

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR ACT

As in force at 17 September 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 September 1996

LIQUOR ACT

An Act to provide for the regulation of the Sale of Liquor

Part I Preliminary

1 Short title

This Act may be cited as the *Liquor Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The Ordinances listed in the Schedule are repealed.

4 Definitions

(1) In this Act, unless the contrary intention appears:

assessor means an assessor appointed under section 14.

Chairman means the Chairman of the Commission appointed under section 7 and includes a person appointed under section 8 to act as the Chairman while so acting.

Commission means the Liquor Commission established by section 6.

community government area means a community government area within the meaning ascribed to that term in the *Local Government Act*.

community government council means a community government council within the meaning ascribed to that term in the *Local Government Act*.

condition means a condition to which a licence is subject pursuant to section 31.

council means a municipal council within the meaning ascribed to that term in the *Local Government Act*.

Deputy Registrar means a Deputy Registrar of Liquor Licences appointed under section 17.

hearing means a hearing conducted in accordance with Part V by the Commission.

inspector means an Inspector of Licensed Premises appointed under section 18.

licence means a licence issued under Part III.

licence fee means a licence fee payable under section 35 in respect of a licence.

licensed premises means premises in respect of which a licensee is licensed.

licensee means a person who holds a licence which is in force for the time being.

liquor means a beverage that contains more than 1.15% by volume of ethyl alcohol.

member means a member of the Commission and includes the Chairman.

municipality means a municipality within the meaning ascribed to that term in the *Local Government Act*.

permit means a permit issued under section 92.

premises include an enclosure, place, area of land, vessel or vehicle.

Registrar means the Registrar of Liquor Licences appointed under section 17.

repealed Ordinance means the *Licensing Ordinance 1939* as in force immediately before the commencement of this Act.

restricted area means a specified area of land which is the subject of a declaration under Division 1 of Part VIII.

sell includes:

- (a) offer or expose for sale;
- (b) keep or have in possession for sale; and
- (c) supply for or in expectation of any reward or benefit paid or provided, or to be paid or provided by the person supplied or another person, whether or not any person was or is under an obligation to pay or provide a reward or benefit.

special licence means a special licence issued under Part VI.

- (2) Unless the contrary intention appears, a reference in this Act to a person employed by a licensee includes a reference to a person whose services are provided to a licensee under a contract with the person or another person.

5 Application

- (1) The provisions of this Act relating to the sale of liquor do not apply to the sale:
 - (a) of spirituous or distilled perfume bona fide as perfumery; or
 - (b) of liquor as a medicine or for medicinal purposes by, or under the direction of, a legally qualified medical practitioner or pharmaceutical chemist registered in accordance with the laws of the Territory.
- (2) A licence or special licence is not required for the sale:
 - (a) of liquor in a naval, military or air force mess, canteen, camp or post by the permission, and under the control of, the naval, military or air force authorities;
 - (b) at a canteen or club established, conducted, maintained or operated in pursuance of the *Australian Services Canteens Organization Regulations* made under the *Defence Act 1903* of the Commonwealth, of liquor by the Australian Services Canteens Organization Board of Management or a person authorized by the Board for that purpose to a person who is permitted to be in that canteen or club;
 - (c) of liquor within the precincts of the Legislative Assembly of the Northern Territory on the authority of the Speaker of the Legislative Assembly;

- (d) of liquor on a vessel plying to or from a port in the Territory or on that vessel while that vessel is berthed or moored where the sale, keeping or consumption of liquor is:
 - (i) authorized by the master of the vessel; and
 - (ii) is restricted to crew, passengers on board for the purposes of undertaking a voyage of not less than 150 kilometres or bona fide guests on board while the vessel is berthed or moored in a port;
 - (e) of liquor to a passenger with the authority of the pilot on an aircraft in flight;
 - (f) of liquor to a passenger with the authority of the catering officer on a train during a journey;
 - (g) of liquor which has been forfeited under a law of the Territory at a sale by auction conducted by a person who holds a licence granted under the *Auctioneers Act*;
 - (h) of liquor to a person who is licensed (otherwise than by a special licence issued under Part VI) or authorized to sell liquor under a law of a State or Territory; or
 - (j) of liquor on premises occupied by the special defence undertaking for the purposes of the *Defence (Special Undertakings) Act 1952* of the Commonwealth known as the Joint Defence Space Research Facility at Alice Springs.
- (3) The provisions of this Act, other than those requiring the obtaining of a licence or special licence for the sale of liquor apply, so far as applicable, to and in relation to:
- (a) the sale of liquor by a person in respect of whom; or
 - (b) the consumption of liquor on premises in respect of which,
- there is an exemption from so obtaining a licence or special licence by virtue of this section or any other law of the Territory as if that person were a licensee and those premises were licensed premises.
- (4) Section 116 does not apply to a purchase of liquor made by an inspector or a member of the Police Force in the execution of his duty.

Part II Administration

Division 1 Liquor Commission

6 Liquor Commission

- (1) There is established by this Act the Liquor Commission.
- (2) The Commission:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal; and
 - (c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall assume that it was duly affixed.

7 Composition of Commission

- (1) Subject to this Act, the Commission shall consist of the following members appointed by the Minister:
 - (a) the Chairman, who shall be a Chief Executive Officer or employee as defined in the *Public Sector Employment and Management Act*;
 - (b) a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in the Territory or in a State or another Territory of the Commonwealth; and
 - (c) 3 other members.
- (2) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

8 Acting Chairman

- (1) Where the Chairman is, or is expected to be, absent from duty or from the Territory, the Minister may, by instrument in writing, appoint an employee, as defined in the *Public Sector Employment and Management Act*, to act as the Chairman during that absence.

- (2) The Minister may, at any time, terminate an appointment made under subsection (1).
- (3) A person appointed under subsection (1) to act as the Chairman has all the powers, functions and duties conferred or imposed on the Chairman whether under this Act or under any other Act.
- (4) The validity of a decision of the Commission shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under subsection (1) had not arisen or that an appointment under that subsection has ceased to have effect.

79 Duties of Chairman

The Chairman shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

10 Tenure of office

- (1) Subject to this Division, a member, other than the Chairman, shall be appointed for a period not exceeding 3 years, but is eligible for reappointment.
- (2) Notwithstanding subsection (1), unless a member sooner vacates office or is removed from office under this Division, the member shall continue in office until a successor is appointed.

11 Resignation and dismissal of members

- (1) A member may resign from office by writing signed by the member and delivered to the Minister.
- (2) The Minister may, at any time, terminate the appointment of the Chairman.
- (3) The Minister may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.
- (4) Where a member:
 - (a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or
 - (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of the member's remuneration for their benefit,

the Minister shall terminate the appointment of the member.

12 Leave of absence

The Minister may grant leave of absence to a member.

13 Meetings

- (1) The Chairman shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions under this or any other Act.
- (2) At a meeting of the Commission:
 - (a) the Chairman shall preside;
 - (b) the Chairman and 2 other members constitute a quorum;
 - (c) questions arising shall be determined by a majority of the votes of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote; and
 - (d) subject to this Act, the Commission shall determine its own procedures.
- (3) The Commission shall keep records of its meetings.

13A Protection of members, &c.

No action or proceeding, civil or criminal, shall lie against the Commission, the Chairman or a member for or in respect of an act or thing done or omitted to be done whether under this or any other Act, in good faith by the Commission, the Chairman or a member.

13B Deputies of members

- (1) The Minister may appoint a person to be the deputy of a member (other than of the Chairman).
- (2) A deputy appointed under subsection (1) shall, in the event of the absence from a meeting of the Commission of the member for whom the person is the deputy, be entitled to attend that meeting and when so attending, shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.

- (3) An act done by a deputy appointed under subsection (1) as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of any powers or the performance of any functions did not arise or had ceased.
- (4) A person appointed under subsection (1) as a deputy of a member referred to in section 7(1)(b) shall be a person who is a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in the Territory or in a State or another Territory of the Commonwealth.

13C Disclosure of interest

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he or she is not a director, shall, as soon as practicable after the relevant facts have come to the attention of the member, disclose the nature of the interest at a meeting of the Commission.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the Commission, and the member making the disclosure shall:
 - (a) not, while the member has that interest, take part after the disclosure in any deliberation or decision; and
 - (b) be disregarded for the purpose of constituting a quorum, of the Commission in relation to that matter.

Division 2 Assessors

14 Assessors

The Minister may appoint such persons as he thinks necessary to be assessors to advise the Commission, within the terms of their appointments, regarding any matter concerned with the administration or operation of this Act or the regulations.

15 Tenure and remuneration

An assessor shall hold office during the pleasure of the Minister and shall be paid such fees, allowances and expenses as the Administrator determines.

16 Commission to seek advice of assessor

- (1) Subject to subsection (2), if the Commission is of the opinion that the advice of an assessor is, or might be, relevant to the exercise of a power, authority or discretion of the Commission under this Act, the Commission shall seek and consider the advice of that assessor before exercising that power, authority or discretion.
- (2) Where:
 - (a) an assessor is unable for any reason to provide advice; and
 - (b) failure or delay by the Commission to exercise a power, authority or discretion of the Commission under this Act until such time as the assessor could provide the advice would, in the opinion of the Commission, cause undue hardship to a person interested in the exercise of that power, authority or discretion,

the Commission shall not be required to seek or consider the advice of that assessor.

Division 3 Registrar, Deputy Registrars and Inspectors

17 Registrar and Deputy Registrars

- (1) The Minister may appoint a person to be Registrar of Liquor Licences.
- (2) The Minister may appoint such persons as he thinks necessary to be Deputy Registrars of Liquor Licences.
- (2A) Subject to this section and to the directions of the Registrar, a Deputy Registrar may exercise any power, or perform any function, of the Registrar.
- (3) The Registrar and Deputy Registrars shall perform the duties which are required to be performed by them by this Act and such other duties as the Commission directs.
- (4) The Minister may appoint a person to act in the office of Registrar of Liquor Licences during any vacancy in that office or in the event of the illness or absence of the Registrar.
- (5) The Registrar and each Deputy Registrar shall be an inspector for the purposes of this Act.

18 Inspectors

- (1) The Minister may appoint such persons as he thinks necessary to be Inspectors of Licensed Premises.
- (2) An inspector shall perform the duties required to be performed by him by this Act and such other duties as the Commission or the Registrar directs.
- (3) The Registrar shall issue to each person appointed as an inspector an identity card in accordance with a form approved by the Commission.

19 Inspector's powers

- (1) An inspector with such assistance as he considers necessary may, with such force as is reasonably necessary, at any time when premises are open for the sale of liquor, enter and inspect those premises.
- (2) An inspector who enters licensed premises in pursuance of subsection (1) may not enter a private room of those premises without the prior consent of the occupant, the licensee or a person who is apparently in charge of those licensed premises unless the inspector has reasonable grounds for believing that an offence against this Act has occurred, is occurring or is likely to occur in that room.
- (3) An inspector with such assistance as he considers necessary may, with such force as is reasonably necessary, at any time, enter and inspect premises when there are reasonable grounds for believing that:
 - (a) liquor is being sold on those premises;
 - (b) liquor is being kept for sale on premises which are not licensed premises within the meaning of this Act; or
 - (c) an offence against this Act has occurred, is occurring or is likely to occur on those premises.
- (4) An inspector who enters premises in pursuance of this section is not authorized to remain on those premises if, on the request by the person apparently in charge of those premises, he does not produce the identity card referred to in section 18(3).

- (5) An inspector who enters premises in pursuance of this section may:
- (a) examine, take stock of and take samples of any liquor on the premises;
 - (b) inspect any books, documents or other papers on the premises;
 - (c) remove any books, documents or papers from the premises for the purpose of having copies made;
 - (d) seize and remove any liquor on the premises which he has reasonable grounds to believe is evidence of or otherwise relates to an offence against this Act; and
 - (e) require a person on the premises to provide his name and address and date and place of birth, evidence of his age and the name or identity of the seller or supplier of any liquor in the person's possession.
- (6) An inspector may retain a book, document or paper removed from premises in pursuance of subsection (5) for so long as is reasonably necessary for the purpose of having copies of the book, document or paper made.
- (7) An inspector who takes a sample of liquor in pursuance of subsection (5) shall:
- (a) divide the sample so taken into approximately equal parts and put each part in a sealed container to which is affixed a label bearing:
 - (i) the signature of the inspector;
 - (ii) particulars of the premises on which the sample was taken; and
 - (iii) particulars of the date and time when the sample was taken; and
 - (b) deliver one of the containers to the person apparently in charge of the premises for the time being and deliver the other container to an approved analyst.
- (8) In any proceedings in a court in respect of an offence against this Act, a certificate that purports to have been signed by an approved analyst and states the result of an analysis of the contents of a container delivered to him by an inspector is evidence of the matters stated in the certificate.

- (9) A person shall not, except in the course of his duty under this Act or in the course of proceedings in a court in respect of an offence against this Act, divulge to another person information that he has acquired by reason of the inspection of books, documents or papers in pursuance of this section.
- (10) The provisions of this section, other than subsection (4), apply to and in relation to a member of the Police Force as if the member were an inspector.
- (10A) The provisions of Division 3 of Part VIII apply to any liquor seized under subsection (5) as if it was seized under that Division.
- (11) In this section:

approved analyst means a person approved by the Commission for the purposes of this section.

liquor for the purposes of subsections (5) and (7), includes any liquid in respect of which there are reasonable grounds for believing the liquid to contain alcohol.

private room means a room forming part of licensed premises which is used predominantly for purposes other than:

- (a) the storage, sale or consumption of liquor; or
- (b) the preparation, sale or consumption of food,

in the operation or management of those premises as licensed premises.

Division 4 General

20 Assessors not to act where interested

- (1) Where an assessor whose advice the Commission is required to seek and consider by section 16(1) has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, that assessor shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the Commission and to the Minister.
- (2) Where, for any reason, an assessor whose advice the Commission is required to seek and consider by section 16(1) is of the opinion that it would be improper for him to take part in any deliberation or decision of the Commission in relation to a matter or a class of matters being considered or about to be considered by the

Commission he shall, as soon as possible after the relevant facts have come to his knowledge, inform the Commission and the Minister accordingly.

