

THE NORTHERN TERRITORY OF AUSTRALIA

LIQUOR ACT
No. 10 of 1979
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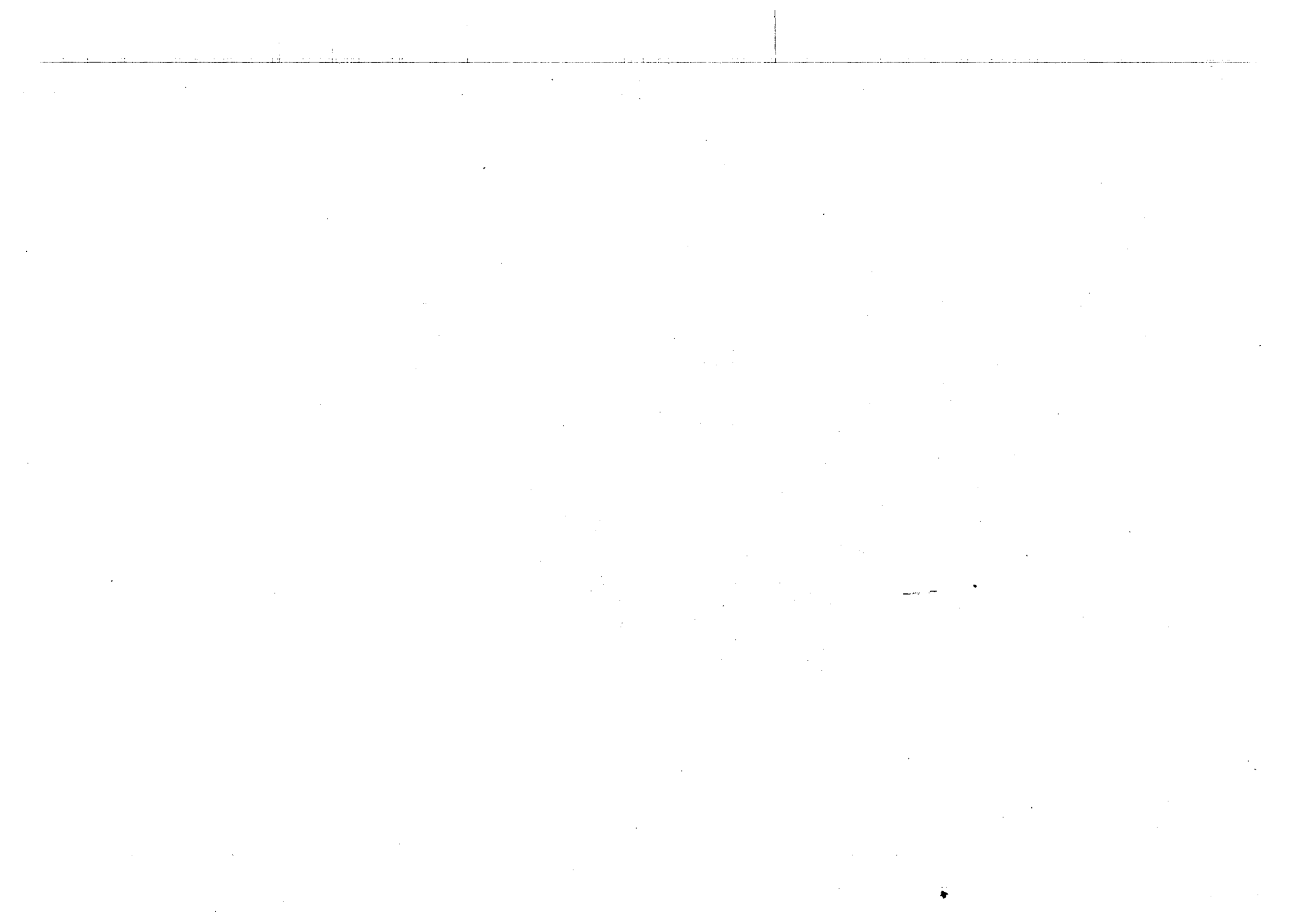
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SCHEDULE



THE NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1979

AN ACT

To provide for the regulation of the Sale of Liquor

[Assented to 22 January 1979]

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:

