

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR REGULATIONS

As in force at 1 July 2010

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 July 2010. Any amendments that commence after that date are not included.

LIQUOR REGULATIONS

Regulations under the *Liquor Act*

Part 1 Preliminary matters

1 Citation

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

2 Commencement

These Regulations shall come into operation on 1 January 1982.

3 Definitions

In these Regulations:

infringement offence means an offence against section 31A(6), 75(1B), 101AE(1), 101AK(2), 101L(1), 120N, 120P(3), 120T, 120U(3), 120Y, 121(2) or 121A of the Act.

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

Part 2 General matters

4 Days and times at which liquor may be sold

(1) Subject to subregulation (1AA), the times and days that liquor may be sold for consumption away from the premises under a licence that authorises such sales are:

(a) Sunday to Friday (inclusive) – between 10.00am and 10.00pm; and

(b) Saturday and public holidays – between 9.00am and 10.00pm,

or such shorter periods of time within the times specified in paragraphs (a) and (b), and on such days, as the Commission may determine in respect of a particular licence or particular licences.

(1AA) The times and days that liquor may be sold for consumption away from the premises under a store licence are:

(a) Monday to Friday (inclusive) – between 10.00am and 10.00pm; and

(b) Saturday and public holidays – between 9.00am and 10.00pm,

or such shorter periods of time within the times specified in paragraphs (a) and (b), and on such days, as the Commission may determine in respect of a particular store licence or particular store licences.

(1A) Notwithstanding subregulation (1) or (1AA), the Commission may permit a licensee to sell liquor for consumption away from the premises at times other than those specified in or determined under that subregulation where it is satisfied that the liquor sold is not likely to be consumed in public or to lead to public drunkenness.

(1B) Where the Commission gives permission under subregulation (1A) it shall endorse the licensee's licence accordingly.

(2) In this regulation:

public holidays means public holidays observed in the Territory pursuant to sections 5 and 6 of the *Public Holidays Act*, but does not include Good Friday and Christmas Day.

store licence means a licence that authorises the sale of liquor for removal and consumption away from the licensed premises and that is endorsed with the words "AUTHORITY – STORE".

5 Application fee

The prescribed fee for the purposes of section 26(1) of the Act is \$200.

Part 2A Licence conditions

5A Conditions about identification system

Section 31A(1) of the Act applies to a sale of liquor for consumption away from licensed premises under a licence having any of the following licence numbers:

80901791	80117506	80902690
81301673	81200500	80902628
80316511	80900058	80902856

80101789	81200372	80902573
80100963	80102399	80902634
80900131	80102200	80902567
80900042	80902640	80901729
80900070	80902951	
80900703	80902945	

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 1 penalty unit.

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.

Part 4 Restricted areas

13 Private premises that may be included in public restricted area

- (1) This regulation has effect for section 74(1A) of the Act.
- (2) A public restricted area may include any private premises specified in the Schedule.

Part 5 Licence conditions

14 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);
- (b) an order under section 5 of the *Parole of Prisoners Act* (including the order as varied under that Act).