(3) Where an assessor whose advice the Commission is required to seek and consider by section 16(1):

- (a) has an interest of a description referred to in subsection (1); or
- (b) holds an opinion of a description referred to in subsection (2),

that assessor shall not, unless the Minister otherwise determines, take part in any deliberation or decision of the Commission in relation to the matter which is the subject of his interest or the matter or class of matters of a description referred to in subsection (2), as the case may be.

(4) Where an assessor:

- (a) discloses an interest to the Minister pursuant to subsection (1); or
- (b) informs the Minister that he holds an opinion of a description referred to in subsection (2),

the Minister may appoint a person to act in the place of that assessor in relation to the matter which is the subject of the assessor's interest or the matter or class of matters of a description referred to in subsection (2), as the case may be.

(6) A member shall not hold or have any interest in a licence.

22 Delegation by Commission

(1) The Commission may, by instrument in writing, either generally or in relation to a matter or class of matters, delegate to:

- (a) a member;
- (b) the Registrar; or
- (c) a Deputy Registrar,

all or any of its powers or functions under this Act, other than:

- (d) a power to conduct a hearing under this Act;
- (e) a power or function where, prior to the exercise of that power or function, the Commission is required to conduct a hearing under this Act; or

- (f) this power of delegation.
- (2) A power delegated in accordance with subsection (1) may be exercised by the delegate in accordance with the instrument of delegation.
- (3) A delegation under this section is revocable by the Commission in writing at will and does not prevent the exercise of a power or the performance of a function by the Commission.

23 Protection of members

An action or proceeding, civil or criminal, does not lie against an assessor or a person concerned in the administration of this Act for or in respect of an act or thing done in good faith by an assessor or a person concerned in the administration of this Act, as the case may be.

Part III Licences

Division 1 Issue of licence

24 Licences

Subject to this Act, the Commission may issue a licence, in a form approved by the Commission, to an applicant for the sale of liquor, or the sale and consumption of liquor on, at, or away from, premises specified in the licence.

25 Body corporate as licensee

- (1) A body corporate shall not hold a licence unless that body corporate is:
- (a) incorporated; or
 - (b) registered as a foreign company,
- under a law of the Territory.
- (2) Where a body corporate applies for a licence, other than under section 26(2) where the body corporate does not intend to carry on any business under the licence being applied for shall nominate a person to be its manager of the licensed premises.
- (3) For the purposes of this Act, the manager of the licensed premises nominated by a body corporate shall be deemed to be the person licensed in respect of the premises and the premises shall be

deemed to be his licensed premises or the premises in respect of which he is licensed.

- (4) For the purposes of an objection pursuant to section 48, the manager nominated by a body corporate shall be deemed to be a joint applicant with the body corporate for a licence.
- (5) Upon the grant of a licence to a body corporate, the name of the manager nominated by that body corporate shall, in addition to the name of the body corporate, be endorsed on the licence and the approval in writing of the Commission shall be necessary before any change of the manager so nominated will be recognized for the purposes of this Act.
- (5A) Where a person, whose name is endorsed as the person nominated as manager on a licence held by a body corporate, is unwilling to conduct the business of a licensee, the body corporate shall not sell liquor after the date upon which the nominated manager is unwilling to conduct that business until:
 - (a) the person nominated as manager on the licence is willing to resume the conduct of the business of the licensee; or
 - (b) approval of a change of manager under subsection (5) is obtained.
- (6) In addition to a manager nominated pursuant to subsection (2) every director and officer of a body corporate may be prosecuted for an offence committed against this Act by the nominated manager.
- (7) The directors and officers of the body corporate shall not be liable pursuant to subsection (6) where it is proved that the body corporate had given such directions to the nominated manager and had exercised or caused to be exercised such supervision of that manager, as were reasonably necessary to ensure that the manager did not commit an offence against this Act.

26 Application for licence

- (1) An application for the grant of a licence shall be lodged with the Registrar in a form approved by the Commission and accompanied by the prescribed fee.
- (2) An application under subsection (1) may be made in respect of premises which are to be constructed or which are under construction and, in respect of such premises or proposed premises, by a person who does not intend to carry on any business under the licence being applied for.

26A Application after licence cancelled

- (1) Subsection (2) applies to a licensee the licence of which (other than a licence cancelled after its voluntary surrender) has been cancelled and, where the licensee was a body corporate, also applies to a person or body corporate who had shares or other financial interests in the body corporate or was an officer (within the meaning of the Corporations Law) of it.
- (2) Except with the prior written consent of the Commission, no person to whom this subsection applies shall make an application under section 26(1) before the expiry of a period of 3 years commencing with the date on which the licence referred to in subsection (1) was cancelled.
- (3) Except with the prior written consent of the Commission, no person shall make an application under section 26(1) in respect of premises for which a licence has been cancelled, or in respect of other premises in close proximity to those premises, before the expiry of a period of 3 years commencing with the date on which the licence was cancelled.

27 Notice of application

- (1) An applicant for a licence shall, within 28 days of lodging an application pursuant to section 26, cause to be published in a newspaper or newspapers nominated by the Commission notice of the fact that the applicant has applied for the grant of a licence.
- (2) The notice of the application shall:
 - (a) include a description in sufficient detail to identify the location of the premises in respect of which the application is made;
 - (b) include a description of the nature of any business associated with the licence applied for that it is proposed to conduct on the premises referred to in paragraph (a);
 - (c) contain such other particulars as may be determined by the Commission; and
 - (d) be not less than a size determined by the Commission.
- (3) Where:
 - (a) an application lodged under section 26 is with respect to premises which are located in a community government area; and

- (b) the community government council for that community government area has the power to make by-laws with respect to liquor,

the Registrar shall, as soon as reasonably practicable, inform the clerk of that community government council of the fact that an application has been made for the grant of a licence.

28 Inquiries regarding applicants

- (1) The Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit to determine whether an applicant for a licence is a fit and proper person to hold a licence.
- (2) Where the applicant for a licence is a body corporate the Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit with respect to:
 - (a) the membership of the body corporate;
 - (b) the management or proposed management of the body corporate; and
 - (c) the capacity of the body corporate to conduct any business associated with the licence applied for.
- (3) The Commission may conduct any investigations and cause to be conducted any investigations in relation to a manager nominated under section 25(2) by a body corporate as it may conduct or cause to be conducted in relation to an applicant for a licence.

29 Decision after consideration of application

- (1) Where:
 - (a) no objection to the grant of a licence has been lodged with the Registrar pursuant to section 48; or
 - (b) such an objection has been dismissed by the Commission pursuant to section 49(2)(a) or (b),

the Commission shall, as soon as reasonably practicable, consider an application for a licence.

- (2) After considering an application for a licence, the Commission shall:
 - (a) issue a licence subject to such conditions as are determined by it under section 31;

- (b) refuse the application and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant; or
 - (c) conduct a hearing in relation to the application.
- (3) Where the Commission has conducted a hearing pursuant to subsection (2)(c) or section 49(2)(c), in relation to an application for a licence, the Commission shall, after that hearing, take action of a kind described in subsection (2)(a) or (b), in addition to any action it may take under section 49.
- (4) Where the Commission refuses an application for a licence under subsection (2)(b), the Commission may, if it thinks fit, refund the whole or any part of the prescribed fee paid to the Commission under section 26.

30 Duration of licence

A licence shall remain in force until surrendered, suspended or cancelled under this Act.

Division 2 Conditions of licence

31 Conditions of licence

- (1) The Commission may issue a licence subject to such conditions as it may consider necessary or desirable in the particular circumstances of an application before it.
- (2) Without limiting the generality of subsection (1), the Commission may determine conditions with respect to:
- (a) the construction and furnishing of licensed premises;
 - (b) the equipment and facilities to be provided on or at licensed premises;
 - (c) subject to the Regulations, the restriction of days when and times during which licensed premises may be open for the sale of liquor;
 - (d) the minimum facilities and services to be operative on the days when and times during which licensed premises may be open for the sale of liquor;

- (e) the method of sale of liquor, including restrictions on the type of container in which liquor may be sold and limitations as to the quantities or type of liquor which may be sold by a licensee;
 - (f) the standard of repair, cleanliness and hygiene to be maintained on or at licensed premises;
 - (g) the provision of entertainment on or at licensed premises;
 - (h) the provision of food on or at licensed premises;
 - (i) the display and content of notices, relating to this Act, on or at licensed premises;
 - (j) the persons who may be admitted to licensed premises; and
 - (k) the prohibition of specified activities on or at licensed premises by the licensee, employees of the licensee or patrons of those premises.
- (3) Without limiting the generality of subsection (1) or (2), the Commission may, in respect of an application for a licence in respect of premises or proposed premises referred in section 26(2), grant the licence subject to the condition that the sale of liquor on the premises is not permitted until the approval in writing to do so is obtained from the Commission or the licence is transferred under section 40.
- (4) It is a condition of all licences that a licensee:
- (a) shall not take any action that, in the opinion of the Commission, would induce the irresponsible or excessive consumption of liquor on licensed premises;
 - (b) shall not publish or cause to be published, in any media, an advertisement which, in the opinion of the Commission, could be construed as inducing the irresponsible or excessive consumption of liquor on licensed premises; and
 - (c) where a code of conduct or code of ethics or rules (by whatever name it is called) relating to the advertising of liquor is approved by the Commission and is accepted and promulgated by the Minister by notice in the *Gazette*, a licensee shall abide by that code or rules.

- (5) Notwithstanding subsection (4), a licence shall not be subject to a condition under paragraph (a) or (b) of subsection (4) until 14 days after the publication by the Commission of guidelines under section 67 relating to the expression of its opinion under those paragraphs.

32 Factors to be considered in determining conditions

- (1) In considering whether to grant an application for a licence and in determining the conditions of a licence pursuant to section 31, the Commission shall have regard to:
- (a) the location of the licensed premises;
 - (b) the location and conditions of any licensed premises in the vicinity of the premises which are the subject of an application for a licence;
 - (c) the nature of any business associated with the licence applied for that it is proposed to conduct on the premises in respect of which the application is made;
 - (d) the needs and wishes of the community;
 - (e) except where the Commission is satisfied that an applicant for a licence does not propose to conduct any business under the licence applied for, the financial and managerial capacity of the applicant for a licence to conduct any business associated with the licence applied for; and
 - (f) where:
 - (i) the premises which are the subject of an application for a licence are located in a community government area; and
 - (ii) the community government council for that community government area has the power to make by-laws with respect to liquor;

advice offered by that community government council, including advice with respect to any intended exercise of the power referred to in subparagraph (ii); and
 - (g) any other matter that the Commission thinks fit.
- (2) The Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit in order to inform itself of the matters referred to in subsection (1).

33 Commission may vary conditions

- (1) Subject to this section, the Commission may, from time to time by notice in writing, vary the conditions of the licence held by a licensee.
- (2) A licensee may, within 28 days of the date on which the licensee receives a notice of a description referred to in subsection (1), by notice in writing lodged with the Registrar, request that the Commission conduct a hearing in relation to the conditions of his licence.
- (3) Where, under subsection (2), a licensee requests that the Commission conduct a hearing, the Commission shall conduct a hearing in relation to the conditions of the licence of the licensee.
- (4) After the Commission has conducted a hearing pursuant to this section, the Commission may:
 - (a) affirm, set aside or vary the decision made without a hearing; and
 - (b) make such other order as it thinks fit.
- (5) A variation of the conditions of a licence under this section shall have effect on and from:
 - (a) where the licensee does not request, under subsection (2), that the Commission conduct a hearing:
 - (i) the expiration of the period referred to in that subsection; or
 - (ii) such later date as the Commission may specify in the notice referred to in that subsection; or
 - (b) where the Commission conducts a hearing pursuant to subsection (3) and the Commission affirms or varies the variation of the conditions of the licence:
 - (i) the date of the conclusion of the hearing; or
 - (ii) such later date as the Commission may specify at that hearing.

Division 3 Licence fees

35 Fees for licences

- (1) Subject to this section, the licence fee for a licence period shall be:
- (a) in the case of a licence which authorizes the sale of liquor for removal from and consumption away from the licensed premises – the prescribed fee;
 - (b) in the case of a licence which authorizes the sale of liquor for consumption on or at the licensed premises, regardless of whether the licence, in addition, authorizes the sale of liquor for removal from and consumption away from the licensed premises – the prescribed fee;
 - (c) in the case of a licence which authorizes the sale of liquor by a body corporate, for consumption on or at the licensed premises by a member of the body corporate or by a visitor in the presence of such a member, regardless of whether the licence, in addition, authorizes the sale of liquor to a member of the body corporate for removal from and consumption away from the licensed premises – the prescribed fee;
 - (d) in the case of a licence which authorizes the sale of liquor for both consumption on or at the licensed premises and for removal from and consumption away from the licensed premises:
 - (i) where the licensed premises are not less than 60 kilometres distant from any other licensed premises in respect of which a licence authorizes the sale of liquor for consumption on or at those premises – the prescribed fee; or
 - (ii) where the licensed premises are not less than 60 kilometres distant from any other licensed premises in respect of which a licence authorizes the sale of liquor for consumption in or at those premises and such premises are connected to government services – the prescribed fee.

(1AA) In subsection (1)(d) **government services** means the availability of electricity and water by the Territory or its statutory authorities.

(1A) The distance specified in subsection (1)(d) shall be calculated by the shortest practicable route by land along or over any public highway or thoroughfare.

