



# NORTHERN TERRITORY OF AUSTRALIA

---

No. 20 of 1996

---

## AN ACT

to amend the *Liquor Act*

[Assented to 17 June 1996]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### 1. SHORT TITLE

This Act may be cited as the *Liquor Amendment Act 1996*.

### 2. REPEAL AND SUBSTITUTION

Section 102 of the *Liquor Act* is repealed and the following substituted:

"102. LIQUOR NOT TO BE SOLD TO INTOXICATED PERSON

"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)."

### 3. REGULATORY OFFENCES

Section 124AA of the *Liquor Act* is amended by omitting "103" and substituting "102, 103".

## *Liquor Amendment*

### 4. NEW SECTION

The *Liquor Act* is amended by inserting after section 123 the following:

#### "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.".

### 5. NEW SECTION

The *Liquor Act* is amended by inserting after section 124A the following:

#### "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.".

---