Schedule

- 1 Private premises comprising the following are specified:
 - (a) the part of Northern Territory Portions 1192 and 1316 at Nhulunbuy that is particularly delineated on Survey Plans A708 and A952 and comprising the following:
 - ALCAN Sports and Social Club – Lot 1348 Townsite of Nhulunbuy
 - Banyan Road Park – Lot 457 Townsite of Nhulunbuy
 - Captain Cook Community Centre – Lot 1395 Townsite of Nhulunbuy
 - Casuarina Ave Park – Lot 163 Townsite of Nhulunbuy
 - Ferntree Close Park – Lots 798 and 1282 Townsite of Nhulunbuy
 - G3 Wet Mess – Lot 1628 Townsite of Nhulunbuy
 - Gove Hockey Club – Lot 1538 Townsite of Nhulunbuy
 - Gove Squash Club – Lot 1133 Townsite of Nhulunbuy
 - Harleys of Gove Hog Shed – Lot 98 Gove Industrial Area
 - Jasmine Close Park – Lot 699 Townsite of Nhulunbuy
 - Jasper Road Park – Lot 477 Townsite of Nhulunbuy
 - Lions Club – Lot 1618 Townsite of Nhulunbuy
 - Lions Park – Lot 488 Townsite of Nhulunbuy
 - Nhulunbuy BMX Club – Lot 1365 Townsite of Nhulunbuy
 - Nhulunbuy Community Child Care Centre – Lot 1392 Townsite of Nhulunbuy
 - Nhulunbuy Community Neighbourhood Centre – Lot 1258 Townsite of Nhulunbuy
 - Nhulunbuy High School – Lot 23 Townsite of Nhulunbuy
 - Nhulunbuy Primary School – Lot 71 Townsite of Nhulunbuy
 - Nhulunbuy Scout Hall – Lot 1229 Townsite of Nhulunbuy
 - Nhulunbuy Senior Citizens Association – Lot 1336 Townsite of Nhulunbuy
 - NT Fire & Rescue Service, Nhulunbuy – Lot 3 Townsite of Nhulunbuy
 - Sandlewood Avenue Park – Lot 162 Townsite of Nhulunbuy
 - South Oval – Lot 1438 Townsite of Nhulunbuy

Town Hall – Lot 8 Townsite of Nhulunbuy

Town Oval No. 1 – Lot 1347 Townsite of Nhulunbuy

Town Oval No. 2 – Lot 1626 Townsite of Nhulunbuy

Whitewood Circuit Park – Lot 1505 Townsite of Nhulunbuy;

(b) Hagney Park – the part of Northern Territory Portion 1192 within the Townsite of Nhulunbuy contained within the north-eastern boundary of Beagle Circuit, the south-eastern boundary of lot 1266 extended north-easterly for 15 metres, the north-western boundary of lot 1316 extended north-easterly for 15 metres and a straight line connecting the north-eastern extremities of the aforesaid extended boundaries;

(c) Rotary South Park – the part of Northern Territory Portion 1192 within the Townsite of Nhulunbuy contained within the south-western and north-western boundaries of Chippis and Enalu Roads respectively, south-eastern boundaries of lots 1084 and 1085 and north-eastern boundaries of lots 1103 and 1105;

(d) Astronomers Club Dark Sky, being the part of Northern Territory Portion 1692 contained within a circle of radius 200 metres centred at 12°16'16.72"S, 136°47'47.07"E;

(e) Arnhem Gun Club (incorporating the Bowman's Gove Club, Pistol Club, Shotgun Club and Rifle Club), being the part of Northern Territory Portion 1692 bounded by straight lines connecting in succession the following coordinates:

12°13'44"S, 136°49'26.68"E

12°13'34.8"S, 136°49'41.34"E

12°13'49.78"S, 136°49'59.5"E

12°13'58.25"S, 136°49'31.25"E

12°13'44"S, 136°49'26.68"E;

(f) Wirrawuy and Middle Carpark (Cape Wirawawoi), being the parts of Northern Territory Portions 1172, 1192, 1646 bounded by straight lines connecting in succession the following coordinates:

12°09'27.6"S, 136°46'55.2"E

12°09'43.8"S, 136°47'16.8"E

12°10'02.4"S, 136°46'01.8"E

12°09'49.2"S, 136°45'58.8"E

12°09'27.6"S, 136°46'55.2"E;

- (g) Banamburrnga (Rainbow Cliffs), being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°12'35.4"S, 136°49'04.8"E

12°12'42.6"S, 136°49'18"E

12°12'31.8"S, 136°49'42.6"E

12°12'37.2"S, 136°49'51.6"E

12°12'42.6"S, 136°50'03.6"E

12°12'40.8"S, 136°50'06.6"E

12°12'32.4"S, 136°50'58.2"E

12°12'53.4"S, 136°51'00"E

12°12'48.6"S, 136°50'03.6"E

12°12'43.8"S, 136°49'49.8"E

12°12'50.4"S, 136°49'06.6"E

12°12'35.4"S, 136°49'04.8"E;