- (2) Where the conditions of a licence are such that more than one paragraph of subsection (1) may be applicable in calculating the licence fee, the paragraph which would result in the lowest amount shall be applied in calculating the fee payable.
- (3) Where:
- (a) a licence is surrendered under section 39;
 - (b) a licence is cancelled under section 47(5) or 72; or
 - (c) licensed premises are abandoned by the licensee,
- the licence fee which would have been payable by the licensee or former licensee if the event referred to in paragraph (a), (b) or (c) had not occurred shall be payable forthwith.
- (3A) Where the Registrar is unable to calculate the licence fee due to the failure of a licensee, or a person who was a licensee, to lodge the documents required by this Act to be lodged, the Registrar may:
- (a) make such inquiries as he thinks fit; and
 - (b) determine a notional fee,
- and the notional fee so determined shall be the licence fee which shall be payable forthwith.
- (4) Where an amount payable under subsection (3) is not paid within a period of 30 days commencing on the date on which the event referred to in that subsection occurred, it shall be a debt due to the Territory recoverable in a court of competent jurisdiction.
- (4A) A licence fee for a licence referred to in subsection (1)(a), (b) or (d) shall be calculated by reference to the licence period immediately preceeding that to which the fee relates and shall be paid not later than 28 days after the commencement of that period.
- (4B) A licence fee for a licence referred to in subsection (1)(c) shall be calculated in the prescribed manner and shall be paid not later than 28 days after the commencement of each licence period.
- (4C) Notwithstanding anything to the contrary in Treasury Regulations, the Regulations may provide that licence fees, or part of any licence fees or licence fees calculated in a prescribed manner shall, where a trust account has been opened in the Trust Fund in accordance with the *Financial Administration and Audit Act* for the purpose of receiving those fees, be paid to that trust account.

(5) For the purposes of this section:

cost into store means the gross price of all liquor purchased or procured during a licence period or, in respect of a licence referred to in subsection (1)(c), the prescribed period, for disposal under the licence, not being liquor sold to:

- (a) any other licensee for the purposes of disposal pursuant to the licence of that other licensee;
- (b) a person permitted under a law of a State or another Territory of the Commonwealth to sell liquor; or
- (c) a consular representative or Trade Commissioner in Australia of another country if the consular representative or Commissioner is a citizen of that country and is not otherwise engaged in a business occupation or profession.

gross price in relation to liquor includes all duties, taxes, imposts and other charges, not being the cost of freight or packaging for freight, paid or payable for or in connection with liquor regardless of whether such duties, taxes, imposts or other charges are paid or payable together with or separately from the price paid or payable for liquor.

licence period means each period commencing on the first day of January, April, July and October and ending on the last day of March, June, September and December, respectively, in each year.

36 Penalty fee

- (1) A licensee who fails or neglects to pay a licence fee or to lodge a return as and when required by or under this Act is liable to pay a penalty fee of 10% of the amount of the licence fee payable or the sum of \$200, whichever is the greater.
- (2) The Commission may, if it thinks fit, remit the whole or part of a penalty fee payable under subsection (1).

37 Recovery of fees and penalties

A licence fee and any other fee or penalty payable under this Act which is not paid in accordance with this Act is a debt due and payable to the Commission recoverable in a court of competent jurisdiction.

38 Refunds to be paid to person entitled

- (1) The Commission shall not make a refund of any amount paid as a purported licence fee under this Act unless the person to whom the refund is payable (in this section called ***the applicant***) satisfies the Commissioner that the applicant:
- (a) has not charged to, or recovered from, and will not charge to, or recover from, any other person any amount in respect of the whole or any part of that amount so paid; or
 - (b) if the applicant has so charged or recovered any such amount, will reimburse, or will take all reasonable steps to reimburse, each such other person for the amount so charged or recovered.
- (2) A person referred to in subsection (1)(b) may sue for and recover as a debt due and payable by the applicant any amount referred to in that subsection as having been recovered from the person by the applicant.

Division 4 Surrender of licence

39 Surrender of licence

- (1) Subject to this section, a licensee may surrender his licence by lodging it with the Registrar.
- (1A) The surrender of a licence shall not have effect until it is accepted by the Commission.
- (1B) The Commission shall accept the surrender of a licence if it is satisfied that all persons who have an interest in the licensed premises to which the licence relates have been given by the licensee not less than 2 weeks notice of the licensee's intention to surrender the licence.
- (2) Upon the acceptance by the Commission of the surrender of a licence, the person whose licence is surrendered shall cease to be a licensee, but shall remain liable for:
- (a) an act or omission done, caused, permitted or made by him prior to the surrender; and
 - (b) a liability incurred by him under this Act prior to the surrender.

Division 5 Transfer of licence

40 Transfer of licence

- (1) Subject to this Act and the Regulations, a licence may be transferred from the holder for the time being of the licence to another person.
- (2) A transfer of a licence does not take effect until the Commission authorizes the transfer or until such later date as the Commission specifies.

41 Application for transfer

- (1) The person to whom it is proposed to transfer a licence shall lodge an application for the transfer of the licence with the Registrar in a form approved by the Commission and accompanied by a fee of \$2.
- (2) The provisions of sections 25 and 28 apply to and in relation to an application for the transfer of a licence as if that application were an application for the grant of a licence under section 24.

43 Consideration of application

The Commission shall, as soon as reasonably practicable, consider an application for the transfer of a licence and after such consideration:

- (a) authorize the transfer of the licence; or
- (b) refuse the application and direct the Registrar to forward notice of the refusal, together with a statement of the reasons for refusal, to:
 - (i) the holder for the time being of the licence; and
 - (ii) the person to whom it was proposed to transfer the licence.

44 Registrar may be directed to apply for cancellation

Where an application for the transfer of a licence is refused, the Commission may direct the Registrar to apply in accordance with section 68(b) for the cancellation of that licence upon one or more of the grounds set out in section 72.

45 Certificate of transfer

Where the Commission authorizes the transfer of a licence, the Registrar shall issue a certificate of transfer in a form approved by the Commission to the applicant.

46 Liabilities and privileges of transferor and transferee

Upon the issue of the certificate of transfer pursuant to section 45:

- (a) the applicant shall have and may exercise the same privileges and be subject to the same liabilities and penalties as if the licence transferred to him had been originally granted to him; and
- (b) the person whose licence is transferred shall cease to be a licensee, but shall remain liable for an act or omission done, caused, permitted or made by him prior to the transfer.

46A Substitution of premises

- (1) A licensee may apply to the Commission in a form approved by the Commission for the substitution of other premises for the premises specified in a licence held by the licensee.
- (2) The Commission may approve an application made under subsection (1) and substitute other premises for the premises specified in a licence held by an applicant where:
 - (a) the other premises are in close proximity to the premises specified in the licence; and
 - (b) it is satisfied that the substitution will not adversely affect the public.

47 Acting licensee

- (1) Subject to subsection (3), where a licensee is, or is expected to be, unable for any reason to conduct the business of a licensee, the licensee shall appoint a person to act in his place during his inability to conduct the business of a licensee.
- (2) A licensee shall notify the Commission of the full name, address and occupation of a person appointed under subsection (1) before the expiration of 3 days after the date of the appointment.
- (2A) A notification under subsection (2) shall be:
 - (a) in writing and posted to or lodged with; or

- (b) by telegram or telex addressed to,
the Registrar.
- (3) Where a licensee is unable for any reason to appoint a person to act for him during his inability to conduct the business of a licensee, the Commission may appoint a person to act in place of the licensee during the period that the licensee is unable to conduct the business of a licensee.
- (4) Unless the Commission otherwise determines, a person appointed under subsection (1) or (3) shall not act in place of a licensee for more than 42 days during any period of 12 months that the licence is in force.
- (5) Where:
- (a) a licensee's inability to conduct the business of a licensee is, or is expected to be, permanent; and
 - (b) an application for transfer of the licence of that licensee is not made in accordance with section 41 within the period referred to in subsection (4) of this section,
- the Commission shall cancel that licence at the expiration of that period, unless arrangements which are satisfactory to the Commission are made during that period to conduct the business of the licensee.
- (6) A person appointed to act in place of a licensee has all the rights, powers, authorities, functions, duties and obligations of a licensee under this Act.

47A Continuation of licence after death

- (1) Where a licensee dies, his licence shall continue in force:
- (a) for the unexpired portion of the period of the licence, including the period, if any, as varied under subsection (2); or
 - (b) until the licence is cancelled under section 47B,
- whichever first occurs.
- (2) Where a licensee dies or becomes bankrupt, the Commission may vary the period of the licence as it thinks fit.

47B Licence to lapse in certain circumstances

Where a licensee:

- (a) dies; or
- (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or makes an assignment of his property, interest or remuneration for the benefit of his creditors,

and the Commission is not satisfied that adequate arrangements have been made for the conduct of the business of the licensee, the Commission may cancel the licence at the expiration of 7 days after the date of the death, declaration of bankruptcy, application or assignment, as the case may be.

47C Conduct of business after death

A person who is:

- (a) the legal representative of a deceased licensee;
- (b) a member of a deceased licensee's family who has attained the age of 18 years; or
- (c) the representative of a person or class of persons claiming an entitlement in the estate of a deceased licensee,

may, in a form approved by the Commission, apply to the Commission for approval to conduct the business of the licensee.

47D Conduct of business after bankruptcy, &c.

- (1) Where a licensee becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors or makes an assignment of his property, interest or remuneration for the benefit of his creditors:
 - (a) he shall notify the Commission of that fact; and
 - (b) the person who is the trustee, assignee or other person in whom the estate of the licensee becomes vested may apply to the Commission for approval to conduct the business of the licensee.
- (2) A notification or an application under subsection (1) shall be in a form approved by the Commission and lodged within 7 days after the licensee is declared bankrupt or makes an application to take the benefit of a law for the relief of bankrupt or insolvent debtors or

makes an assignment of his property, interest or remuneration for the benefit of his creditors, as the case may be.

47E Licensee by endorsement

- (1) Where the Commission considers an application under section 47C or 47D and is satisfied that the applicant is a suitable person to conduct the business of the deceased licensee or licensee, it may endorse the name of the applicant on the licence as a person who may conduct the business of the deceased licensee or licensee, as the case may be.
- (2) A person whose name is endorsed on a licence under subsection (1) shall be deemed to be the licensee for the period in which the licence continues in force under section 47A.
- (3) A person who is deemed to be a licensee under subsection (2) shall not:
 - (a) apply for the renewal of the licence under section 34;
 - (b) surrender the licence under section 39; or
 - (c) transfer the licence under section 40(1) to any other person.
- (4) The Commission may authorize the transfer of a licence from a person deemed to be a licensee under subsection (2) to the person on his own behalf.

Part IV Objections and complaints

48 Objections and complaints

- (1) A person may make an objection to an application for the grant of a licence.
- (1A) An objection to an application for the grant of a licence under subsection (1) shall not be made if the ground or substance of the objection is that the grant of the licence may or will adversely affect the business carried on at any other licensed premises.
- (2) A person may make a complaint regarding any matter arising out of the conduct of the business at licensed premises or the conduct of a licensee in relation to the business of a licensee, or that a licensee is not a fit and proper person to hold a licence.

- (3) An objection or complaint under this section shall:
- (a) be in writing;
 - (b) be signed by the person by whom the objection or complaint was made; and
 - (c) be lodged with the Registrar.
- (4) An objection to the grant of a licence shall be lodged with the Registrar pursuant to subsection (3) not later than 30 days after the publication of the notice or the last of the notices referred to in section 27.
- (5) Where an objection pursuant to subsection (4) is lodged by post, the objection is deemed to be duly lodged with the Registrar if it is delivered to an office of Australia Post for transmission to the office of the Registrar within the period referred to in that subsection.
- (6) Where an objection or complaint is lodged with the Registrar under this section, he shall, as soon as is reasonably practicable:
- (a) inform the licensee or applicant for a licence of the substance of the objection or complaint and shall give that person an opportunity to comment in writing on the substance of the objection or complaint;
 - (b) conduct such investigations of the substance of the objection or complaint as he thinks appropriate; and
 - (c) forward any opinions he may receive pursuant to paragraph (a), together with the results of his investigations pursuant to paragraph (b), to the Commission.

48A Power to suspend licence or impose or vary conditions

- (1) The Commission may, on its own motion in an emergency or pending the investigation of a complaint under section 48, but subject to subsection (2), suspend a licence, or impose or vary a condition of a licence, where in its opinion it is in the public interest to do so.
- (2) Without derogating from the Commission's powers elsewhere given in this Act, action of the Commission taken under subsection (1) has no effect after the expiration of 7 days after the action is taken.

49 Decision on consideration of objection or complaint

- (1) If the Commission is of the opinion that further investigations of an objection or complaint are desirable, the Commission may direct the Registrar to conduct such further investigations as the Commission specifies and report the results of the investigations to the Commission.
- (2) The Commission shall consider an objection or complaint, the report or reports of the Registrar and any opinions forwarded to the Commission pursuant to section 48(8) and shall:
 - (a) where the Commission is of the opinion that the objection or complaint is of a frivolous, irrelevant or malicious nature, dismiss the objection or complaint and direct the Registrar to inform the person by whom the objection or complaint was made that the objection or complaint has been dismissed.
 - (b) direct the Registrar to inform the person by whom the objection or complaint was made that the objection or complaint has been investigated but no further action is warranted; or
 - (c) conduct a hearing in relation to the objection or complaint.
- (4) Where the Commission conducts a hearing in relation to a complaint pursuant to subsection (2)(c), the Commission may, in addition to any other action the Commission may or is required to take under the provisions of this Act, after that hearing:
 - (a) amend the conditions of a licence or vary the type of licence;
 - (b) in accordance with section 65, by notice in writing, direct the licensee to take, or to refrain from taking, within such time as the Commission shall in that notice specify, a specified action; or
 - (c) defer further consideration of the complaint for such period and subject to such conditions, including that an application for the transfer of the licence be lodged, as the Commission thinks fit.

