



Banned Drinkers and the Smart Court

New laws are proposed to tackle violence and anti-social behaviour by turning problem drinkers off tap as part of a 5-Point Plan to target problem drinkers who cause crime and anti-social behaviour.

The Territory Government is seeking public comment about the plan.

People who abuse alcohol and are violent or involved in anti-social behaviour can become Banned Drinkers. They will be recorded on a Banned Drinker Register. The Banned Drinker Register will enable Liquor Licensees to identify these Banned Drinkers and refuse the sale of alcohol. The Banned Drinker Register will be maintained by the Licensing Division of the Department of Justice and will interact with the Integrated Justice Information System (accessed by Police and Courts).

Police issued Alcohol Banning Notices

New laws are planned to require the Police to issue alcohol banning notices.

The Police will be able to issue some problem drinkers with an alcohol banning notice that can ban them from consuming alcohol and purchasing take away alcohol for a set period of time, depending on how many notices they have received in the past. This could be a ban from drinking and buying take-away alcohol for six months.

These notices will also recommend the person undertake treatment for their alcohol problem. Successful treatment can mean the ban is reduced.

The Police can't issue just anyone with these notices.

It is planned that a police officer may give an alcohol banning notice to a person who is:

- placed in police protective custody three times in three months
- receives repeat drink driving infringement notices: or a high level drink driving offence
- charged with an alcohol related offence
- involved in family and domestic violence assaults and offences involving alcohol.

These proposed new laws target people who cause harm from their alcohol or drug abuse or who are involved in anti-social behaviour. Some problem drinkers may get more than one notice from the police. With each notice the length of the ban gets longer, but the ban can be reduced with successful treatment.

If a person is given an alcohol banning notice, their name goes on the Banned Drinker Register.

If a person has been issued with a second alcohol banning notice, next time the police can choose to refer the person to the Alcohol and Other Drugs (AOD) Tribunal.

Once a person has received three alcohol banning notices, then the next time the police will refer them to the AOD Tribunal.

The new Alcohol and Other Drugs (AOD) Tribunal

Government will establish a new Alcohol and Other Drugs (AOD) Tribunal to issue banning orders and review the police issued alcohol banning notices. The plan is for the AOD Tribunal to issue their own orders banning people from alcohol, stopping people from buying take away alcohol and also requiring a person to attend rehabilitation.

The AOD Tribunal would be able to put in place even harsher orders than the police notices, for example, bans on alcohol that last for more than a year, or last until the person completes treatment or rehabilitation.

These harsher orders are directed at people who are issued repeat banning notices by the police. For example, a person issued with a third banning notice by the police would go to the AOD Tribunal. Once a person is given an alcohol banning order, it is proposed that their name will go on the Banned Drinker Register.

Individual and Third-Party Referrals to the AOD Tribunal

It is anticipated that other people, such as the police, family members and health workers, will be able to ask the Tribunal to make orders against someone. For example, if one of your family members has a drinking problem and is causing harm, you would be able to go to the Tribunal and ask them to make an order banning your family member from purchasing take away alcohol. The AOD Tribunal would look at what has been happening and your family member would be assessed by a professional.

A person with an alcohol problem could choose to get themselves banned so they can more easily deal with their alcohol or drug problem.

Is the Alcohol and Other Drugs (AOD) Tribunal a court?

A tribunal is NOT a court and going to a tribunal does not mean a person has committed a criminal offence.

The AOD Tribunal would NOT be for people who have been charged with a criminal offence. People charged with a criminal offence linked to alcohol or drug misuse would be referred to the proposed SMART Court.

The AOD Tribunal would be independent and membership would be a presiding person (who is an experienced lawyer or a Magistrate) plus one or two other people sitting with them. These other members of the tribunal would be made up of people with relevant experience in the area of drugs and alcohol, and could include legal professionals, medical practitioners, counsellors or clinicians, as well as community members.

The AOD Tribunal would hear applications for alcohol banning orders. This could be an application by the Police for an order against a person who has had a number of police notices issued against them or applications by other people, such as doctors, welfare workers or family members of people with alcohol or drug problems.

The AOD Tribunal will also review the notices issued by the police. So if someone disagrees with their order or thinks it is unfair, they can go to the AOD Tribunal and ask them to review it.

The SMART Court – Criminal offenders with a drug or alcohol problem

It is planned that a new SMART (**S**ubstance **M**isuse **A**ssessment **A**nd **R**eferral for **T**reatment) Court will be established to deal with people charged with a criminal offence where it is related to alcohol or drug abuse.

The SMART Court would only be for people who have been charged with a criminal offence.

If a person is arrested and charged with a criminal offence, and drugs or alcohol were involved, they would go to court and ask to be assessed by a court clinician. If the court clinician thought the person needs treatment for their drug or alcohol problem, then the SMART Court could take over their criminal matter.

It is proposed that the SMART Court would have the power to order the person into treatment at any point during the proceedings of the court using a SMART Order.

The SMART Orders would be flexible to suit each case.

A SMART Order could require a person to attend residential rehabilitation and also ban the person from consuming or purchasing alcohol.

A SMART Order would not mean the offender does not go to jail or serve a sentence for their crime. The SMART Order could be part of an overall court process and sentence. Whether the offender goes to jail would depend on the crime, but a person could do time in jail plus have a SMART Order telling them to attend rehabilitation, get counselling and banning them from purchasing or consuming alcohol.