PART I - PRELIMINARY

- | | |
|---|--------------|
| 1. This Act may be cited as the <u>Liquor Act 1978</u> . | Short title |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 3. The Ordinances listed in the Schedule are repealed. | Repeal |
| 4. In this Act, unless the contrary intention appears - | Definitions |
| "assessor" means an assessor appointed under section 14; | |
| "Chairman" means the Chairman of the Commission appointed under section 7; | |
| "Commission" means the Liquor Commission of the Northern Territory constituted under Part II; | |
| "community government area" means a community government area within the meaning ascribed to that term in the <u>Local Government Act</u> ; | |
| "community government council" means a community government council within the meaning ascribed to that term in the <u>Local Government Act</u> ; | |
| "condition" means a condition to which a licence is subject pursuant to section 31; | |
| "council" means a council within the meaning ascribed to that term in the <u>Local Government Act</u> ; | |

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"Deputy Chairman" means the Deputy Chairman of the Commission appointed under section 7;

"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;

"legal practitioner" means a person whose name is on the Roll of Legal Practitioners kept in pursuance of the Legal Practitioners Act;

"licence" means a licence issued under Part III;

"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 per cent by volume of ethyl alcohol;

"member" means a member of the Commission and includes the Chairman and Deputy 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 or vessel;

"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 -

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- (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;

"Southern Region" means the area of land determined by the Minister under section 7(2).

5.(1) The provisions of this Act relating to the sale of liquor do not apply to the sale - Application

- (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

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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; or
- (h) of liquor to a person who is licensed or authorized to sell liquor under a law of a State or Territory.

(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.

PART II - ADMINISTRATION

Division 1 - Liquor Commission

Liquor
Commission

6.(1) For the purposes of this Act, there is established a Liquor Commission of the Northern Territory.

Liquor

(2) The Commission -

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name.

(3) All courts, judges and other persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall presume that it was duly affixed.

(4) The exercise of the rights, powers, authorities or functions or the performance of duties or obligations of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

7.(1) The Commission shall consist of the following members who shall be appointed by the Minister:

Composition
of
Commission

- (a) the Chairman;
- (b) a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in a State or Territory; and
- (c) one other member.

(2) For the better performance of the functions of the Commission under this Act, the Minister may -

- (a) in addition to the members referred to in sub-section (1), appoint a person to be the Deputy Chairman of the Commission; and
- (b) determine an area of land to be known as the Southern Region.

(3) Subject to this Act and to the directions of the Commission, the Deputy Chairman in relation to the Southern Region shall have and may exercise the rights, powers, authorities and functions conferred upon the Chairman by this Act and shall be charged with and perform the duties and obligations imposed upon the Chairman by this Act in relation to that region.

(4) Unless the contrary intention appears, a reference in this Act to the Chairman shall, in relation to the Southern Region, be construed as including a reference to the Deputy Chairman.

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Tenure of office

8.(1) Subject to this Part -

(a) the Chairman shall be appointed for a period not exceeding 7 years;

(b) a member, other than the Chairman, shall be appointed for a period not exceeding 3 years; and

(c) a member shall be eligible for re-appointment.

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as a member and a person shall not be appointed or re-appointed as a member for a period that extends beyond the date on which he will attain the age of 65 years.

Terms of appointment

9.(1) The Chairman shall -

(a) be paid such salary, allowances and expenses; and

(b) hold office on such terms and conditions,

as the Administrator may determine.

(2) A member, not being the Chairman, shall be paid fees, allowances and expenses at rates determined by the Administrator.

Resignation

10. A member may resign his office by writing under his hand delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

Termination of appointment

11.(1) The Minister may terminate the appointment of a member for misbehaviour or incompetence.

(2) If a member -

(a) becomes, by reason of incapacity, incapable of continuing as a member;

(b) becomes bankrupt, applies to take the benefit of a law for the relief of insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(c) ceases to have the qualification by reference to which he was appointed,

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the Minister shall terminate the appointment of the member.

(3) If the Chairman engages in paid employment outside the duties of his office without the approval of the Minister, the Minister shall terminate the appointment of the Chairman.

(4) The Minister shall not give an approval for the purposes of sub-section (3) unless he is satisfied that the paid employment will not interfere with the performance of the duties of the Chairman under this Act.