Part V Hearings

50 Commission to conduct hearing in certain circumstances

- (1) In addition to the circumstances where, under this Act, the Commission may, or is required to, conduct a hearing, the Commission shall conduct a hearing where:
 - (a) an applicant for a licence requests a hearing after his application has been refused without a hearing;
 - (b) the holder for the time being of a licence or a person to whom it was proposed to transfer the licence, requests a hearing after an application for transfer of the licence has been refused without a hearing; or
 - (c) a licensee requests a hearing in relation to the conditions of his licence where the licence was issued without a hearing.
- (2) After the Commission has conducted a hearing pursuant to subsection (1), the Commission may:
 - (a) affirm, set aside or vary the decision made without a hearing; and
 - (b) make such other order as it thinks fit.

51 Procedure at hearing

- (1) Where a hearing is to be conducted under this Act, the Chairman shall fix a time and place for the hearing.
 - (2) The Chairman shall cause notice of the time and place fixed for the hearing, together with copies of all documents relating to the subject-matter of the hearing and which have been lodged with the Registrar under this Act, to be given to the parties not less than 7 days before the date fixed for the hearing.
- (2A) Notwithstanding anything to the contrary in section 13(2), at a hearing under this Act the Commission may be constituted by:
- (a) one member (whether or not the Chairman); or
 - (b) 3 members,
- selected by the Chairman, and, where the Chairman is not one of the 3 members referred to in paragraph (b), the member nominated by the Chairman shall preside at the hearing.

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- (3) At a hearing under this Act:
 - (a) the procedure shall be within the discretion of the Commission;
 - (b) the Commission may take unsworn evidence or take evidence on oath or affirmation;
 - (c) the Commission shall give all parties an opportunity to be heard;
 - (d) the Commission shall not be bound by the rules of evidence but may inform itself in such manner as it thinks fit; and
 - (e) the member presiding may administer an oath or affirmation to a person who attends to give evidence.
 - (4) The Commission may adjourn a hearing from time to time and from place to place.
 - (5) Subject to subsection (6), a hearing shall be conducted in public.
 - (6) If the Commission is of the opinion that the conduct of a hearing in public is likely to cause undue hardship to a person, it may direct that the hearing or part of the hearing be conducted in private.
 - (7) Where the Commission has given a direction under subsection (6), a person shall not enter, or remain in, the room in which a hearing is taking place except with the permission of the Commission.
 - (8) A party may be represented at a hearing by a legal practitioner, or by another person, who may examine witnesses and address the Commission on behalf of the person for whom he appears.
 - (9) A legal practitioner appearing for a party at a hearing has the same protection and immunity as a legal practitioner has in appearing for a party in proceedings in the Supreme Court.
 - (10) A witness who gives evidence at a hearing has the same protection as a witness has in giving evidence in proceedings in the Supreme Court.
 - (10A) Where the Commission is constituted by one member, a party who is not satisfied with the decision of the Commission may apply, within 14 days after the decision, in writing to the Chairman for a new hearing.
 - (10B) Where a party applies, under subsection (10A), for a new hearing the Chairman may, if he thinks fit, cause a new hearing to be held.

- (10C) Where a new hearing is held, under subsection (10B), the Commission:
- (a) shall be constituted by not less than 3 members; and
 - (b) may make any decision that it could have made if a hearing had not previously been held.
- (10D) A decision by the Commission under subsection (10C) shall be in substitution for the decision made at the hearing by a single member in respect of which the new hearing is being held.
- (11) In this section, **party** means:
- (a) an applicant for the exercise of a power, authority or discretion of the Commission;
 - (b) a person who has made an objection or complaint under section 48;
 - (c) a licensee who is, or a licensee of premises which are, the subject of an objection or complaint made under section 48; or
 - (d) the holder for the time being of a licence in respect of which an application has been made under section 41 for the transfer of that licence,

as the case requires.

52 Power to summon witnesses

- (1) The Chairman may, by writing under his hand, summon a person to attend a hearing at a time and place specified in the summons and then and there to give evidence and produce books and other documents in his custody as he is required by the summons to produce.
- (2) A summons under subsection (1) may be served:
- (a) personally;
 - (b) by sending it by post to the person at the place of abode or business of the person that is last known to the Chairman; or
 - (c) by leaving it at that place of abode or business with a person who has apparently attained 16 years of age.

53 Failure to attend or produce documents

- (1) A person served with a summons to attend a hearing shall not refuse or fail, without reasonable excuse:
 - (a) to attend at the hearing; or
 - (b) subject to subsection (2), to produce at the hearing the books or other documents in his custody or control that he is required to produce by the summons.

Penalty: \$200.

- (2) It is a defence to a charge in respect of a refusal or failure, without reasonable excuse, to produce at a hearing a book or other document if the accused proves that the book or other document was not relevant to the matter the subject of the hearing.

54 Refusal to be sworn or give evidence

- (1) A person appearing as a witness at a hearing shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member.

Penalty: \$200.

- (2) A statement or disclosure made before the Commission by a witness is not, except in proceedings for giving false testimony at a hearing, admissible in evidence in civil or criminal proceedings.

55 Member may inspect books, &c.

- (1) A member may inspect books or other documents produced at a hearing and shall return them as soon as practicable after the completion of the hearing.
- (2) A member may make copies of such portions of those books or other documents as are relevant to a matter before a hearing.

56 Decision of Commission to be final

Subject to section 51, where a hearing has been conducted by the Commission under this Act, a decision of the Commission:

- (a) shall be final and conclusive; and
- (b) shall not be challenged, appealed against, reviewed, quashed or called into question in any court.

Part VI Special licences**57 Special licences**

Subject to this Act, a special licence authorizes the holder to sell liquor:

- (a) during the period or periods;
- (b) on or at the premises; and
- (c) subject to the conditions,
specified in the special licence.

58 Application for special licence

- (1) Subject to subsection (2), an application for the grant of a special licence shall be:
 - (a) lodged with the Registrar not later than 7 days before the date or the first date in respect of which the application is made;
 - (b) in a form approved by the Commission.
- (2) The Registrar may, at his discretion, accept an application for the grant of a special licence which does not comply with provisions of subsection (1).

59 Conditions of special licence

The Commission may issue, or approve the issue of, a special licence to an applicant subject to such conditions as it thinks fit.

60 Issue of special licence by Registrar

- (1) Subject to section 61, where an application for a special licence has been made in accordance with section 58, the Registrar shall, upon payment of a fee of \$20, issue a special licence to the applicant.
- (2) A special licence issued under subsection (1) shall:
 - (a) be in a form approved by the Commission; and
 - (b) be subject to such conditions as may be determined by the Commission under section 59.

61 Application to be submitted to Commission in certain circumstances

Where:

- (a) an application for a special licence relates to a period or periods which in total exceed 10 hours on more than one day, where a day is a period of 24 hours ending at 2 o'clock in the morning; or
- (b) the Registrar is of the opinion that there are facts or circumstances by reason of which it is desirable that the Commission considers an application for a special licence,

the Registrar shall submit the application to the Commission.

62 Decision on consideration by Commission

- (1) Where an application for a special licence has been submitted to the Commission pursuant to section 61, the Commission shall, as soon as reasonably practicable, consider the application.
- (2) For the purposes of subsection (1), the Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit.
- (3) After considering an application for a special licence, the Commission shall:
 - (a) issue a special licence in a form approved by the Commission subject to such conditions as are determined by it under section 59; or
 - (b) refuse the application and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant.

63 Revocation of special licence

A special licence may be revoked by the Commission at its discretion.

64 Application of certain provisions to special licences

Divisions 1 and 2 of Part VII, Part IX with the exception of sections 104(3)(e), (f), 106, 111, 112 and 113, Parts X and XI, with such alterations as the circumstances may require, apply to and in relation to the holder of a special licence and the premises in respect of which a special licence is issued as if that holder of a

special licence were a licensee and those premises were licensed premises.

Part VII Control of conduct of licensees

Division 1 Directions to licensees

65 Commission's power to give directions

Where a licensee:

- (a) has contravened or failed to comply with a condition of his licence;
- (b) has permitted or suffered the premises in respect of which he holds a licence to be so used as to cause undue disturbance or inconvenience to:
 - (i) persons who are lawfully on or at those premises; or
 - (ii) persons who reside in the neighbourhood of those premises; or
- (c) has contravened or failed to comply with a provision of this Act or a law of the Territory which regulates, in any manner, the sale or consumption of liquor or the location, construction or facilities of premises which are used for such a purpose,

the Commission may, from time to time by notice in writing, direct the licensee to take, or to refrain from taking, within such time as the Commission shall in that notice specify, a specified action to rectify or minimize the effects of:

- (d) the licensee's contravention or failure to comply, referred to in paragraph (a) or (c); or
- (e) the undue disturbance or inconvenience, referred to in paragraph (b),

as the case may be.

66 Commission's power to suspend licence

- (1) The Commission may, by notice in writing, suspend the licence of a licensee where:
 - (a) the Commission:
 - (i) gives a direction to the licensee under section 49(4)(b) or 65; and
 - (ii) is of the opinion that suspension of the licence is necessary for the protection of the public;
 - (b) the licensee has contravened or failed to comply with his licence, this Act or the Regulations and the Commission is satisfied that the contravention or failure is of sufficient gravity to justify the suspension of the licence; or
 - (c) the licensed premises are not being used for the sale or supply of liquor.
- (2) The suspension of a licence under subsection (1) shall have effect on and from:
 - (a) the date on which the licensee receives the notice referred to in that subsection; or
 - (b) such other date as the Commission may specify in the notice.
- (3) A licence which is suspended under subsection (1) shall have no effect until that suspension is revoked by the Commission.
- (4) Where:
 - (a) the Commission has, under subsection (1), suspended the licence of a licensee to whom a direction has been given under section 49(4)(b) or 65; and
 - (b) the licensee has complied with that direction,the Commission may revoke the suspension of the licence.
- (5) The Commission may, if it thinks fit, either before or after the expiration of a period fixed under section 49(4)(b) or 65, extend that period.

Division 2 Guidelines

67 Guidelines

Subject to the approval of the Minister, the Commission may publish guidelines with respect to the operation of this Act and the Regulations in any manner that is, in its opinion, convenient, to assist:

- (a) licensees;
- (b) persons who may wish to apply for a licence; or
- (c) members of the public generally.

Division 3 Cancellation of licences

68 Compulsory applications

Where:

- (a) it comes to the notice of the Registrar that:
 - (i) a licensee is serving a sentence of imprisonment imposed in respect of his conviction for an offence; or
 - (ii) a licensee has been found guilty of an offence against this Act; or
- (b) the Commission directs the Registrar under section 44 to apply for the cancellation of a licence,

the Registrar shall make an application to the Commission for an order under this Division.

69 Other applications

Where it appears to the Registrar that there is a ground other than section 68(a) or (b) upon which the Commission would be authorized to cancel a licence, the Registrar may make an application to the Commission for an order under this Division.

70 Procedure of application

- (1) An application for an order under this Division shall be delivered by the Registrar to the Chairman together with a statement signed by the Registrar and setting out:
 - (a) particulars of the ground or grounds upon which the application is made; and
 - (b) the facts relied upon by the Registrar to constitute that ground or each of those grounds, as the case may be.
- (2) The Registrar shall forward a copy of the statement referred to in subsection (1) to the licensee who is the subject of an application for an order under this Division.

71 Consideration by Commission

The Commission shall, as soon as reasonably practicable, consider an application for an order under this Division and shall:

- (a) dismiss the application, where the Commission is of the opinion that the facts set out in the statement made by the Registrar pursuant to section 70 would not, if they were proved, establish any of the grounds upon which an application is made; or
- (b) conduct a hearing in relation to the application.

72 Cancellation of licence

- (1) The Commission, after conducting a hearing, may, by order, cancel a licence where:
 - (a) the licensee is serving a sentence of imprisonment imposed in respect of his conviction for an offence;
 - (b) the licensee has been found guilty of an offence against this Act;
 - (c) the licensee has contravened or failed to comply with a direction of the Commission under section 49(4)(b) or 65; or
 - (d) the licensee has contravened or failed to comply with a condition of his licence.

- (2) The Commission shall not make an order upon the ground specified in subsection (1)(a) unless:
 - (a) the offence for which the licensee is serving a sentence of imprisonment is an offence against this Act; or
 - (b) the Commission is satisfied that the offence is of sufficient gravity to justify the cancellation of the licence.
- (3) The Commission shall not make an order upon the ground specified in subsection (1)(b) or (d) unless it is satisfied that:
 - (a) the offence of which the licensee has been found guilty or the contravention or failure to comply with the condition, as the case may be, is of sufficient gravity to justify the cancellation of the licence; and
 - (b) in all the circumstances, the matter is not one in which the giving of directions by the Commission would be likely to be effective to prevent the commission of further offences or further contraventions or failures to comply with the condition, as the case may be, by the licensee.
- (4) The Commission shall not make an order upon the ground specified in subsection (1)(c) or (d) where the licensee satisfies the Commission that:
 - (a) the contravention or failure to comply with the direction or condition, as the case may be, arose out of, or was occasioned by, the act or neglect of an employee of the licensee; and
 - (b) the licensee had given such directions to his employees, and had exercised or caused to be exercised such supervision of his employees, as were reasonably necessary to ensure that the licensee did not contravene, or fail to comply with, the direction of the Commission or a condition of his licence, as the case may be.
- (5) In addition to subsection (1), and notwithstanding anything in this Act which may be construed as qualifying or limiting the power of the Commission to cancel a licence, the Commission, after conducting a hearing, may, by order, cancel a licence where it is satisfied that:
 - (a) licensed premises in respect of which the licence was granted have not been used for the sale or supply of liquor for a period of 90 days;

- (b) subject to the payment of compensation, the presence of the licensed premises in respect of which the licence was granted no longer meets the needs or wishes of the community; or
 - (c) a licensee is not a fit and proper person to hold a licence.
- (6) For the purposes of subsection (5), and without limiting the generality of that subsection, a licensee is not a fit and proper person to hold a licence where:
- (a) the licensee is found guilty of an offence relating to the possession or supply of a drug for which offence, on being found guilty, a sentence of imprisonment may be imposed (whether or not a sentence of imprisonment is imposed); or
 - (b) subject to subsection (7), in a period of 12 months not less than 3 persons are found guilty of offences committed on the licensed premises to which the licence relates relating to the possession or supply of a drug and the licensee fails to satisfy the Commission that all reasonable steps were taken by the licensee to prevent those offences from taking place.
- (7) Where, as a result of the assistance of, or the providing of information by, a licensee or an employee of a licensee, a person is found guilty of an offence relating to the possession or supply of a drug which offence was committed on the licensed premises to which the licence relates, that finding of guilt shall not be taken into account for the purposes of subsection (6)(b).
- (8) The Commission shall, by order, cancel the licence of a licensee where it has thought fit to do so under section 124(2A).
- (9) The cancellation of a licence under subsection (8) shall have effect on the day specified in the order.

