

Dry Area Information

What is a dry area?

A 'dry area' is a declared area where the consumption or possession of liquor is prohibited.

A person who consumes or has possession of liquor in a dry area is guilty of an offence, which carries a maximum penalty of \$1250. Offenders may be issued with an expiation notice of \$160.

The purpose of dry area legislation is to curb alcohol-related problems in public areas such as reserves, main shopping precincts, car parks and foreshores. Reasons for their introduction vary from public nuisance relating to inappropriate use of beaches and other public places, to more complex social issues such as alcohol abuse.

There are three main reasons for establishing dry areas:

- One-off major events which are promoted as alcohol free, for example New Year's Eve celebrations.
- Popular public places where alcohol-related problems negatively affect the amenity of the area, for example, foreshore areas, reserves and car parks.
- Communities where drinking in public places is an indicator of complex social issues.

Dry Area legislation

Section 131 of the *Liquor Licensing Act 1997* (the Act) provides for the prohibition, by regulation, of the consumption or possession of liquor in a specified public place. The prohibition may be absolute or conditional and may operate continuously or at specified times.

The Act allows patrons who purchase bottled wine on a licensed premises to consume with a meal, to remove the unconsumed portion of that wine in its original container when they leave the premises and in these circumstances through a dry area.

In these circumstances, if challenged by an authorised officer, the onus of proving that the possession of the liquor was lawful lies on the person in possession of the liquor. In other words, that person would need to prove that the unsealed container was genuinely being carried through the dry area following a meal at a nearby licensed premises.

Details of dry areas can be found in the Liquor Licensing (Dry Areas) Regulations 2012.

Applying for a dry area prohibition

Applications for dry areas are made by local councils to CBS. Long term dry areas are ongoing and are designed to work as part of a broader local level strategy to reduce alcohol-related problems in that area. Short term dry areas are used for one-off events which are promoted as alcohol free, for example New Year's Eve celebrations.

The application process is free of charge and requires the following information to be provided:

- A written letter outlining why Council is seeking the prohibition (i.e. anti-social behaviour related to alcohol misuse);
- Date and time of prohibition requested;
- Detailed description and plan of the area to be included;
- Letter of support from the police (e.g. Local Service Area Commander); and
- Letter of support from the local Member of Parliament.

Applications must be made to the Liquor and Gambling Commissioner at least **four months before** the event date.

Applying to continue your dry area

All applications to continue a dry area must be made to the Liquor and Gambling Commissioner at least **four months before** the current regulation's expiry date. This allows time for CBS to seek Cabinet approval to continue the dry area regulation. Late applications may result in a lapse of the dry area.

If you have any queries or concerns about establishing a dry area, contact CBS as soon as possible to ensure you allow enough time for the application and approval process.

Dry Area Application Process