- (h) Yarrapay (Rocky Point), Baringgura (Little Bondi), Ngumuy (Turtle Beach), Garanhan (Macassan) and Binydjarrnga (Daliwuy), being the parts of Northern Territory Portions 1044, 1045, 1646, 1692 bounded by straight lines connecting in succession the following coordinates:

12°16'47.4"S, 136°54'34.2"E

12°16'04.2"S, 136°55'04.2"E

12°17'10.8"S, 136°56'15.6"E

12°19'48"S, 136°56'36.6"E

12°21'35.4"S, 136°54'27.6"E

12°16'47.4"S, 136°54'34.2"E;

- (i) Wanuwuy (Cape Arnhem) including Yukuwarra, Rangura, and Lurrupukurru, being the parts of Northern Territory Portions 1692, 1646 bounded by straight lines connecting in succession the following coordinates:

12°19'51.6"S, 136°54'40.2"E

12°20'09"S, 136°59'49.8"E

12°22'49.8"S, 136°58'02.4"E

12°27'03"S, 136°52'09"E

12°25'08.4"S, 136°50'31.8"E

12°19'51.6"S, 136°54'40.2"E;

- (j) Ganami (Wonga Creek), being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°26'01.8"S, 136°41'57"E

12°27'47.4"S, 136°43'57.6"E

12°28'27"S, 136°43'17.4"E

12°26'54.6"S, 136°41'01.8"E

12°26'01.8"S, 136°41'57"E;

- (k) Guwatjorumurru (Rock Holes/Giddy River), being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°21'28.2"S, 136°42'40.2"E

12°22'11.4"S, 136°42'52.2"E

12°23'58.2"S, 136°41'19.2"E

12°24'10.2"S, 136°39'46.8"E

12°23'26.4"S, 136°39'21"E

12°23'18.6"S, 136°39'55.2"E

12°21'40.8"S, 136°42'08.4"E

12°21'28.2"S, 136°42'40.2"E;

- (l) Gapuru (Memorial Park), being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°27'01.2"S, 136°34'51.6"E

12°27'18"S, 136°34'51.6"E

12°27'18"S, 136°34'33.6"E

12°27'01.8"S, 136°34'33"E

12°27'01.2"S, 136°34'51.6"E;

- (m) Wahawuy (Goanna Lagoon and the Latram River), being the parts of Northern Territory Portions 1646 and 1692 bounded by straight lines connecting in succession the following coordinates:

12°18'06"S, 136°46'49.2"E

12°20'55.8"S, 136°48'31.2"E

12°20'55.2"S, 136°46'02.4"E

12°18'01.8"S, 136°46'00"E

12°18'06"S, 136°46'49.2"E;

- (n) Ganinyara (Granite Islands), being those parts of Northern Territory Portion 1647 and sea bounded by straight lines connecting in succession the following coordinates:

12°13'55.2"S, 136°40'39.6"E

12°14'47.4"S, 136°40'37.8"E

12°14'48.6"S, 136°40'21.6"E

12°13'56.4"S, 136°40'21.6"E

12°13'55.2"S, 136°40'39.6"E;

- (o) Marngarr Airport Beach southeast of Drimmie Head, being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates (including land between the north-eastern and south-western extremities of the area extended seawards to the low water mark):

12°13'40.1"S, 136°42'15.2"E

12°13'38.8"S, 136°42'14.5"E

12°13'34.1"S, 136°42'19.6"E

12°13'35.1"S, 136°42'21"E

12°13'40.1"S, 136°42'15.2"E;

- (p) Marngarr Sports Oval, being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°12'59.5"S, 136°42'20.8"E

12°12'53.8"S, 136°42'21.7"E

12°12'55.2"S, 136°42'28.4"E

12°13'01.1"S, 136°42'27.1"E

12°12'59.5"S, 136°42'20.8"E;

- (q) Marngarr Reserve, being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°12'17.8"S, 136°42'33.4"E;

12°12'17.8"S, 136°42'34.7"E;

12°12'22"S, 136°42'34.1"E;

12°12'21.9"S, 136°42'32"E;

12°12'17.8"S, 136°42'33.4"E;