Part VIII Restricted areas

Division 1 Declaration of restricted area

73 Interpretation

- (1) In this Part, **relevant area** means a specified area of land which is the subject of an application for that area to be declared a restricted area.

- (2) Where the Commission declares, under section 74(2), that a restricted area is restricted in respect of liquor other than a type of liquor, in this Part, **liquor** does not, in respect of that restricted area, include that type of liquor.

74 Power to declare restricted area

- (1) Subject to this Act, the Commission may declare that a specified area of land shall be a restricted area.
- (2) The Commission may, upon the declaration of a restricted area, declare that the restricted area is restricted in respect of liquor other than a specified type of liquor.

75 Liquor not brought into, &c., restricted area

- (1) Subject to this Part, a person shall not:
- (a) bring liquor into;
 - (b) have liquor in his possession or under his control within; or
 - (c) consume, sell or otherwise dispose of liquor within,
a restricted area.
- (1A) Subsection (1), other than paragraph (c) so far as it relates to the sale of liquor in a restricted area, does not apply to liquor that is being or will be:
- (a) brought into a restricted area; and
 - (b) administered within a restricted area,
for the purposes of worship associated with the celebration of the Holy Communion or any other religious service by a person approved by the Commission (for the purposes of paragraph (a) or (b) or of both (a) and (b)).
- (2) In any proceeding for an offence against this section, a certificate, purporting to be signed by a person who claims in the certificate to be the Registrar or a Deputy Registrar, stating that a place was or was not, at a specified time, within a restricted area is evidence of the facts stated.

76 Application for declaration

An application for a specified area of land to be declared a restricted area shall:

- (a) be lodged with the Registrar;
- (b) be in writing;
- (c) be signed by the applicant;
- (d) include a description of the relevant area in sufficient detail to enable the Commission to identify the location of the proposed restricted area;
- (e) include a statement of the applicant's reasons for desiring the relevant area to be declared a restricted area; and
- (f) if the applicant desires the relevant area to be declared a restricted area in respect of liquor other than a type of liquor – state the type of liquor.

77 Consideration of application

- (1) The Commission shall, as soon as reasonably practicable, consider an application made under section 76 and shall:
 - (a) refuse the application where the Commission is of the opinion that the application is of a frivolous, irrelevant or malicious nature; or
 - (b) conduct a hearing.
- (2) Where the Commission decides to conduct a hearing pursuant to subsection (1)(b), the Registrar shall, as soon as reasonably practicable, inform:
 - (a) each licensee whose licensed premises are located in the relevant area;
 - (b) each applicant for a licence whose premises, in respect of which a licence is sought, are located in the relevant area;
 - (c) each licensee who, in the opinion of the Registrar, may be affected adversely by a declaration of the relevant area to be a restricted area;
 - (d) where the relevant area forms the whole or part of a municipality – the clerk of the council for that municipality; and

- (e) where the relevant area forms the whole or part of a community government area – the clerk of the community government council for that community government area,

of the location of the relevant area and the time and place of the hearing.

- (3) A hearing pursuant to subsection (1)(b) shall be held:
 - (a) at a place within the relevant area; or
 - (b) at a place in the vicinity of the relevant area which, in the opinion of the Chairman, is convenient for persons who may desire to express an opinion regarding an application in accordance with section 78.

78 Opinions regarding application

- (1) A person may express an opinion regarding an application for a specified area of land to be declared a restricted area:
 - (a) by submitting an opinion in writing to the Chairman; or
 - (b) subject to subsection (2), by appearing in person at a hearing conducted pursuant to section 77(1)(b).
- (2) Where a person notifies the Chairman in writing, not later than 7 days before the date fixed for a hearing to be conducted pursuant to section 77(1)(b), that he wishes to be heard with respect to an application for a specified area of land to be declared a restricted area, he is entitled to appear before the Commission and to express an opinion regarding the application.

79 Commission to ascertain residents' opinions

- (1) Where the Commission decides to conduct a hearing pursuant to section 77(1)(b), the Chairman shall, prior to that hearing, take all such steps as are, in his opinion, necessary to:
 - (a) inform the people who reside in the relevant area of the time and place of the hearing;
 - (b) inform such people that a person may express an opinion regarding the application in accordance with section 78;
 - (c) ascertain opinions of such people regarding the application;
 - (d) where the relevant area forms the whole or part of a municipality – ascertain the advice of the council for that municipality regarding the application; and

- (e) where the relevant area forms the whole or part of a community government area – ascertain the advice of the community government council for that community government area regarding the application.
- (2) For the purposes of subsection (1)(c), the Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit.

80 Commission to consider opinions expressed regarding application

In deciding whether to grant an application for an area of land to be declared a restricted area, the Commission shall:

- (a) consider the opinions regarding that application expressed or ascertained pursuant to sections 78, 79(1)(c) and (2); and
- (b) where the relevant area forms the whole or part of a municipality or a community government area – consider any advice regarding the application ascertained pursuant to section 79(1)(d) or (e), as the case may be.

81 Decision after hearing

- (1) Subject to section 80, after the Commission has conducted a hearing in relation to an application for an area of land to be declared a restricted area, the Commission shall:
 - (a) refuse to declare the relevant area to be a restricted area and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant;
 - (b) declare an area of land to be a restricted area; or
 - (c) declare an area of land to be a restricted area in respect of liquor other than a type of liquor.
- (2) A declaration by the Commission under subsection (1)(b) or (1)(c) may be in relation to:
 - (a) the relevant area; or
 - (b) land that in area is equal to, greater than or less than the relevant area.
- (3) The land referred to in subsection (2)(b) shall include a part of the relevant area.

82 Notice of declaration

- (1) The Commission shall, within 14 days of declaring an area of land to be a restricted area, cause to be published in the *Gazette* and in a newspaper or newspapers nominated by the Commission notice of the fact that the declaration has been made.
- (2) The notice of the declaration shall include:
 - (a) a description of the restricted area in sufficient detail to identify the location of that area of land;
 - (aa) if the restricted area is restricted in respect of liquor other than a type of liquor – a statement to that effect identifying the type of liquor;
 - (b) a copy of section 75; and
 - (c) such other particulars as may be determined by the Commission.

83 Commencement of declaration

A declaration of an area of land to be a restricted area shall have effect on and from:

- (a) the date of the publication of the notice referred to in section 82 in the *Gazette*;
 - (b) the date on which it is published in a newspaper or newspapers in accordance with that section; or
 - (c) such date as is specified in the declaration,
- whichever is the latest.

84 Revocation of declaration

A declaration of an area of land to be a restricted area may be revoked by the Commission at its discretion.

85 Commission to ensure publicity of declaration

Where an area of land is declared to be a restricted area, the Commission shall take all such steps as are, in its opinion, necessary to cause to be posted and to be kept posted at:

- (a) the place where a road or other customary access route enters the restricted area; and

- (b) the customary departure locations for aircraft flying into the restricted area,

a notice stating that it is an offence to bring liquor into, to be in possession or control of liquor or to consume, sell or otherwise dispose of liquor within the area.

86 Not an offence to transport liquor through restricted area

- (1) It shall not be an offence under section 75 where a person brings liquor into, or has liquor in his possession or under his control within, a restricted area, for the purpose only of transporting that liquor to a destination outside a restricted area.
- (2) In any proceedings for an offence under section 75, the onus of establishing a purpose of a nature referred to in subsection (1) shall be on the accused.

Division 2 Permits

87 Commission may grant permits

- (1) Subject to this Part, the Commission may grant a permit to a person:
 - (a) who resides in; or
 - (b) who is temporarily living in, or intends to temporarily live in, a restricted area.
- (2) Subject to subsection (3), the holder of a permit may:
 - (a) bring liquor into;
 - (b) have liquor in his possession or under his control within; or
 - (c) consume liquor within,the restricted area to which the permit relates.
- (3) The Commission may issue a permit subject to such conditions as it thinks fit.

88 Guest of permit holder may consume liquor

A person who:

- (a) does not reside in the restricted area to which a permit relates; and

- (b) is a guest of the holder of a permit on or at premises which are owned or occupied by that holder of a permit,

may consume liquor at the invitation of that holder of a permit on or at those premises.

89 Person may deliver liquor to permit holder at his request

A person may, at the request of the holder of a permit:

- (a) bring liquor which is owned by, or ordered under a contract of purchase by, that holder of a permit into; or
- (b) have such liquor in his possession or under his control within, the restricted area to which the permit relates, for the purpose only of delivering the liquor to that holder of a permit.

90 Application for permit

- (1) An application for a permit may be made by a person referred to in section 87(1).
- (2) An application pursuant to subsection (1) shall:
 - (a) be lodged with the Registrar;
 - (b) be in writing;
 - (c) be signed by the applicant; and
 - (d) include a statement of the applicant's reasons for desiring a permit.

91 Consideration of application

- (1) The Commission shall consider an application for a permit and shall:
 - (a) conduct such investigations and cause to be conducted such investigations of the application as it thinks fit; and
 - (b) take all such steps as are, in its opinion, necessary to ascertain opinions regarding the application of the people who reside in the restricted area to which the application relates.
- (2) In deciding whether to grant an application for a permit, the Commission shall consider the results of any investigations under subsection (1)(a) and the opinions ascertained pursuant to subsection (1)(b).

92 Decision after consideration

Subject to section 91(2), after considering an application for a permit, the Commission shall:

- (a) issue a permit in a form approved by the Commission, subject to such conditions as are determined by the Commission under section 87(3); or
- (b) refuse the application and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant.

93 Permit revoked on breach of condition

Where the holder of a permit contravenes or fails to comply with a condition of his permit, in addition to any penalty to which he may be subject for an offence against section 75(1) as a consequence of that contravention or failure:

- (a) that permit shall be revoked forthwith; and
- (b) the holder of that permit shall surrender it to an inspector or a member of the Police Force upon demand made by that inspector or member of the Police Force.

94 Revocation of permit by Commission

A permit may be revoked by the Commission at its discretion.

Division 3 Seizure and forfeiture

95 Powers of search and seizure

- (1) Where an inspector is satisfied that there is reasonable ground for suspecting that an offence against this Part has been, is being or is likely to be committed, he may, without warrant, and with such assistance as he thinks necessary:
 - (a) enter, with such force as is reasonably necessary, at any time, any premises, vehicle, vessel, aircraft or place and for that purpose, stop and detain any vehicle, vessel or aircraft;
 - (b) search the premises, vehicle, vessel, aircraft or place and any person found in or on them or it and any person whom he reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;

- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
 - (d) seize, take, detain, remove and secure any vehicle, vessel or aircraft, or any receptacle containing liquor, or any receptacle that he reasonably believes to contain liquor, or any thing that he finds on any premises, vehicle, vessel, aircraft or place or on any person searched, if he has reasonable grounds to believe that it is evidence of or otherwise relates to any offence that has been or is being committed against this Part;
 - (e) require the master or other person in charge of a vehicle, vessel or aircraft to cause it to stop or to bring it to a place in the Territory and to remain in control of it at that place until an inspector permits him to depart from that place;
 - (f) stop, detain and search any person upon whom he believes, on reasonable grounds, that there is something that is evidence of or otherwise relates to an offence against this Part; and
 - (g) take such action as is reasonably necessary to prevent the commission of an offence against this Part.
- (2) Before commencing a search under subsection (1), if there is a person who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, an inspector shall produce his identity card, issued under section 18(3), to that person and to any person he is about to search.
- (3) A person shall not refuse or fail to comply with a requirement made by an inspector under subsection (1)(e).
- (4) A female shall not be searched under this section except by a female.
- (5) This section, other than subsection (2), applies to and in relation to a member of the Police Force as if the member were an inspector.
- (6) In this section **enter**, in relation to a vehicle, vessel or aircraft, includes board.

96 Forfeiture

- (1) A thing seized under this Part and not released under section 100A is, by force of this section, on a person being found guilty of the offence in connection with which it was seized, forfeited to the Territory.

- (2) A forfeiture under subsection (1) shall be in addition to and not part of a penalty imposed under this Part.

97 Delivery of thing seized to Chairman

A thing seized under this Part shall, as soon as practicable, be delivered to the Chairman by the inspector or member of the Police Force who seized it.

98 Claim to be made to Chairman

Where a thing seized is delivered to the Chairman, if no prosecution is instituted within 30 days in respect of the use or possession of the thing or, if the thing seized is liquor, in respect of the carriage, possession, control, sale or other disposal of the liquor, the Chairman shall, by notice in writing, require the person from whom the thing was seized or a person appearing to the Chairman to be the owner of the thing to claim delivery to him of the thing seized.

99 Forfeit if no claim

If no claim is made within 30 days of the date of service of the notice referred to in section 98, the thing seized is forfeited.

100 Claims to be dealt with summarily

Where a person served with a notice under section 98 makes a claim for the delivery to him of a thing seized under this Part, the Chairman shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the *Justices Act*.

100A Release of seized vehicle, &c., pending prosecution

- (1) The owner or other person who, but for its being seized, would be entitled to possession of a vehicle, vessel or aircraft seized under this Part may, before the trial of a person for the alleged offence in connection with which it was seized, apply to the Minister for its release to the owner or that other person, as the case may be.
- (2) The Minister may, in his absolute discretion, after considering the recommendations of the Chairman and being satisfied that the applicant was not knowingly involved in the act constituting the alleged offence in connection with which it was seized and had no reason to suspect that the vehicle, vessel or aircraft might be used in connection with the commission of the alleged offence, release it to the applicant on such conditions relating to its production as evidence at the trial of the alleged offence as the Minister thinks fit.