12. The Minister may grant leave of absence to a member upon such terms and conditions as the Minister determines.

Leave of
absence

13.(1) Where the Chairman is, or is expected to be, absent from duty, or there is a vacancy in the office of Chairman, the Minister may appoint a person to act as the Chairman during the absence or until the filling of the vacancy, but a person so appointed by reason of a vacancy in the office of Chairman shall not act in that office for a continuous period of more than 12 months.

Acting
appointment

(2) Where a person has been appointed to act as the Chairman during an absence from duty of the Chairman, and the Chairman ceases to hold office without having resumed duty, the period of appointment of the person so appointed shall be deemed to continue until it is terminated by the Minister or until the expiration of 12 months from the date on which the Chairman ceases to hold office, whichever first happens.

(3) The Minister may at any time terminate an appointment of a person appointed to act as the Chairman under this section.

(4) Subject to this section, a person appointed under sub-section (1) shall hold office on the same terms and conditions as the Chairman.

(5) A person appointed to act as the Chairman has all the rights, powers, authorities, functions, duties and obligations of the Chairman under this Act.

(6) Subject to this section, where a member, other than the Chairman is, or is expected to be, absent from duty, or there is a vacancy in the office of a member, the Minister may appoint a person to act in the place of that member during the absence or until the filling of the vacancy, as the case requires.

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(7) A person appointed to act in the place 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 a State or Territory.

Division 2 - Assessors

Assessors

14. 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.

Tenure and remuneration

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

Commission to seek advice of assessor

16.(1) Subject to sub-section (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

Registrar and Deputy Registrars

17.(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.

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(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.(1) The Minister may appoint such persons as he thinks necessary to be Inspectors of Licensed Premises.

Inspectors

(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.(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.

Inspectors' powers

(2) An inspector who enters licensed premises in pursuance of sub-section (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; and
- (c) an offence against this Act has occurred, is occurring or is likely to occur on those premises.

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(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; and
- (c) remove any books, documents or papers from the premises for the purpose of having copies made.

(6) An inspector may retain a book, document or paper removed from premises in pursuance of sub-section (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 sub-section (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.

Liquor

(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 sub-section (4), apply to and in relation to a member of the Police Force as if the member were an inspector.

(11) In this section -

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

"liquor" for the purposes of sub-sections (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.(1) Where an assessor whose advice the Commission is required to seek and consider by section 16(1) or a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, that assessor or member 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.

Members and
assessors
not to act
where
interested

(2) Where, for any reason, an assessor whose advice the Commission is required to seek and consider by section 16(1) or a member 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

Liquor

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) or a member -

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

that assessor or member, as the case may be, 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 sub-section (2), as the case may be, and shall be disregarded for the purpose of constituting a quorum of the Commission in relation to that matter or class of matters .

(4) Where an assessor or a member -

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

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

(5) A person appointed under sub-section (4) to act in the place 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 a State or Territory.

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

Meetings of Commission 21.(1) The Chairman shall, by notice in writing to other members and, where appropriate, to an assessor or assessors, convene a meeting of the Commission which shall be held at the time and place specified in the notice.

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(2) At a meeting of the Commission, including a meeting to conduct a hearing in accordance with Part V -

- (a) the Chairman shall preside;
- (b) the Chairman and one other member constitute a quorum;
- (c) all questions shall be decided by a majority vote of the members present and voting and, in the event of an equality of votes, the Chairman shall defer consideration of the unresolved question until the earliest practicable date when the Chairman and 2 other members may consider the question at a meeting of the Commission;
- (d) the Commission shall keep a record of its proceedings; and
- (e) subject to this Act, the Commission shall determine its own procedure.

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

Delegation
by
Commission

- (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.

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Protection of members 23. An action or proceeding, civil or criminal, does not lie against the Commission, a member, 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 the Commission, a member, 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

Licences 24. 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.

Body corporate as licensee 25.(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, it 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.

(6) In addition to a manager nominated pursuant

Liquor

to sub-section (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 sub-section (5) 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. An application for the grant of a licence shall be lodged with the Registrar in a form approved by the Commission.

