

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR AMENDMENT ACT 2003

Act No. 8 of 2004

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2004

AN ACT

to amend the *Liquor Act*

[Assented to 7 January 2004]
[Second reading 9 October 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Liquor Amendment Act 2003*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Liquor Act* is in this Act referred to as the Principal Act.

4. New Division

Part III of the Principal Act is amended by inserting after Division 2 the following:

"Division 2A – Special conditions of certain licences about payment for liquor

"33A. Definitions

"In this Division –

'credit card' has the meaning in section 57(4) of the *Consumer Affairs and Fair Trading Act*;

'debit card' has the meaning in section 57(4) of the *Consumer Affairs and Fair Trading Act*;

'licensee' means the holder of a licence to which this Division applies.

"33B. Application of Division

"(1) This Division applies to a licence that authorises only the sale of liquor for removal from and consumption away from the licensed premises to which the licence relates.

"(2) This Division applies to a licence regardless of the date of its issue.

"33C. Special conditions of licences

"(1) This Division prescribes conditions for licences.

"(2) However, this Division does not affect the imposition of additional or more stringent conditions on the issue of a licence under section 31 or by varying the conditions of a licence under section 33.

"33D. Payment for liquor

"(1) A licensee must not sell liquor to a person unless payment is made under subsection (2) for the liquor at the time of the sale.

"(2) For subsection (1), payment must be made in one or more of the following ways:

- (a) by legal tender within the meaning of the *Currency Act 1965* of the Commonwealth;
- (b) by cheque drawn by the person and dated on or before the date of sale;
- (c) by credit card or debit card;
- (d) by debit to an ADI account authorised by the person;

- (e) if the sale is made to the person, or the person on behalf of an entity, in the ordinary course of business – by charging the business account of the person or entity held with the licensee;
- (f) by another prescribed way.

"33E. Retention of credit and debit cards

"(1) A licensee must not retain possession of a person's credit card or debit card as security for payment by the person for the sale of liquor.

"(2) Subsection (3) applies to a prosecution for an offence against section 110 for a contravention of subsection (1).

"(3) In the absence of evidence to the contrary, on production of a certificate signed by the Director stating that on a specified date a specified licensee had possession of a specified person's credit card or debit card, the licensee must be taken to have had possession of the card in contravention of subsection (1).

"(4) Without limiting subsection (3), proof of compliance with record keeping requirements in guidelines approved by the Minister is evidence to the contrary for that subsection.

"(5) The approval of guidelines must be published in the *Gazette*.

"(6) In this section –

'possession', of a credit card or debit card, includes having the card under control in any place, whether or not another person has the custody of the card.

"33F. Exemptions

"The Commission may, on application made to it by a licensee, exempt the licensee from a condition prescribed by this Division.

"33G. Deciding application

"(1) In deciding whether to grant the application, the Commission must have regard to the prescribed factors.

"(2) The Commission may make the enquiries it considers appropriate to decide whether to grant the application.

"(3) The Commission may give an exemption on the conditions it considers appropriate.

"(4) The conditions must be stated in the exemption.

"33H. Notice of decision

"(1) The Commission must give the licensee written notice of its decision on the application.

"(2) If the Commission refuses the application or grants the application but gives an exemption on conditions, the notice must state –

- (a) the reasons for the decision; and
- (b) the applicant may, under Part 4 of the *Northern Territory Licensing Commission Act*, apply to the Commission for a review of the decision.

"33I. Compliance with conditions

"A licensee must comply with the conditions of the licensee's exemption.".