101 Disposal of forfeited things

All things forfeited under this Part may be destroyed or otherwise disposed of in such manner as the Chairman thinks fit, including, with the approval of the Minister where, in the case of a vehicle, vessel or aircraft, the Minister is of the opinion that the person was not knowingly involved in the act constituting the offence as a result of which it was forfeited and had no reason to suspect that it might be used in connection with such an offence, by selling or otherwise returning it to a person who, immediately before the forfeiture, had a legal or equitable interest in the vehicle, vessel or aircraft.

Part IX Obligations and offences

Division 1 Licensees

102 Liquor not to be sold to intoxicated persons

A licensee or a person employed by a licensee shall not sell or supply liquor to a person unless the person to whom it is sold or supplied is not intoxicated at the time (the onus of proof of which lies with the defendant).

103 Licensee not to sell adulterated liquor

A licensee or any person employed by a licensee shall not sell adulterated liquor.

104 Persons on licensed premises after hours

- (1) Subject to this section, a person shall not enter, or remain on or at, licensed premises in respect of which a licence is in force for the sale of liquor for consumption on or at those premises unless those premises are open for the sale of liquor in accordance with the conditions of the licence.
- (2) A person does not commit an offence against subsection (1) by remaining on or at licensed premises for a period not exceeding 30 minutes after those premises cease to be open for the sale of liquor.
- (3) Nothing in this section applies to, or in relation to:
 - (a) the licensee of premises;
 - (b) a member of the family of the licensee;

- (c) a person who enters, or remains on or at, licensed premises in the course of his employment;
- (d) a person who enters, or remains on or at, licensed premises at the invitation of, and as a guest of, the licensee or a member of the family of the licensee;
- (e) a lodger occupying residential accommodation provided on the licensed premises;
- (f) a person who enters licensed premises at the invitation of, and as a guest of, such a lodger; or
- (g) a person authorized by the Commission, either on application or on the motion of the Commission, to enter licensed premises.

105 Permitting riotous conduct on or at licensed premises

A licensee shall not permit indecent, violent, quarrelsome or riotous conduct to occur on or at his licensed premises.

106 Commission may declare licensed premises prohibited areas for minors

- (1) The Commission may, by notice in writing, declare licensed premises or parts of licensed premises to be an area or areas where a person who has not attained the age of 18 years:
 - (a) shall not enter or remain; or
 - (b) shall not enter or remain unless that person is in the company of his parent, guardian or spouse (who has attained the age of 18 years).
- (2) Where the Commission makes a declaration under subsection (1), the Commission shall serve a copy of the declaration on the licensee of the licensed premises to which the declaration relates.
- (3) A licensee, on being served a copy of a declaration under subsection (2), shall cause a notice in a form approved by the Commission to be posted, and to be kept posted, at each entrance of the licensed premises or part of the licensed premises to which the declaration relates, and at such other places on the licensed premises as the Commission may require.

106A Minors on licensed premises

- (1) A person who has not attained the age of 18 years shall not enter or remain on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(a).
- (2) A person who has not attained the age of 18 years shall not enter or remain on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b) unless the person is in the company of his parent, guardian or spouse (who has attained the age of 18 years).
- (3) In proceedings for an offence against subsection (1) or (2), evidence that the accused person was required under section 19(5)(e) to provide evidence of his age and did not provide, and has not subsequently provided, that evidence, is prima facie evidence that the accused person had not attained the age of 18 years on the date when the requirement was made.
- (4) It is a defence to a prosecution for an offence against subsection (1) or (2) that the accused person did not know he had entered or remained on licensed premises or any part of licensed premises the subject of a declaration under section 106 and that he did not have reasonable cause to know that he had entered or remained on licensed premises or part of licensed premises the subject of a declaration under section 106.

**106B Licensee or employee not to permit minors to enter, &c.,
licensed premises**

- (1) A licensee of licensed premises, or any person employed by a licensee, shall not permit a person to enter or remain on the licensed premises or any part of the licensed premises the subject of a declaration served under section 106 if that person has not attained the age of 18 years or, if that person is purportedly in the company of his parent, guardian or spouse, both that person and the parent, guardian or spouse, have not attained the age of 18 years.

106BA Misrepresentation of age by minor

A person who has not attained the age of 18 years and who, for the purpose of entering or remaining on licensed premises in respect of which that person would not otherwise be entitled to enter or remain, misrepresents the age of the person:

- (a) by spoken statements made by the person or another person;

- (b) by presenting a form of written identification which purports to relate to the person presenting it but which in fact is fictitious or relates to some other person; or
- (c) by presenting a form of written identification which is false in a material particular,

is guilty of an offence.

106C Supply of liquor to minors

A person who has attained the age of 18 years shall not sell or supply liquor on licensed premises to another person who has not attained the age of 18 years except where the first-mentioned person is the licensee of the licensed premises, or a person employed by the licensee, and:

- (a) the liquor is sold or supplied on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b);
- (b) the person to whom the liquor is sold or supplied is in the company of his parent, guardian or spouse (who has attained the age of 18 years); and
- (c) the liquor is sold in conjunction with or ancillary to a meal supplied on the licensed premises.

106D Definitions of *parent* and *guardian*

In sections 106(1), 106A(2), 106B and 106C, ***parent*** and ***guardian***, in relation to a person who has not attained the age of 18 years, include a person who has attained the age of 18 years to whom the care and control of the first-mentioned person has been given by his parent or guardian (irrespective of the duration).

106E Evidence

In a prosecution for an offence against section 106A, 106B or 106C:

- (a) a certificate purporting to be signed by a person who claims in the certificate to be the Registrar or Deputy Registrar, stating that licensed premises or a specified part of licensed premises was or was not, at a specified time, the subject of a declaration under section 106 and a copy of the declaration was served on the licensee of the licensed premises on a specified day, is prima facie evidence of the facts stated; and

- (b) the onus of proving that the care and control of a person who has not attained the age of 18 years had, at the relevant time, been given to a particular person by his parent or guardian rests on the accused person.

107 Licence to be kept on premises

- (1) A licensee shall ensure that the licence is kept on or at the premises to which it relates at all times.
- (2) It is a defence to a prosecution for an offence against subsection (1) that, at the time of the alleged offence, the licence had been delivered to the Registrar and had not been returned to the licensee.

108 Licence to be produced on demand

A licensee shall produce his licence to an inspector or a member of the Police Force upon demand being made by the inspector or the member of the Police Force on or at the premises to which the licence relates.

109 Permitting breach of *Lottery and Gaming Act*

- (1) Where:
 - (a) a person is found guilty of an offence against a provision of the *Lottery and Gaming Act*; and
 - (b) the offence occurred on or at licensed premises,the licensee of those premises is guilty of an offence.
- (2) It is a defence to a charge under subsection (1) to show:
 - (a) that the licensee or, if at the time of the offence the licensee was not on or at the premises, the person then in charge of the premises, did not know, and could not by the exercise of all practicable diligence have known, that the offence against the *Lottery and Gaming Act* was taking place; or
 - (b) that the offence against the *Lottery and Gaming Act* took place contrary to the will of the licensee or, if the licensee was not at the time on or at the premises, contrary to the will of the person who was then in charge of the premises, and the licensee or the person so in charge, as the case may be, took all reasonable steps to prevent the offence against the *Lottery and Gaming Act* from taking place.

110 Licensee to comply with conditions

A licensee shall not contravene, or fail to comply with, a condition of his licence.

111 Licensee to keep record of liquor purchases

- (1) A licensee shall keep a written record, in a form approved by the Commission, in respect of each period of 3 months referred to in section 113(1) during which his licence is in force, of every purchase of liquor for disposal in pursuance of his licence during that period.
- (2) A record kept for the purposes of subsection (1) shall show:
 - (a) the quantity of liquor purchased;
 - (b) the date of purchase;
 - (c) the name and address of the person from whom the liquor was purchased; and
 - (d) the gross price paid or payable for the liquor.
- (3) A record kept for the purposes of subsection (1) shall be retained by the licensee for a period of not less than 3 years after the date on which the last entry in the record, in respect of each period of 3 months referred to in section 113 during which his licence was in force, was made.
- (4) In this section, **gross price** has the same meaning as in section 35(5).

112 Licensee to produce record, &c., on demand

A licensee shall produce the record kept in pursuance of section 111 together with any documents or papers relating to the business of the licensee to an inspector upon demand being made by the inspector on or at the premises to which the licence relates.

113 Licensee to lodge return

- (1) Subject to the conditions of his licence, a licensee shall, within 28 days of the last day of March, June, September and December during the period of his licence, lodge with the Registrar a return, in a form approved by the Commission, showing details of all purchases of liquor for disposal in pursuance of his licence made by the licensee in the 3 months preceding the last day of that March, June, September or December, as the case requires.

(2) A licensee shall not:

- (a) refuse or neglect to make a return in accordance with subsection (1);
- (b) before the expiration of the period of 3 years referred to in section 111(3), destroy without the permission of the Commission any record kept for the purposes of section 111(1) or any document or paper referred to in section 112; or
- (c) furnish any return which is false in any particular or falsify any such document or paper.

113AA Commission may make inquiries, &c.

(1) Where an understatement relating to the amount of purchases of liquor for disposal in pursuance of a licence in a return lodged under section 113(1) is brought to the attention of the Commission, the Commission may:

- (a) cause to be made such inquiries; or
- (b) conduct a hearing in accordance with Part V,
in relation to the understatement as it thinks fit.

113AB Licensee liable for understatement, &c.

(1) Where, consequent on:

- (a) the investigations or inquiries; or
- (b) the hearing,

under section 113AA, the Commission is satisfied that a licensee has made an understatement relating to the amount of purchases of liquor for disposal in pursuance of his licence in a return under section 113(1), the Commission shall, as soon as practicable, by notice in writing, notify the licensee of:

- (c) the result of the investigations or inquiries; or
- (d) its decision following the conduct of a hearing,

and such notice shall specify the value of the understatement.

(2) The notice referred to in subsection (1) shall be served personally or by post on the licensee.

- (3) The licensee on whom a notice referred to in subsection (1) is served shall, within 28 days after such service, pay to the Commission the balance of the fee payable on the corrected value of the purchases of liquor for disposal in pursuance of his licence.
- (4) Where an understatement referred to in subsection (1) is in value in excess of \$750, the licensee shall, within 28 days after service of the notice referred to in subsection (1), in addition to payment of the balance of the fee referred to in subsection (3), pay, subject to subsection (5), to the Commission an amount equal to the value of the understatement specified in subsection (1).
- (5) The Commission may, if it thinks fit, remit the whole or any part of the payment referred to in subsection (4).

113A Wholesalers of liquor

- (1) A person, firm or body corporate shall not sell liquor to a licensee unless the person, firm or body corporate:
 - (a) is registered as a wholesaler of liquor under this Act; or
 - (b) is a licensee.
- (2) The Registrar shall keep, in such form as he thinks fit, a register of wholesalers of liquor.
- (3) The Registrar shall register a person, firm or body corporate in the register kept under subsection (2) if the person, firm or body corporate lodges with him:
 - (a) an application in such form, and accompanied by such documents, samples and other material as the Registrar thinks fit; and
 - (b) a registration fee of \$20.
- (4) Where the Registrar registers a person, firm or body corporate in the register kept under subsection (2), the person, firm or body corporate is registered as a wholesaler of liquor for a period of 12 months on and after the date on which the entry is made.
- (5) A certificate signed by the Registrar certifying that on a specified day or during a specified period a person, firm or body corporate was or was not registered as a wholesaler of liquor shall be admissible in a court as prima facie evidence of the matter contained in the certificate.

114 Wholesalers to lodge returns

A person, firm or body corporate registered under section 113A shall, within 28 days after the last day of March, June, September and December of each year, lodge with the Registrar a return, in a form approved by the Commission, showing details of all purchases and sales of liquor made by the person, firm or body corporate in the 3 months preceding the last day of that March, June, September or December, as the case requires.

Division 2 General

115 Sale of liquor not authorized by licence

Subject to this Act, a person shall not sell any liquor unless the sale is authorized by a licence.

116 Purchase of liquor not authorized by licence

Subject to this Act, a person shall not purchase any liquor unless the sale of the liquor is authorized by a licence or the person who sells the liquor is licensed, registered or in any other manner authorized to sell liquor under a law of a State or Territory providing for the licensing, registration or other authorization of persons who sell liquor.

116A Minors not to sell, &c., liquor

- (1) Except in accordance with a condition of his licence or as permitted under subsection (2) by the Commission, a licensee shall not employ a person who has not attained the age of 18 years to sell, supply or serve liquor on licensed premises.
- (2) For the purposes of subsection (1), the Commission may in writing, either generally or, on the application of a licensee, in relation to a particular person, permit a licensee to employ a person who has not attained the age of 18 years to sell, supply or serve liquor on licensed premises where the Commission is satisfied that the person is a genuine employee of the licensee or is undergoing employment training at the licensed premises.

117 Minors not to be sent to obtain liquor

A person shall not send a person who has not attained the age of 18 years to purchase or collect liquor from or at licensed premises.

118 Minors not to buy or consume liquor on licensed premises

- (1) A person who has not attained the age of 18 years shall not purchase from or consume liquor on licensed premises unless:
 - (a) the liquor is purchased or consumed on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b);
 - (b) the person is in the company of his parent, guardian or spouse (who has attained the age of 18 years); and
 - (c) the person purchases or consumes the liquor in conjunction with or ancillary to a meal supplied on the licensed premises.
- (2) In subsection (1) **parent** and **guardian**, in relation to a person who has not attained the age of 18 years, include a person who has attained the age of 18 years to whom the care and control of the first-mentioned person has been given by a parent or guardian (irrespective of its duration).
- (3) In a prosecution for an offence against subsection (1):
 - (a) a certificate purporting to be signed by a person who claims in the certificate to be the Registrar or Deputy Registrar, stating that licensed premises or a specified part of licensed premises was or was not, at a specified time, the subject of a declaration served under section 106 and a copy of the declaration was served on the licensee of the licensed premises on a specified day, is prima facie evidence of the facts stated; and
 - (b) the onus of proving that the care and control of a person who has not attained the age of 18 years had, at the relevant time, been given to a particular person by his parent or guardian rests on the accused person.