Application
for licence

27.(1) An applicant for a licence shall, within 14 days of lodging an application pursuant to section 26, cause to be published in the Gazette and in a newspaper or newspapers nominated by the Commission notice of the fact that the applicant has applied for the grant of a licence.

Notice of
application

(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.

Liquor

Inquiries
regarding
applicants

28.(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.

Decision
after
consideration
of
application

29.(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) upon payment of a fee of \$200, 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 sub-section (2)(c) or section

Liquor

49(2)(c), in relation to an application for a licence, the Commission shall, after that hearing, take action of a kind described in sub-section (2)(a) or (b), in addition to any action it may take under section 49.

30. Subject to this Act, a licence shall be in force for -

Duration
of licence

- (a) the period of 12 months commencing on the date on which the licence is issued; or
- (b) such other period as may be determined by the Commission.

Division 2 - Conditions of Licence

31.(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.

Conditions
of licence

(2) Without limiting the generality of sub-section (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) 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;

Liquor

- (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.

Factors to be considered in determining conditions 32.(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) 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 sub-paragraph (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 sub-section (1).

Liquor

33.(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.

Commission
may vary
conditions

(2) A licensee may, within 28 days of the date on which the licensee receives a notice of a description referred to in sub-section (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 sub-section (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 sub-section (2), that the Commission conduct a hearing -
 - (i) the expiration of the period referred to in that sub-section; or
 - (ii) such later date as the Commission may specify in the notice referred to in that sub-section; or
- (b) where the Commission conducts a hearing pursuant to sub-section (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 - Renewal of Licence

34.(1) An application for the renewal of a licence shall be lodged with the Registrar, not less than 14 days prior to the date of expiry of the licence, in a form approved by the Commission and accompanied by a fee calculated in accordance with section 35.

Application
for renewal

Liquor

(2) Subject to this Act, the Registrar shall renew a licence where an application is lodged in accordance with sub-section (1).

Fees for
renewal

35.(1) The fee payable for the renewal of a licence 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 - \$200 or 7 per cent of the cost into store, whichever is the greater;
- (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 - \$200 or 5 per cent of the cost into store, whichever is the greater;
- (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 amount or the aggregate of the amounts, as the case requires, of -
 - (i) \$200;
 - (ii) 2 per cent of such portion of the cost into store as exceeds \$20,000 but does not exceed \$40,000;
 - (iii) 3 per cent of such portion of the cost into store as exceeds \$40,000 but does not exceed \$60,000; and
 - (iv) 5 per cent of such portion of the cost into store as exceeds \$60,000; or
- (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, where the licensed premises are not less than 60 kilometres distant from any other licensed

Liquor

premises in respect of which a licence authorizes the sale of liquor for consumption on or at those other premises - \$40.

(2) Where the conditions of a licence are such that more than one paragraph of sub-section (1) may be applicable in calculating the fee payable for the renewal of a licence, the paragraph which would result in the lowest amount shall be applied in calculating the fee payable.

(3) Where -

(a) an application under section 34(1) for the renewal of a licence -

(i) is not lodged with the Registrar within the period referred to in that section; or

(ii) is refused pursuant to section 36(a);

(b) a licence is surrendered under section 39;

(c) a licence is cancelled under section 47(5) or 72; or

(d) licensed premises are abandoned by the licensee prior to the expiry date of the licence issued in respect of those premises,

the fee, calculated in accordance with this section, which would have been payable by the licensee or former licensee if the event referred to in paragraph (a), (b), (c) or (d) had not occurred and an application to renew the licence had been lodged in accordance with section 34(1), shall be payable forthwith.

(4) Where an amount payable under sub-section (3) is not paid within a period of 30 days commencing on the date on which the event referred to in sub-section 3(a), (b), (c) or (d) occurred, it shall be a debt due to the Territory recoverable in a court of competent jurisdiction.

(5) For the purposes of this section -

"cost into store" means the gross price of all liquor purchased or procured, during the period in which a licence was in force in the 12 months ending on 30 June prior to the date of expiry of the licence or a renewal of the licence, for disposal under the licence sought to be renewed, not being liquor sold -

Liquor

(a) to any other licensee for the purposes of disposal pursuant to the licence of the second-mentioned licensee; or

(b) to a consular representative or Trade Commissioner in Australia of another country if he 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 connexion 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.

