

APPLICATION TO DECLARE A RESIDENCE A DRY PLACE

The Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984

The occupiers of residential premises in a community area may apply to the clerk of the local Magistrates Court for their home to be declared a dry place. **It will then be an offence for any person to possess or drink any type of alcohol in that home** regardless of whether there is a carriage limit in that area. The police will enforce the dry place declaration and the **maximum fine is 19 penalty units (\$2163)**.

GENERAL INFORMATION ABOUT APPLICATIONS

- There is no application fee.
- A dry place declaration can only be made for the place where you live.
- All the tenants or owner/lessee-occupiers must agree to an application for a declaration, to suspend a declaration or to end a declaration, and must sign the application.
- You must provide written proof that all of the applicants are all the tenants or owner-occupiers/lessees.
- It is an offence for person to provide false or misleading information when making an application.

APPLICATION FOR A DECLARATION

- The clerk will advise you and the local police if the declaration has been granted.
- If the application is refused, you must be given written notice of the refusal and the reason for the refusal. The application will be refused if you do not satisfy the clerk that the applicant or applicants are tenants or owner/lessee-occupiers of the residence.
- You will be responsible for putting up a sign at all the entrances to the dry place. The declaration does not come into effect until the sign is put up. Signage will be made available when your application is approved.
- A notice about a declaration will be displayed at the local police station, or if there isn't a local police station, on a community notice board.

APPLICATION TO SUSPEND THE DECLARATION

- You can apply to the clerk of the court for the declaration to be suspended for up to seven days. An application to suspend the declaration must reach the clerk at least three (3) days before the suspension begins.
- The clerk will advise you and the local police if the suspension has been granted.
- If the clerk refuses to suspend the declaration, the clerk must give you written notice of the refusal and the reason for the refusal. The clerk will refuse the application if not satisfied that the applicant or applicants are tenants or owner/lessee-occupiers of the residence.
- You will be responsible for putting up a sign at all the entrances to the dry place that tells people the declaration is suspended and for how long.
- A notice about the suspension of a declaration will be displayed at the local police station, or if there isn't a local police station, on a community notice board.

APPLICATION TO END THE DECLARATION

- You can apply to the clerk of the court for the declaration to be ended.
- The clerk will advise you and the local police if the suspension has been granted.
- If the clerk refuses to end the declaration, the clerk must give you written notice of the refusal and the reason for the refusal. The clerk will refuse the application if not satisfied that the applicant or applicants are tenants or owner/lessee-occupiers of the residence.
- You will be responsible for removing the signs. When a declaration is ended, the police will remove any notice displayed at the police station or on the community notice board.

APPLICATION

Please print clearly. You must answer all sections.

1. Address or description of private residence to be declared dry

.....
.....

This is in the community of

2. Applicant/s

Name	Contact
Name	Contact
Name	Contact
Name	Contact

3. Type of Applicant/s (please tick box)

Tenant Owner-occupier Lessee-occupier

4. Type of Application (please tick box)

Dry Place declaration
 Suspending a Dry Place Declaration
Date/s to be suspended.....
 Ending a Dry Place Declaration

5. What documents are attached to show all the applicant/s are the tenants or owner-occupiers or lessee-occupiers of the premises?

.....
.....

I/we declare that all tenants or owner-occupiers or lessee-occupiers are listed under "Applicant/s" above.

I/we understand that it is an offence to provide false or misleading information or documents in making this application.

Name:	Signed	Date:
.....
.....
.....
.....

DECISION WITH RESPECT TO DECLARATION OF A PRIVATE RESIDENCE AS A DRY PLACE

I

being the clerk of the court for the Magistrates Court ofhaving received an application from:

.....

.....

in relation to the residential premises at:

.....(the premises)

This residence is part of the community of

The residence is not part of a community area.

and being / not being satisfied that all the named applicants are all of the tenants / owner-occupiers / lessee-occupiers (delete as appropriate) for the premises

hereby:

declare the premises are a Dry Place under section..... *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* effective from the date that the required signage is erected.

suspend the Dry Place Declaration for the premises for the following days:

.....
under section*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*

end the Dry Place Declaration for the premises under section *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* effective from the date the signage is removed.

refuse the application due to:

I am not satisfied that the residence is within a community area;

This Magistrates Court does not have jurisdiction for the community area;

I am not satisfied that the applicant/applicants is/are tenants of the residential property;

I am not satisfied that all tenants of the residential property are part of the application;

I am not satisfied that the property is a residential property.

Signed:.....

Dated:.....