Part X Alteration of premises**119 Approval of alteration of premises**

- (1) A licensee shall not, except with the approval of the Commission, make a material alteration to the premises to which his licence relates.
- (2) An application for approval under this section shall be:
 - (a) lodged with the Registrar;

- (b) accompanied by a copy of the plans and specifications for the alteration; and
 - (c) accompanied by evidence which is sufficient to show that the alteration will not result in a contravention of or a failure to comply with a provision of this Act or a law of the Territory which regulates in any manner the sale or consumption of liquor or the location, construction or facilities of premises which are used for such a purpose.
- (3) The Commission shall, as soon as reasonably practicable, consider an application under subsection (1) and shall:
- (a) approve the alteration; or
 - (b) conduct a hearing in relation to the application.
- (4) If the Commission decides to conduct a hearing in relation to an application under subsection (1), the Commission may direct the Registrar to make such investigations as the Commission specifies and report the results of the investigations to the Commission.
- (5) After the Commission has conducted a hearing in relation to an application under subsection (1) the Commission shall:
- (a) approve the alteration; or
 - (b) refuse to approve the alteration.
- (6) Where the Commission grants approval of an alteration, the holder of the licence shall not, whilst the alteration is being made, conduct his business on the licensed premises except in accordance with arrangements approved by the Commission.

120 Unauthorized alterations

- (1) Where, without the approval of the Commission, a licensee makes a material alteration to the premises to which his licence relates, the Commission may, after giving to the licensee notice of its intention to do so, cause that alteration to be removed from the licensed premises or those premises to be restored to a condition which is satisfactory to the Commission.
- (2) The cost of taking the required action pursuant to subsection (1) shall be a debt due to the Territory by the licensee and be recoverable in a court of competent jurisdiction.

Part XI Miscellaneous**121 Power to exclude or remove persons**

- (1) A licensee or employee of the licensee shall, or an inspector may, exclude or remove a person, not being a bona fide resident of the licensee's licensed premises, from the licensed premises if the person is intoxicated, violent, quarrelsome, disorderly or incapable of controlling his behaviour.
- (1A) A licensee, an employee of the licensee or an inspector may exclude or remove from the licensee's licensed premises:
- (a) a bona fide resident of the premises, if that resident is intoxicated, violent, quarrelsome, disorderly or incapable of controlling his behaviour;
 - (b) subject to any other law in force in the Territory, any person (including a bona fide resident), if the presence or continued presence of the person on or at the premises would or might:
 - (i) render the licensee liable to a penalty under this Act or any other law in force in the Territory; or
 - (ii) in his opinion, disrupt the business of the licensee or unreasonably interfere with the wellbeing of other persons lawfully on the premises; or
 - (c) for or during a period not exceeding 12 months from the time a person was found guilty of an offence relating to the possession or supply of a drug on licensed premises, that person.
- (2) A person to whom subsection (1) or (1A) is applicable shall immediately leave licensed premises on being requested to do so by the licensee, an employee of the licensee, an inspector or a member of the Police Force.
- (3) A member of the Police Force shall, on the demand of the licensee, an employee of the licensee or an inspector remove or assist in removing from licensed premises a person who has been requested by the licensee, an employee of the licensee or an inspector in accordance with subsection (2), to leave the premises.
- (4) A licensee, employee of a licensee, inspector or a member of the Police Force exercising a power under this section may use such force as is reasonably necessary for the purpose.

122 Prohibition orders

- (1) This section applies to:
 - (a) a person who, by the habitual or excessive use of liquor, wastes his means, injures or is likely to injure his health, causes or is likely to cause physical injury to himself or to others or endangers or interrupts the peace, welfare or happiness of his or another's family; or
 - (b) a person who, on more than 3 occasions during the preceeding 6 months, has been taken into custody in accordance with Division 4 of Part VII of the *Police (Administration) Act*.
- (2) An order (a **prohibition order**) may be made in respect of a person to whom this section applies:
 - (a) by a court in relation to a matter before it; or
 - (b) by the Local Court on application by the Registrar under this section.
- (3) A prohibition order:
 - (a) shall remain in force for a period of 12 months commencing on the date of the order or such other period (shorter or longer) as may be specified in the order; and
 - (b) forbids all persons to sell or supply liquor to the person named in the order, or to permit that person to be on or at premises in respect of which a licence is in force which permits consumption of liquor on or at those premises.
- (4) The Court may also order that the person named in a prohibition order:
 - (a) be referred to an appropriate body for physical and mental assessment and for a report back to the court; and
 - (b) the person undertake (at the person's own expense if so ordered) a specified program of treatment and rehabilitation.
- (5) A person (including the person against whom a prohibition order is sought) may apply, on a form provided for the purpose, to the Registrar for a prohibition order in respect of a person to whom this section applies.

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- (6) Where an application is made under subsection (5), the Registrar shall, as soon as is reasonably practicable:
- (a) where it is possible, inform the person against whom an order under this section is sought of the fact that the application has been made and give that person an opportunity to comment, in writing, on the substance of any allegations contained in the application;
 - (b) conduct such investigations of the application as is thought appropriate; and
 - (c) forward any comments received pursuant to paragraph (a), together with the results of any investigations pursuant to paragraph (b), to the Local Court.
- (7) Where the Local Court is of the opinion that further investigations are desirable, the Local Court may direct the Registrar to conduct such further investigations as the Local Court specifies and report back the results of the investigations.
- (8) The Local Court shall consider the application, the report or reports of the Registrar and any comments forwarded pursuant to subsection (6) and shall:
- (a) where the Local Court is of the opinion that the application is of a frivolous, irrelevant or malicious nature – reject the application; or
 - (b) conduct a hearing in relation to the application.
- (9) A hearing under subsection (8)(b) shall be in closed court, but shall otherwise be conducted in such a manner as the Local Court thinks appropriate in a particular case.
- (9A) In conducting a hearing under subsection (8)(b) the Local Court is not bound by the rules of evidence and may inform itself in such manner as it thinks fit.
- (10) After a hearing, the Local Court shall:
- (a) refuse the application; or
 - (b) make a prohibition order.
- (11) The Registrar shall, in accordance with the directions of and manner specified by the Commission, advise licensees within an area specified by the Commission of the making of the prohibition order and of the person against whom it is made.

- (12) A person shall not sell or supply liquor to a person against whom an order under this section is in force or, without reasonable excuse, permit such a person to be on or at premises in respect of which a licence is in force which permits consumption of liquor on or at those premises.
- (13) A person against whom an order under this section is in force shall not obtain or attempt to obtain liquor or, without reasonable excuse, enter or remain on or at licensed premises of a description referred to in subsection (12).

122A Duplicate licences, &c.

Where the Commission is satisfied that a licence, special licence or permit issued under this Act has been destroyed, lost or stolen, it may, upon the application of the licensee or permit holder and upon payment to it of a fee of \$2, issue to the licensee or permit holder a duplicate licence or permit, as the case may be.

123 Surrender of cancelled or suspended licence, special licence or permit

- (1) Where the Commission:
- (a) cancels or suspends a licence;
 - (b) revokes a special licence; or
 - (c) revokes a permit,

the holder of the licence, special licence or permit, as the case may be, shall deliver the licence, special licence or permit to the Registrar as directed by the Commission.

- (2) Where the suspension of a licence is revoked, the Registrar shall return the licence to the holder.

123A Prosecution of licensee for actions of employee

Where the actions of a person employed by a licensee would constitute an offence against this Act, the licensee may be prosecuted for the offence (whether or not the person employed is also prosecuted) as if the licensee had personally performed those actions.

124 Offences, penalties, &c.

- (1) A person shall not contravene or fail to comply with a provision of this Act or the regulations or a lawful requirement made pursuant to this Act.
- (2) A person who contravenes or fails to comply with a provision of this Act or the regulations or a lawful requirement made pursuant to this Act for which a penalty is not provided by a provision of this Act or the regulations other than this section, is liable on being found guilty to a penalty not exceeding:
 - (a) for the first offence – \$1,000 or imprisonment for 6 months; and
 - (b) for a second or subsequent offence – \$2,000 or imprisonment for 12 months.
- (3) An offence against this Act may be prosecuted summarily.

124AAA Additional penalty

- (1) Notwithstanding anything in this Act, the Commission may, in relation to the finding of guilt of a licensee for an offence against section 102, 105, 106B, 106C or 121, by notice in writing served on the licensee and for a period specified in the notice, not exceeding that prescribed by subsection (2):
 - (a) suspend the licensee's licence; or
 - (b) vary the licence so that the licence applies to and in relation to part only of the premises to which it previously applied,or, where the offence is a third or subsequent offence, instead of suspending or varying the licence, cancel the licence.
- (2) For the purposes of subsection (1), the following are the prescribed periods:
 - (a) where the offence is the first offence by the licensee against any of the sections referred to in that subsection – 24 hours;
 - (b) where the offence is a second offence – 7 days; and
 - (c) where the offence is a third or subsequent offence – 28 days.
- (3) For the purposes of subsection (2)(b) or (c), an offence is a second, third or subsequent offence if the previous offence was an offence, or the previous offences were offences, against any of the sections referred to in subsection (1), whether committed before or after the

commencement of this section.

124AA Regulatory offences

- (1) An offence of contravening or failing to comply with section 75(1), 93(b), 102, 103, 104(1), 105, 106B(1), 111, 113, 114, 118, 119(1) or (6), 121(1) or 123(1) is a regulatory offence.
- (2) It is a defence to a prosecution for an offence referred to in subsection (1) if the defendant proves on the balance of probabilities that:
 - (a) any contravention or failure to comply constituting the offence occurred in an emergency and was necessary to preserve life or prevent injury or to protect property;
 - (b) any contravention or failure to comply constituting the offence was authorised by being in obedience to the order of a competent authority whom the defendant is bound by law to obey unless the order is manifestly unlawful (the determination of which is a matter of law); or
 - (c) where the offence relates to section 106B, the defendant was shown an identification for the purposes of representing that the person who has not attained the age of 18 years had attained the age of 18 years, or that the person purporting to be a parent, guardian or spouse had attained the age of 18 years, and the defendant had no reasonable grounds for doubting the validity of the identification.

124A Averments in complaints

In any proceedings for an offence against this Act or the regulations an averment by the prosecutor in a complaint or information that:

- (a) a specified person was or was not, at a specified time, the holder of a licence;
- (b) specified premises were or were not, at a specified time, licensed premises; or
- (c) a specified liquid is or is not liquor, or is or is not a type of liquor,

is evidence of the facts averred.

124B Results of breath analysis as evidence

In proceedings for an offence against this Act in which the question of whether a person was or was not intoxicated is in issue, the result of a breath analysis, by the use of a breath analysis instrument prescribed for the purposes of the *Traffic Act*, is admissible and is prima facie evidence of the person having, at the time the sample of breath to be analysed was taken, a concentration of alcohol in his or her blood not less than the concentration assessed by the analysis.

125 Delivery of documents by post

Subject to the provisions of section 48(5) and the regulations, a document that is required or permitted to be given or delivered to, or lodged with a person, may be given, delivered or lodged, as the case may be, by post.

126 Commission may determine on procedures

Subject to this Act, the Commission may determine the manner in which the business of the Commission will be conducted and the forms or contents of applications, licences, special licences, permits, notices, returns and other documents required by or for the purposes of this Act.

127 Commission may extend or abridge time

- (1) Where this Act provides that an act or thing may or is required to be done:
 - (a) within a specified time; or
 - (b) not before the expiration of a specified time,the Commission may, in its discretion, extend or abridge that time.
- (2) The Commission may extend time under subsection (1) notwithstanding that the time prescribed by this Act for the doing of an act or thing has expired.

128 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

- (2) Without limiting the generality of subsection (1), the Regulations may make provision for:
- (a) restriction of the days when and times during which licensed premises may be open for the sale of liquor for consumption away from the premises; and
 - (b) authorizing the Commission to permit a licensee to sell at times other than those prescribed in the Regulations liquor for consumption away from the premises and to endorse that licensee's licence accordingly, where it is satisfied that liquor sold at such times is not likely to be consumed in public or to lead to public drunkenness;
 - (c) prohibiting or regulating the quantities or kinds of liquor that may be sold at licensed premises, whether at all licensed premises or at specified licensed premises or at specified types of licensed premises;
 - (d) providing for the Commission, in exercising its powers and performing its functions, to take into account any prescribed general policy directions relating to that exercise or performance; and
 - (e) prohibiting or regulating the giving of credit for the purchase of liquor from licensed premises.

128A Acquisitions to be on just terms

Where the application of a provision of this Act or a regulation made under it would, but for this section, result in an acquisition of property otherwise than on just terms, the person from whom the property is acquired shall be entitled to receive just compensation for the acquisition, and a court of competent jurisdiction may determine the amount of the compensation or make such order as, in its opinion, is necessary to ensure that the acquisition is on just terms.

Part XII Transitional and savings

130 Saving of inspectors' appointments

An inspector appointed under the repealed Ordinance shall continue in office as if this Act had been in force when he was appointed and as if he were appointed under this Act.

132 References to repealed Ordinance

A reference in a law of the Territory to the repealed Ordinance or a provision of the repealed Ordinance shall, unless the context is such that it would be inappropriate or the contrary intention appears, be construed as a reference to this Act or the corresponding provision of this Act, as the case requires.