Decision on
considera-
tion of
renewal
where
objection
made

36. Where the Commission has conducted a hearing pursuant to section 49(2)(c) in relation to an application for the renewal of a licence, the Commission shall, after that hearing, in addition to any action it may take under section 49 -

(a) 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

(b) direct the Registrar to renew the licence.

Licence
deemed to
continue
in force in
certain
circumstances

37. Where an application for the renewal of a licence has been lodged in accordance with section 34(1) and -

(a) the Registrar has not renewed the licence pursuant to section 34(2);

(b) the Commission has not completed a hearing of a description referred to in section 36; or

(c) the Commission has not taken action under section 36(a) or (b) after such a hearing,

that licence shall be deemed to continue in force until -

(d) the Registrar renews the licence pursuant to section 34(2) or 36(b); or

(e) the Commission refuses the application pursuant to section 36(a).

Liquor

38. Where the Registrar renews a licence under section 34(2) or is directed to renew a licence under section 36(b), the licence as renewed shall continue in force for a period of 12 months commencing on the date that the licence would have expired but for the renewal or for such other period as may be determined by the Commission.

Duration
of renewal

Division 4 - Surrender of Licence

39.(1) A licensee may surrender his licence by lodging it with the Registrar.

Surrender
of licence

(2) Upon surrender, 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.(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.

Transfer
of licence

(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.(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.

Application
for
transfer

(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.

42.(1) The Commission may require a person to whom it is proposed to transfer a licence to publish in the Gazette and in a newspaper or newspapers nominated by the Commission notice of the fact that application for the transfer of the licence has been made.

Commission
may require
publicity

(2) Where, under sub-section (1), the Commission requires a person to publish a notice of the application, the notice shall -

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- (a) include a description in sufficient detail to identify the location of the licensed premises in respect of which the licence sought to be transferred was issued;
- (b) include a description of the nature of any business associated with the licence sought to be transferred that is conducted or that it is proposed to conduct on the licensed 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.

Consideration of application 43. 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.

Registrar may be directed to apply for cancellation 44. 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.

Certificate of transfer 45. 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.

Liabilities and privileges of transferor and transferee 46. 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

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- (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.

47.(1) Subject to sub-section (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.

Acting
licensee

(2) A licensee shall, by notice in writing lodged with the Registrar, notify the Commission within 7 days of the date of the appointment of the full name, address and occupation of a person appointed under sub-section (1).

(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 sub-section (1) or (3) shall not act in place of a licensee for a continuous period of more than 90 days.

(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 sub-section (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.

(7) Notwithstanding sub-section (1), a licensee shall not, unless the Commission otherwise determines, absent himself from the licensed premises for a total of

Liquor

more than 42 days during any period of 12 months that his licence is in force.

(8) For the purposes of sub-section (7), "licensee" means the holder 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.

PART IV - OBJECTIONS AND COMPLAINTS

Objections
and
complaints

48.(1) A person may make an objection to an application for the grant or renewal of a licence.

(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.

(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;
- (c) be lodged with the Registrar; and
- (d) be accompanied by a deposit of \$20, unless the objection or complaint is made by -
 - (i) an inspector;
 - (ii) the Commissioner of Police; or
 - (iii) where the premises or licensed premises which are the subject of an objection or complaint are located in a municipality or a community government area - the council for that municipality or the community government council for that community government area, as the case may be.

(4) An objection to the grant of a licence shall be lodged with the Registrar pursuant to sub-section (3) not later than 30 days after the publication of the notice referred to in section 27 in the Gazette, newspaper or newspapers, whichever is the latest.

(5) Where an objection pursuant to sub-section (4) is lodged by post, the objection is deemed to be

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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 sub-section.

(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.

49.(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.

Decision on
consideration
of objection
or complaint

(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(6) and shall -

- (a) where the Commission is of the opinion that the objection or complaint is of a frivolous, irrelevant or malicious nature -
 - (i) dismiss the objection or complaint; and
 - (ii) direct the Registrar to inform the person by whom the objection or complaint was made that the deposit referred to in section 48(3)(d) is forfeited to the Territory;
- (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

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- (c) conduct a hearing in relation to the objection or complaint.

