



NORTHERN TERRITORY OF AUSTRALIA

No. 88 of 1981

AN ACT

To amend the Liquor Act

[Assented to 21 September 1981]

BE 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 (No. 2) 1981.

2. PRINCIPAL ACT

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

3. BODY CORPORATE AS LICENSEE

Section 25 of the Principal Act is amended -

(a) by inserting after sub-section (5) the following:

"(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 for a change of manager under sub-section (5) is obtained."; and

(b) by omitting from sub-section (7) "(5)" and substituting "(6)".

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4. FEES FOR RENEWAL

Section 35 of the Principal Act is amended by inserting after sub-section (3) the following:

"(3A) Where the Registrar is unable to calculate the fee payable under this section 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 fee payable under this section and shall be payable forthwith."

5. ACTING LICENSEE

Section 47 of the Principal Act is amended -

- (a) by omitting sub-section (2) and substituting the following:

"(2) A licensee shall notify the Commission of the full name, address and occupation of a person who is appointed under sub-section (1) before the expiration of 3 days after the date of the appointment.

"(2A) A notification under sub-section (2) shall be -

- (a) in writing and posted to or lodged with; or
- (b) by telegram or telex addressed to,

the Registrar.";

- (b) by omitting from sub-section (4) "for a continuous period of more than 90 days" and substituting "for more than 42 days during any period of 12 months that the licence is in force"; and

- (c) by omitting sub-sections (7) and (8).

6. NEW SECTIONS

The Principal Act is amended by inserting in Part III after section 47 the following:

"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 sub-section (2); or

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(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.

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"(2) A notification or an application under sub-section (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 sub-section (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 sub-section (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 sub-section (2) to the person on his own behalf."

7. NEW SECTION

The Principal Act is amended by inserting after section 113 the following:

"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 sub-section (2) if the person, firm or body corporate lodges with him -

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- (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 sub-section (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."
