

NORTHERN TERRITORY OF AUSTRALIA
LIQUOR AMENDMENT (INFRINGEMENT NOTICES)
REGULATIONS 2006

Regulations No. 18 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Regulations No. 18 of 2006*

Liquor Amendment (Infringement Notices) Regulations 2006

I, EDWARD JOSEPH EGAN, the 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 2006.

E. J. EGAN
Administrator

By His Honour's Command

PETER TOYNE
Minister for Justice and Attorney-General
acting for the
Minister for Racing, Gaming and Licensing

* Notified in the *Northern Territory Government Gazette* on 14 June 2006.

Liquor Amendment (Infringement Notices) Regulations 2006

1. Citation

These Regulations may be cited as the *Liquor Amendment (Infringement Notices) Regulations 2006*.

2. Regulations amended

These Regulations amend the *Liquor Regulations*.

3. New Part 1 heading

Before regulation 1

insert

PART 1 – PRELIMINARY MATTERS

4. Repeal and substitution of regulation 3

Regulation 3

repeal, substitute

3. Definitions

In these Regulations:

"infringement offence" means an offence against section 101L(1) of the Act;

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

5. New Part 2 heading

Before regulation 4

insert

PART 2 – GENERAL MATTERS

6. Repeal of regulations 6 and 7

Regulations 6 and 7

repeal

7. New Part 3

After regulation 5

insert

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.

8. Repeal of Schedule

Schedule

repeal