(3) Where the Commission decides to take action of a kind specified in sub-section (2)(b) or to conduct a hearing pursuant to sub-section (2)(c), the Registrar shall refund the deposit referred to in section 48(3)(d) to the person by whom the objection or complaint was made.

(4) Where the Commission conducts a hearing pursuant to sub-section (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;
- (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 objection or complaint until such time as an application for renewal of the licence to which the objection or complaint relates is made.

PART V - HEARINGS

Commission to conduct hearing in certain circumstances 50.(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 sub-section (1), the Commission may -

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(a) affirm, set aside or vary the decision made without a hearing; and

(b) make such other order as it thinks fit.

51.(1) Where a hearing is to be conducted under this Act, the Chairman shall fix a time and place for the hearing.

Procedure
at hear-
ing

(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.

(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 Chairman 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 sub-section (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 sub-section (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.

Liquor

(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.

(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.

Power to
summon
witnesses

52.(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 sub-section (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.

Failure to
attend or
produce
documents

53.(1) A person served with a summons to attend a hearing shall not refuse or fail, without reasonable excuse -

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- (a) to attend at the hearing; or
- (b) subject to sub-section (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.(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.

Refusal to
be sworn
or give
evidence

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.(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.

Member may
inspect
books,
&c.

(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. Where a hearing has been conducted by the Commission under this Act, a decision of the Commission -

Decision of
Commission
to be final

- (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. Subject to this Act, a special licence authorizes the holder to sell liquor -

Special
licences

- (a) during the period or periods;

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(b) on or at the premises; and

(c) subject to the conditions,

specified in the special licence.

Application for special licence 58.(1) Subject to sub-section (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 sub-section (1).

Conditions of special licence 59. The Commission may issue, or approve the issue of, a special licence to an applicant subject to such conditions as it thinks fit.

Issue of special licence by Registrar 60.(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 sub-section (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.

Application to be submitted to Commission in certain circumstances 61. 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.

Liquor

62.(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.

Decision on
consideration
by Commission

(2) For the purposes of sub-section (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. A special licence may be revoked by the Commission at its discretion.

Revocation
of special
licence

64. Divisions 1 and 2 of Part VII, Part IX with the exception of sections 104(3)(e), (f), 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.

Application
of certain
provisions
to special
licences

PART VII - CONTROL OF CONDUCT OF LICENSEES

Division 1 - Directions to Licensees

65. Where a licensee -

Commission's
power to
give
directions

- (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

Liquor

- (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.

Commission's
power to
suspend
licence

66.(1) The Commission may, by notice in writing, suspend the licence of a licensee where -

- (a) the Commission gives a direction to the licensee under section 49(4)(b) or 65; and
 - (b) the Commission is of the opinion that suspension of the licence is necessary for the protection of the public.
- (2) The suspension of a licence under sub-section (1) shall have effect on and from -
- (a) the date on which the licensee receives the notice referred to in that sub-section; or
 - (b) such other date as the Commission may specify in the notice.
- (3) A licence which is suspended under sub-section (1) shall have no effect until that suspension is revoked by the Commission.

(4) Where -

- (a) the Commission has, under sub-section (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,

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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. 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 -

Guidelines

- (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. Where -

Compulsory
applications

- (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 convicted 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. 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.

Other
applications

70.(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 -

Procedure
of
application

Liquor

- (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 sub-section (1) to the licensee who is the subject of an application for an order under this Division.

Consideration by Commission 71. 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.

Cancellation of licence 72.(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 convicted 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 sub-section (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.

Liquor

(3) The Commission shall not make an order upon the ground specified in sub-section (1)(b) or (d) unless it is satisfied that -

(a) the offence of which the licensee has been convicted 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 sub-section (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.

PART VIII - RESTRICTED AREAS

Division 1 - Declaration of Restricted Area

73. 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.

Interpretation

74. Subject to this Act, the Commission may declare that a specified area of land shall be a restricted area.

Power to declare restricted area

75. Subject to this Part, a person shall not -

(a) bring liquor into;

Liquor not to be brought into, &c., restricted area

(b) have liquor in his possession or under his control within; or

Liquor

- (c) consume, sell or otherwise dispose of liquor within,

a restricted area.