Schedule Repealed Ordinances

section 3

Licensing Ordinance 1939
Licensing Ordinance 1940
Licensing Ordinance 1941
Licensing Ordinance (No. 2) 1941
Licensing Ordinance 1942
Licensing Ordinance 1943
Licensing Ordinance 1946
Licensing Ordinance 1948
Licensing Ordinance (No. 2) 1948
Licensing Ordinance (No. 3) 1948
Licensing Ordinance 1949
Licensing Ordinance (No. 2) 1949
Licensing Ordinance 1952
Licensing Ordinance (No. 2) 1952
Licensing Ordinance 1953
Licensing Ordinance 1954
Licensing Ordinance 1955
Licensing Ordinance 1956
Licensing Ordinance (No. 2) 1956
Licensing Ordinance (No. 3) 1956
Licensing Ordinance 1957
Licensing Ordinance (No. 2) 1957
Licensing Ordinance 1958
Licensing Ordinance 1959
Licensing Ordinance 1960
Licensing Ordinance (No. 2) 1961
Licensing Ordinance 1962
Licensing Ordinance (No. 2) 1962
Licensing Ordinance (No. 3) 1962
Licensing Ordinance 1963
Licensing Ordinance (No. 2) 1963

Licensing Ordinance 1964
Licensing Ordinance (No. 2) 1964
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Licensing Ordinance (No. 2) 1967
Licensing Ordinance (No. 3) 1967
Licensing Ordinance 1969
Licensing Ordinance (No. 2) 1969
Licensing Ordinance 1970
Licensing Ordinance 1971
Licensing Ordinance (No. 2) 1971
Licensing Ordinance 1972
Licensing Ordinance (No. 2) 1972
Licensing Ordinance (No. 3) 1972
Licensing Ordinance (No. 4) 1972
Licensing Ordinance 1973
Licensing Ordinance 1974
Licensing Ordinance (No. 2) 1974
Licensing Ordinance (No. 3) 1974
Licensing Ordinance 1975
Licensing Ordinance (No. 2) 1975
Licensing Ordinance 1976
Licensing Ordinance 1978
Licensing Ordinance (No. 2) 1978

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Liquor Act 1978 (Act No. 10, 1979)***

Assent date	22 January 1979
Commenced	12 February 1979 (<i>Gaz</i> No. 6, 9 February 1979, p 4)

Liquor Act 1979 (Act No. 23, 1979)

Assent date	27 March 1979
Commenced	27 March 1979

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date	14 January 1980
Commenced	8 February 1980 (<i>Gaz</i> G6, 8 February 1980, p 6)

Liquor Act 1980 (Act No. 35, 1980)

Assent date	19 March 1980
Commenced	19 March 1980

Statute Law Revision Act 1980 (Act No. 6, 1981)

Assent date	9 January 1981
Commenced	9 January 1981

Liquor Amendment Act 1981 (Act No. 33, 1981)

Assent date	30 March 1981
Commenced	30 March 1981

Liquor Amendment Act (No. 2) 1981 (Act No. 88, 1981)

Assent date	21 September 1981
Commenced	21 September 1981

Liquor Amendment Act (No. 3) 1981 (Act No. 110, 1981)

Assent date	24 December 1981
Commenced	1 January 1982 (s 2)

Liquor Amendment Act 1982 (Act No. 12, 1982)

Assent date 8 April 1982
 Commenced 8 April 1982

Liquor Amendment Act (No. 2) 1982 (Act No. 93, 1982)

Assent date 14 December 1982
 Commenced 17 December 1982 (*Gaz S35*, 17 December 1982)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
 Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz G46*, 18 November 1983, p 11 and *Gaz G8*, 26 February 1986, p 5)

Liquor Amendment Act 1984 (Act No. 39, 1984)

Assent date 25 September 1984
 Commenced 8 May 1985 (*Gaz G18*, 8 May 1985, p 7)

Public Service and Statutory Authorities Amendment Act 1985 (Act No. 28, 1985)

Assent date 26 June 1985
 Commenced 26 June 1985

Statute Law Revision Act 1985 (Act No. 49, 1985)

Assent date 1 October 1985
 Commenced 1 October 1985

Liquor Amendment Act 1986 (Act No. 29, 1986)

Assent date 14 July 1986
 Commenced 1 October 1986 (*Gaz G39*, 1 October 1986, p 4)

Liquor Amendment Act (No. 2) 1986 (Act No. 40, 1986)

Assent date 19 September 1986
 Commenced 1 October 1986 (s 2, s 2 *Racing, Gaming and Liquor Commission Act 1986* (Act No. 39, 1986) and *Gaz S70*, 1 October 1986, p 1)

Liquor Amendment Act 1988 (Act No. 47, 1988)

Assent date 20 October 1988
 Commenced 20 October 1988

Liquor Amendment Act (No. 2) 1988 (Act No. 62, 1988)

Assent date 15 December 1988
 Commenced 18 January 1989 (*Gaz G2*, 18 January 1989, p 5)

Liquor Amendment Act 1989 (Act No. 67, 1989)

Assent date 16 November 1989
 Commenced 20 December 1989 (*Gaz G50*, 20 December 1989, p 8)

Liquor Amendment Act 1990 (Act No. 61, 1990)

Assent date 14 December 1990
 Commenced 14 December 1990

Liquor Amendment Act (No. 2) 1990 (Act No. 62, 1990)

Assent date 14 December 1990
 Commenced 20 February 1991 (*Gaz G7*, 20 February 1991, p 2)

Liquor Amendment Act 1991 (Act No. 13, 1991)

Assent date 3 June 1991
Commenced 1 July 1991 (s 2)

Liquor Amendment Act 1992 (Act No. 1, 1992)

Assent date 13 March 1992
Commenced 1 April 1992 (Gaz S19, 30 March 1992)

Liquor Amendment Act (No. 2) 1992 (Act No. 55, 1992)

Assent date 24 September 1992
Commenced 24 September 1992

Liquor Amendment Act 1993 (Act No. 24, 1993)

Assent date 24 June 1993
Commenced 24 June 1993

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date 30 June 1993
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and Gaz S53, 29 June 1993)

Liquor Amendment Act (No. 2) 1993 (Act No. 46, 1993)

Assent date 27 September 1993
Commenced 27 September 1993

Statute Law Revision Act (No. 2) 1993 (Act No. 70, 1993)

Assent date 9 November 1993
Commenced 9 November 1993

Liquor Amendment Act (No. 3) 1993 (Act No. 75, 1993)

Assent date 23 November 1993
Commenced 6 December 1993 (Gaz S97, 6 December 1993)

Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)

Assent date 31 December 1993
Commenced 1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and Gaz S35, 20 May 1994)

Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)

Assent date 21 March 1995
Commenced 1 April 1995 (s 2, s 2 *Financial Management 1995* (Act No. 4, 1995) and Gaz S13, 31 March 1995)

Liquor Amendment Act 1996 (Act No. 20, 1996)

Assent date 17 June 1996
Commenced 17 June 1996

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and Gaz S15, 13 June 1996)

Statute Law Revision Act 1996 (Act No. 42, 1996)

Assent date 17 September 1996
Commenced 17 September 1996

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 5 *Liquor Amendment Act 1982* (Act No. 12, 1982)
s 10 *Liquor Amendment Act 1984* (Act No. 39, 1984)
s 28 *Liquor Amendment Act 1989* (Act No. 67, 1989)
s 3 *Liquor Amendment Act 1990* (Act No. 61, 1990)

4 LIST OF AMENDMENTS

s 4 amd No. 39, 1984, s 4; No. 40, 1986, s 4; No. 67, 1989, s 4; No. 13, 1991, s 4; No. 84, 1993, s 6; No. 42, 1996, s 3
s 5 amd No. 35, 1980, s 3; No. 33, 1981, s 3
pt II
div 1 hdg rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
s 6 rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
amd No. 28, 1993, s 3; No. 5, 1995, s 19
s 7 amd No. 35, 1980, s 4; No. 93, 1982, s 4
rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
amd No. 28, 1993, s 3
s 8 amd No. 93, 1982, s 5
rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
amd No. 28, 1993, s 3
s 9 amd No. 9, 1980, s 6; No. 28, 1985, s 9
rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
s 10 rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
s 11 amd No. 28, 1985, s 9
rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
ss 12 – 13 rep No. 40, 1986, s 5
ins No. 13, 1991, s 5
ss 13A – 13C ins No. 13, 1991, s 5
s 17 amd No. 23, 1979, s 3
pt II
div 3 hdg sub No. 67, 1989, s 13
s 19 amd No. 35, 1980, s 5; No. 67, 1989, s 5; No. 62, 1990, s 4
s 20 amd No. 40, 1986, s 6
s 21 amd No. 35, 1980, s 6
rep No. 40, 1986, s 7
s 23 amd No. 40, 1986, s 8
s 25 amd No. 88, 1981, s 3; No. 67, 1989, s 6
s 26 amd No. 67, 1989, s 7
s 26A ins No. 1, 1992, s 4
s 27 amd No. 93, 1982, s 6; No. 67, 1989, s 8
s 29 amd No. 67, 1989, s 9
s 30 amd No. 39, 1984, s 5
sub No. 67, 1989, s 10
amd No. 24, 1993, s 2
pt III
div 2 hdg amd No. 67, 1989, s 13
s 31 amd No. 12, 1982, s 3; No. 67, 1989, s 11; No. 1, 1992, s 5
s 32 amd No. 67, 1989, s 12

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s 34	amd No. 35, 1980, s 7; No. 93, 1982, s 7 rep No. 67, 1989, s 14
s 35	amd No. 23, 1979, s 4; No. 35, 1980, s 8; No. 88, 1981, s 4; No. 110, 1981, s 4; No. 93, 1982, s 8; No. 39, 1984, s 6; No. 67, 1989, s 15; No. 61, 1990, s 2; No. 1, 1992, s 6
s 36	sub No. 67, 1989, s 16
s 37	amd No. 93, 1982, s 9 sub No. 67, 1989, s 16
s 38	rep No. 67, 1989, s 16 ins No. 75, 1993, s 3
s 39	amd No. 33, 1981, s 4
s 42	rep No. 67, 1989, s 17
s 46A	ins No. 35, 1980, s 9
s 47	amd No. 88, 1981, s 5
ss 47A – 47E	ins No. 88, 1981, s 6
s 48	amd No. 67, 1989, s 18
s 48A	ins No. 67, 1989, s 19
s 49	amd No. 67, 1989, s 20; No. 1, 1992, s 7
s 51	amd No. 35, 1980, s 10; No. 33, 1981, s 5; No. 67, 1989, s 21; No. 13, 1991, s 5
s 56	amd No. 35, 1980, s 11
s 64	amd No. 67, 1989, s 22
s 66	amd No. 35, 1980, s 12; No. 1, 1992, s 8; No. 24, 1993, s 3
s 68	amd No. 17, 1996, s 6
s 72	amd No. 67, 1989, s 23; No. 1, 1992, s 9; No. 17, 1996, s 6
s 73	amd No. 35, 1980, s 13
s 74	amd No. 35, 1980, s 14
s 75	amd No. 35, 1980, s 15; No. 67, 1989, s 24; No. 62, 1990, s 5
s 76	amd No. 35, 1980, s 16
s 81	amd No. 35, 1980, s 17
s 82	amd No. 35, 1980, s 18
s 87	amd No. 35, 1980, s 19
s 90	amd No. 35, 1980, s 20
s 93	amd No. 33, 1981, s 6
s 96	amd No. 93, 1982, s 10; No. 62, 1988, s 3; No. 17, 1996, s 6
s 100A	ins No. 62, 1988, s 4
s 101	amd No. 62, 1988, s 5
s 102	amd No. 35, 1980, s 21 sub No. 20, 1996, s 2
s 103	amd No. 35, 1980, s 21
s 104	amd No. 35, 1980, s 22
s 106	amd No. 35, 1980, s 23 sub No. 47, 1988, s 2; No. 67, 1989, s 25; No. 62, 1990, s 6
s 106A	ins No. 47, 1988, s 2 amd No. 67, 1989, s 26 sub No. 62, 1990, s 6
s 106B	ins No. 62, 1990, s 6 amd No. 1, 1992, s 10
s 106BA	ins No. 1, 1992, s 11
ss 106C – 106E	ins No. 62, 1990, s 6
s 109	amd No. 17, 1996, s 6;
s 111	amd No. 93, 1982, s 11; No. 39, 1984, s 7
s 113	amd No. 39, 1984, s 8
ss 113AA – 113AB	ins No. 39, 1984, s 9
s 113A	ins No. 88, 1981, s 7
s 114	sub No. 67, 1989, s 27

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- s 116A ins No. 29, 1986, s 3
amd No. 62, 1990, s 7
- s 117 amd No. 62, 1990, s 8
- s 118 amd No. 35, 1980, s 24; No. 47, 1988, s 3
sub No. 62, 1990, s 9
- s 121 amd No. 35, 1980, s 25; No. 6, 1981, s 4; No. 33, 1981, s 7; No. 55, 1992,
s 2; No. 17, 1996, s 6
- s 122 sub No. 1, 1992, s 12
amd No. 46, 1993, s 2; No. 70, 1993, s 8; No. 17, 1996, s 6
- s 122A ins No. 33, 1981, s 8
- s 123A ins No. 20, 1996, s 4
- s 124 amd No. 35, 1980, s 26; No. 1, 1992, s 13; No. 24, 1993, s 4; No. 17, 1996,
s 6
- s 124AAA ins No. 24, 1993, s 5
amd No. 17, 1996, s 6
- s 124AA ins No. 68, 1983, s 119
amd No. 49, 1985, s 4; No. 62, 1990, s 10; No. 1, 1992, s 14; No. 20, 1996,
s 3
- s 124A ins No. 35, 1980, s 27
- s 124B ins No. 20, 1996, s 5
- s 128 amd No. 12, 1982, s 4; No. 1, 1992, s 15
- s 128A ins No. 1, 1992, s 15
- s 129 amd No. 23, 1979, s 5
rep No. 110, 1981, s 5
- s 131 rep No. 12, 1982, s 5