

Triggers and Ban Breaches

This information sheet provides an overview of the triggers for being placed on the Banned Drinker Register (BDR) and what happens when there is a breach of the ban and how a ban can be reduced. It also contains information around secondary supply of alcohol.

Overview

- There are a range of ways a person can find themselves on the BDR.
- Ban length is dependent on the how the ban came to exist in the first place.
- Bans can be extended, reduced or revoked for a range of reasons.

How does a person get onto the BDR?

There are a number of ways a person can find themselves on the BDR. These include:

- any combination of three alcohol-related protective custodies or alcohol infringement notices in 2 years
- two low-range drink driving offences or a single mid-range or high-range drink driving offence
- being the defendant on an alcohol-related domestic violence order
- having an alcohol prohibition condition (purchase, possess or consume conditions) on a court order (including child protection orders), bail or parole orders
- by decision of the BDR Registrar after being referred by an authorised person or a family member or carer
- self-referral for any reason.

A person who goes onto the BDR will be advised that a ban has been put in place.

How long does a ban last?

The length of a ban depends on the circumstances leading to the ban.

A ban under a Banned Drinker Order (BDO) made by Police will initially be for three months, with a breach of the ban leading to a six month ban, and further breaches resulting in a 12 month ban. Each time a 12 month ban is breached, it starts again at day one.

A BDO made by the BDR Registrar may be for three, six or 12 months following assessment and report by a clinician, or evidence from an Authorised person.

A ban resulting from an alcohol prohibition in a court order or a parole order runs for the period that is set in the specific court order.

What is a breach?

A breach of a ban occurs when a banned person purchases, possesses or consumes alcohol.

Can a ban be extended without a breach or another BDR trigger being hit?

A ban can be extended by the BDR Registrar if the original reasons for the ban being put in place still exist. This can be determined through evidence provided by an Authorised Person directly or through additional referrals. This additional evidence would need to meet the evidence criteria required by the BDR Registrar. (See Fact Sheet: BDR Registrar).

The decision of the BDR Registrar to extend a ban is reviewable by Northern Territory Civil Administrative Tribunal (NTCAT).

How can a ban be reduced?

Bans can be reduced for people on Police-issued and BDR Registrar-issued BDOs if they complete the recommended therapeutic support. A ban is reduced down to the next level ban once the BDR Registrar is satisfied that person has successfully participated in and completed the therapeutic support. This means that a 12 month ban can potentially be reduced to a six month ban and a six month ban can potentially be reduced to a three month ban.

Ban reductions do not apply to bans that result from court and parole order prohibition conditions.

How does a person get off the BDR?

The only way to get off the BDR is to complete the ban length on the BDO or to have the Order revoked through the review process.

What happens if a charge (that leads to a ban) is dropped or the person is found not guilty?

Where a ban is in place and the reason for that ban no longer exists (e.g. a charge is dropped, a person is found not guilty or they have successfully appealed to NTCAT), the ban will be removed as soon as practicable.

What is secondary supply?

Secondary supply is the act of intentionally supplying alcohol to a banned person that you ought reasonably to have known is on the BDR.

What is the punishment for secondary supply?

If found to be supplying alcohol to a banned person, you will go on the BDR and be charged with the offence of secondary supply.

The penalty for being found guilty of secondary supply is 20 penalty units (\$3080).

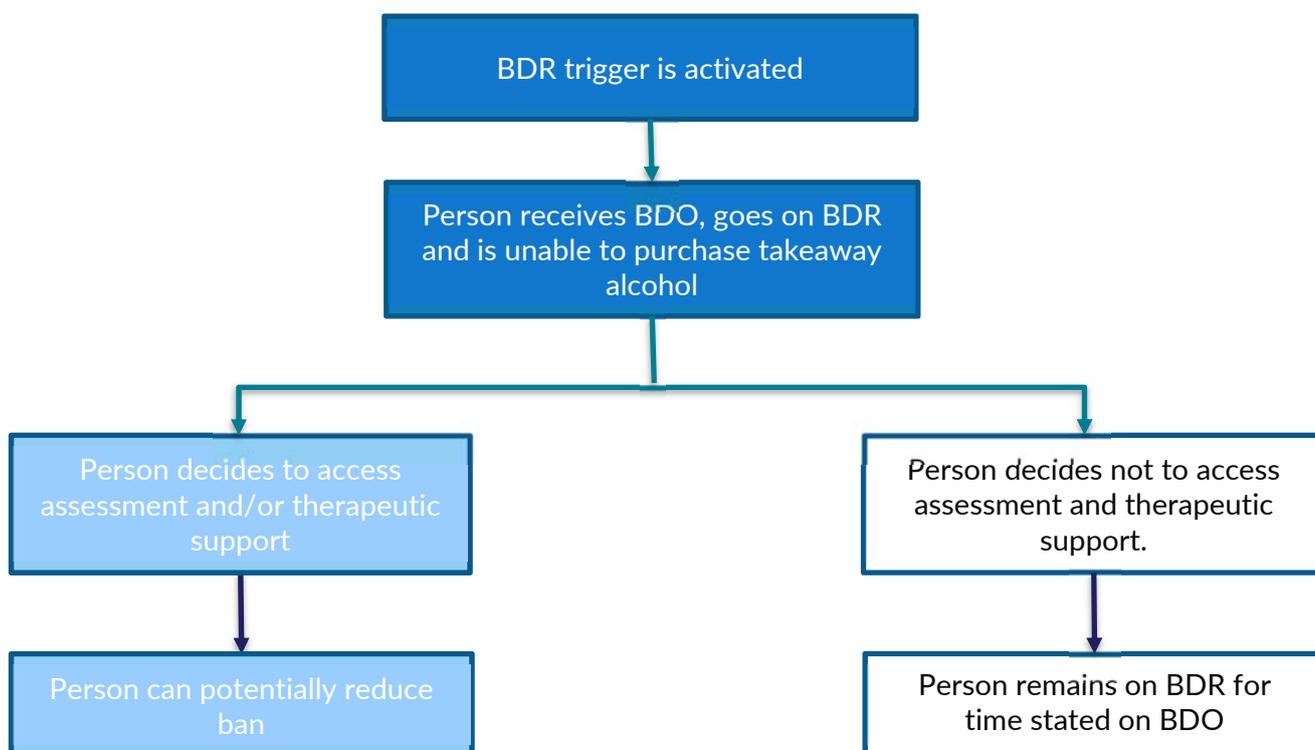
How can someone have their ban reviewed?

A person who does not agree with the decision of the BDR Registrar can apply to NTCAT for a review of their case. It is free to apply for a review and is done by NTCAT as soon as practicable.

The authorised person, clinicians involved in the assessment and the BDR Registrar may be requested to appear at the hearing to provide information.

If the alcohol prohibition is a result of a court action, an appeal needs to be made through the court.

BDR Triggers



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