



Darwin: 1800 898 251

Katherine: 1800 897 728

Nhulunbuy: 1800 022 823

Alcohol Protection Orders (APO)

The NT government has created new laws in December 2013 to try to stop alcohol fueled crime. The APO law tries to stop people from drinking if they have already committed crimes where alcohol was involved by making it a crime to drink or be near alcohol.

How does someone get an APO?

- A senior police officer can give a person an APO if:
 - o The police officer has arrested the person, or gives the person papers to go to court (a summons or notice to appear in court) because the police officer thinks the person committed a crime, **and**
 - o The person could be sent to prison for 6 months or more for committing that crime, **and**
 - o The police officer thinks that the person was affected by alcohol when they did the crime.

What things does an APO stop a person from doing?

- A person cannot drink or have alcohol on their body or in their control, **and**
- A person cannot go into a place that sells alcohol (like a pub, bottle'o, most restaurants, some supermarkets).

How long does an APO last for?

- The first time a person gets an APO it lasts for 3 months
- If a person breaks the first APO, or they get another APO within a year of the getting the first APO, then the new APO can last for longer (6 or 12 months).

If police believe a person has an APO, what do the police have power to do?

- Search the person for alcohol;
- Remove any alcohol the person may have and destroy it;
- Stop a person with an APO and, if the police believe the person has been drinking, they can make that person do a breath test. If the person refuses then the police can arrest that person and take them to the police station for a breath test. If this happens the police can charge that person for not doing a breath test. (fine up to \$3,600, or up to 3 months in prison).

What happens if a person breaks an APO?

- Maximum fine of \$3,600, **or**
- Maximum jail of up to 3 months.

How does a person stop an APO if the police have the wrong story?

- A person can write a letter to a police sergeant explaining why there should be no APO and asking that it be removed. This must be done within 3 days of getting the APO.
- If the police say no in a letter, the person can give documents to the Local Court explaining why there should be no APO and asking that it be removed. This must be done within 7 days of the police decision.
- NAAJA can help with this

What if the police searched or breath-tested someone when there was no good reason?

- If a person believes the police did not have a good reason they can complain about the police to the police boss, the ombudsman or the Court.
- NAAJA can help with this.

CASE STUDY

On Friday night, Sam was drunk in a public place and yelling (including swear words). The police saw Sam and arrested him for being disorderly and offensive in public. The police took Sam to the police station and charged him with this crime. The police also gave Sam an APO because Sam committed this crime when he was drunk and the crime has a punishment of prison for up to 6 months. Sam promised to not break the law again and that he would go to Court on Monday, so the police gave him bail and he was released.

On Saturday night Sam drank some beer with his mates at the pub, and then he got a bottle of wine to take home. He put the wine in his bag and went to the bus stop and waited for a bus. The police saw Sam waiting for the bus and had a good reason to think he had an APO - the police remembered they had given Sam an APO the day before. Because the police had this good reason the police were allowed to search Sam – which they did and found the bottle of wine in his bag. The police could also smell beer on Sam’s breath and this gave them a good reason to believe he had been drinking. Because the police had this good reason they were allowed to make Sam do a breath test – which they did. Sam was arrested and charged with breaking the APO rules. Sam was not given bail and was held in prison until court on Monday.

On Monday Sam went to the Court and the Magistrate heard the story of Sam’s crimes:

- Crime 1: being disorderly and offensive in a public place
- Crime 2: breaking the APO rules by being inside a pub, drinking beer and having a bottle of wine in his bag
- Crime 3: breach of bail by breaking his promise to the police that he would not break the law between the time he was arrested for crime 1 and the time he had to go to Court.

Sam said he was guilty of these crimes and the Magistrate punished him for all three crimes. The original APO continues and Sam can get into trouble again if he breaks it again.