- (r) Manangaymi (Scout Camp), being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°18'50.2"S, 136°40'24.6"E

12°18'58.1"S, 136°41'E

12°20'19.1"S, 136°40'18.2"E

12°19'52.2"S, 136°39'47.9"E

12°18'50.2"S, 136°40'24.6"E;

- (s) Spring Camp, being the part of Northern Territory Portion 1646 contained within a circle of radius 500 metres centred at coordinates 12°31'41.8"S, 136°43'32.4"E;

- (t) Dhanya Outstation, being the part of Northern Territory Portion 1646 contained within a circle of radius 1 000 metres centred at coordinates 12°33'03.3"S, 136°44'18.1"E;

- (u) Nhulunbuy Speedway Club, being the part of Northern Territory Portion 1646 bounded by straight lines connecting in succession the following coordinates:

12°12'27.8"S, 136°47'09.8"E

12°12'32.4"S, 136°47'03.3"E

12°12'25.5"S, 136°46'58.4"E

12°12'21.5"S, 136°47'05.4"E

12°12'27.8"S, 136°47'09.8"E;

- (v) Nomad Fishing Charters (Bremer Island), being the part of Northern Territory Portion 1647 situated north-easterly of a straight line between the following coordinates:

12°04'33.2"S, 136°48'55.5"E

12°05'10.4"S, 136°49'23.9"E.

- 2 For this Schedule, the coordinates are based on the datum known as WGS84.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Liquor Regulations (SL No. 40, 1981)***

Notified	30 December 1981
Commenced	1 January 1982 (r 2)

Liquor (Amendment) Regulations (SL No. 36, 1982)

Notified	2 July 1982
Commenced	2 July 1982 (r 1)

Amendments of the Liquor Regulations (SL No. 11, 1984)

Notified	24 February 1984
Commenced	24 February 1984

Amendment of the Liquor Regulations (SL No. 61, 1984)

Notified	31 October 1984
Commenced	31 October 1984

Amendments of the Liquor Regulations (SL No. 18, 1985)

Notified	1 July 1985
Commenced	1 July 1985 (r 1)

Amendment of the Liquor Regulations (SL No. 25, 1986)

Notified	22 July 1986
Commenced	22 July 1986

Amendment of Liquor Regulations (SL No. 33, 1987)

Notified	1 July 1987
Commenced	1 July 1987

Amendment of Liquor Regulations (SL No. 8, 1988)

Notified	9 March 1988
Commenced	9 March 1988

Amendment of Liquor Regulations (SL No. 10, 1989)

Notified 7 June 1989
 Commenced 7 June 1989

Amendments of Liquor Regulations (SL No. 15, 1990)

Notified 29 June 1990
 Commenced 1 July 1990 (r 1)

Amendment of Liquor Regulations (SL No. 44, 1990)

Notified 10 October 1990
 Commenced 10 October 1990

Amendment of Liquor Regulations (SL No. 52, 1990)

Notified 21 December 1990
 Commenced 21 December 1990

Amendments of Liquor Regulations (SL No. 23, 1991)

Notified 12 June 1991
 Commenced 12 June 1991

Amendments of the Liquor Regulations (SL No. 4, 1992)

Notified 28 February 1992
 Commenced r 2: 1 April 1992; rem: 1 March 1992 (r 1)

Amendments of the Liquor Regulations (SL No. 10, 1992)

Notified 30 March 1992
 Commenced 1 April 1992 (r 1)

Amendments of Liquor Regulations (SL No. 44, 1993)

Notified 1 December 1993
 Commenced 1 December 1993

Amendment of Liquor Regulations (SL No. 22, 1995)

Notified 30 June 1995
 Commenced 30 June 1995

Statute Law Revision Act 1999 (Act No. 27, 1999)

Assent date 18 June 1999
 Commenced 18 June 1999

Amendment of Liquor Regulations (SL No. 34, 1999)

Notified 10 November 1999
 Commenced 10 November 1999

Liquor Amendment (Infringement Notices) Regulations 2006 (SL No. 18, 2006)

Notified 14 June 2006
 Commenced 14 June 2006

Liquor Amendment (Infringement Offence) Regulations 2006 (SL No. 34, 2006)

