

Special Restricted Areas

Emergency Ministerial Powers - The Facts

What is a Special Restricted Area? – Summary

The Northern Territory Minister for Racing, Gaming and Licensing can declare any area a Special Restricted Area.

Once a declaration is made, it is illegal to bring, possess, supply or engage in conduct for supply, consume or dispose of liquor within that declared Special Restricted Area for example, a town camp.

Why and how will the Minister declare an area as a Special Restricted Area?

The Minister can exercise this discretion in urgent situations where it is:

- for the wellbeing of affected communities; and
- after consideration of all the circumstances of the affected communities.

A community can include an individual or a group of individuals within a community.

The Minister is required to place the declaration in the Government Gazette and notify Parliament within six sitting days of Parliament of the declaration.

This process is not intended to replace the current processes of the Northern Territory Licensing Commission. Most matters concerning liquor restrictions will still be addressed by the Commission. The Minister will only use this power in emergencies.

What are the offences and penalties?

It is an offence in a Special Restricted Area to bring, possess, have control of liquor, consume, sell or otherwise dispose of liquor.

The maximum penalty is \$1,000 or 6 months imprisonment.

However, it is not an offence to:

- transport unopened liquor through a Special Restricted Area;
- possess or consume liquor if you have a permit; and
- use liquor in a religious service.

How might this declaration affect liquor licensees?

The Minister can impose special licence conditions on licensees (for general and special licences).

Before doing so, the Minister must be satisfied that it is urgently needed for the wellbeing of the communities that might be affected by the operation of the licence.

In addition, the Minister may seek advice, information or recommendations from the Northern Territory Licensing Commission before granting a declaration or imposing special licence conditions.

How might this declaration affect liquor permit systems?

The Minister may grant, suspend, revoke or modify any liquor permits in a Special Restricted Area. The Minister cannot approve a new permit in a Special Restricted Area unless the following has been considered:

- the likely impact of the issuing of permit on communities in and near the area; and
- any view expressed by the communities about the application.