)	3
section 118(2)	2
section 119(1) and (10)	5
section 120Y(1) and (2)	1
section 121(1AA):	
(a) for a licensee	5
(b) for an employee	3
section 121(2)	1
section 121A(1)	1
section 123(1)	3

13 Regulations further amended

The Schedule has effect.

Schedule Regulations further amended

regulation 13

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 4(1)(b) and (1AA)(b)	10.00pm,	10.00pm;
regulation 4(1) and (1AA)	in respect of	for
regulation 4(1A)	Notwithstanding subregulation (1) or (1AA)	However
	that subregulation where it is	subregulation (1) or (1AA) if
regulation 4(1B)	shall	must
regulation 4(2), definition public holidays	whole definition	public holiday means a public holiday under section 5 or 6 of the <i>Public Holidays Act</i> , other than Good Friday or Christmas Day.
regulation 5	the purposes of	
regulation 8(2)(a)	service of the notice	the notice is given
regulation 8(3), after "include"		an appropriate form for making
regulation 11	whole regulation	
regulation 12(2)	served on	given to
regulation 12(3)	served (all references)	given