Notified 18 October 2006
 Commenced 18 October 2006

Liquor Legislation Amendment Act 2007 (Act No. 14, 2007)

Assent date 4 September 2007
 Commenced ss 9 to 11 and 20 (to extent it ins s 140): nc;
 rem: 14 September 2007 (Gaz S27, 14 September 2007)

Liquor Amendment Regulations 2007 (SL No. 41, 2007)

Notified 20 December 2007
 Commenced 31 March 2008 (*Gaz G11*, 19 March 2008, p 3)

Liquor Legislation Amendment Act 2008 (Act No. 11, 2008)

Assent date 23 May 2008
 Commenced s 5: 31 March 2008 (s 2(2), r 2 *Liquor Amendment Regulations 2007* and *Gaz G11*, 19 March 2008, p 3);
 rem: 23 June 2008 (*Gaz G24*, 18 June 2008, p 6)

Liquor Amendment Regulations 2008 (SL No. 11, 2008)

Notified 28 May 2008
 Commenced 28 May 2008

Liquor Amendment (Prohibited Persons) Regulations 2008 (SL No. 13, 2008)

Notified 11 June 2008
 Commenced 23 June 2008 (r 2, s 2 *Liquor Legislation Amendment Act 2008* (Act No. 11, 2008) and *Gaz G24*, 18 June 2008, p 6)

Liquor Legislation Amendment Act 2010 (Act No. 17, 2010)

Assent date 20 May 2010
 Commenced 1 July 2010 (*Gaz G25*, 23 June 2010, p 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

r 3 *Amendment of the Liquor Regulations* (SL No. 61, 1984)
 r 3(2) *Amendments of the Liquor Regulations* (SL No. 4, 1992)
 r 2 *Amendments of Liquor Regulations* (SL No. 44, 1993)

4 LIST OF AMENDMENTS

pt 1 hdg ins No. 18, 2006, r 3
 r 3 sub No. 18, 1985, r 2; No. 18, 2006, r 4
 amd No. 23, 1991, r 1; No. 4, 1992, r 2; No. 10, 1992, r 2; No. 34, 2006, r 3;
 Act No. 14, 2007, s 22; Act No. 11, 2008, s 6; Act No. 17, 2010, s 11

pt 2 hdg ins No. 18, 2006, r 5
 r 4 ins No. 36, 1982, r 2
 amd No. 11, 1984, r 1; No. 33, 1987; No. 8, 1988; No. 15, 1990, r 2; No. 4,
 1992, r 3; No. 44, 1993, r 1; No. 34, 1999
 sub No. 25, 1986

r 5 ins No. 36, 1982, r 2; No. 44, 1990
 rep No. 11, 1984, r 2

pt 2A hdg ins Act No. 11, 2008, s 6
 r 5A ins Act No. 11, 2008, s 6

pt 3 hdg ins No. 18, 2006, r 7
 r 6 ins No. 52, 1990; No. 18, 2006, r 7
 amd No. 23, 1991, r 2; No. 10, 1992, r 3
 rep No. 18, 2006

r 7 ins No. 52, 1990; No. 18, 2006, r 7
 amd No. 23, 1991, r 3; No. 10, 1992, r 4; Act No. 17, 2010, s 12
 rep No. 18, 2006, r 6

r 8 ins No. 10, 1992, r 5; No. 18, 2006, r 7
 rep Act No. 27, 1999, s 16

rr 9 – 12 ins No. 18, 2006, r 7

pt 4 hdg ins No. 41, 2007, r 3
 r 13 ins No. 41, 2007, r 3

ENDNOTES

pt 5 hdg amd No. 11, 2008, r 3
r 14 ins No. 13, 2008, r 4
sch ins No. 13, 2008, r 4
 amd No. 61, 1984, r 2; No. 18, 1985, r 3; No. 10, 1989; No. 10, 1992, r 6;
 No. 22, 1995
 sub No. 15, 1990, r 3
 rep No. 18, 2006, r 8
 ins No. 41, 2007, r 4
 sub No. 11, 2008, r 4