Application
for
declaration

76. 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; and
- (e) include a statement of the applicant's reasons for desiring the relevant area to be declared a restricted area.

Consideration
of
application

77.(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 sub-section (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;

Liquor

- (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 sub-section (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.(1) A person may express an opinion regarding an application for a specified area of land to be declared a restricted area -

Opinions
regarding
application

- (a) by submitting an opinion in writing to the Chairman; or
- (b) subject to sub-section (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.(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 -

Commission
to ascertain
residents'
opinions

- (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;

Liquor

- (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 sub-section (1)(c), the Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit.

Commission to consider for an area of land to be declared a restricted area, opinions expressed regarding application 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.

Decision after hearing 81.(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; or
- (b) declare an area of land to be a restricted area.

(2) A declaration by the Commission under sub-section (1)(b) 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.

Liquor

(3) The land referred to in sub-section (2)(b) shall include a part of the relevant area.

82.(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.

Notice of
declaration

(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;
- (b) a copy of section 75; and
- (c) such other particulars as may be determined by the Commission.

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

Commencement
of declar-
ation

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

Revocation
of declar-
ation

85. 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 -

Commission
to ensure
publicity of
declaration

- (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.

Liquor

Not an offence to trans-
port liquor through
restricted area

86.(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 sub-section (1) shall be on the accused.

Division 2 - Permits

Commission may grant permits

87.(1) Subject to this Part, the Commission may grant a permit to a person who resides in a restricted area.

(2) Subject to sub-section (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.

Guest of permit holder may consume liquor

88. 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.

Person may deliver liquor to permit holder at his request

89. 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,

Liquor

the restricted area to which the permit relates, for the purpose only of delivering the liquor to that holder of a permit.

90.(1) An application for a permit may be made by a person who resides in a restricted area.

Application
for permit

(2) An application pursuant to sub-section (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.(1) The Commission shall consider an application for a permit and shall -

Consideration
of applica-
tion

- (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 sub-section (1)(a) and the opinions ascertained pursuant to sub-section (1)(b).

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

Decision
after con-
sideration

- (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. Where the holder of a permit contravenes or fails to comply with a condition of his permit -

Permit
revoked on

Liquor

breach of
condition

- (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.

Revocation
of permit
by Commission

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

Division 3 - Seizure and Forfeiture

Powers of
search and
seizure

95.(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;

Liquor

- (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 sub-section (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 sub-section (1)(e).
- (4) A female shall not be searched under this section except by a female.
- (5) This section, other than sub-section (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.(1) Any thing seized under this Part may, on conviction of a person for an offence in connexion with which that thing was seized, at the discretion of the court recording the conviction, be forfeited to the Territory. Forfeiture
- (2) A forfeiture under sub-section (1) shall be in addition to and not part of a penalty imposed under this Part.
- (3) Where a seized thing is not forfeited under sub-section (1), sections 98, 99 and 100 apply as if no prosecution had been instituted within the period referred to in section 98.
- (4) Notwithstanding sub-section (3), if a person is convicted of an offence in connexion with which the thing was seized, the court recording the conviction may order that the person is liable to pay the Territory the reasonable costs of handling and storing that thing from the time it was seized until the date of the conviction.

Liquor

Delivery of thing seized to Chairman 97. 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.

Claim to be made to Chairman 98. 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.

Forfeit if no claim 99. 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.

Claims to be dealt with summarily 100. 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.

Disposal of forfeited things 101. All things forfeited under this Part may be destroyed or otherwise disposed of in such manner as the Chairman thinks fit.

PART IX - OBLIGATIONS AND OFFENCES

Division 1 - Licensees

Liquor not to be sold to intoxicated persons 102. A licensee shall not sell or supply liquor to a person in respect of whom there are reasonable grounds for believing that he is intoxicated.

Licensee not to sell adulterated liquor 103. A licensee shall not sell adulterated liquor.

Persons on licensed premises after hours 104.(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 sub-section (1) by remaining on or at licensed premises for a period not exceeding 15 minutes after those premises cease to be open for the sale of liquor.

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; or
- (f) a person who enters licensed premises at the invitation of, and as a guest of, such a lodger.

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

Permitting
riotous conduct
on or at
licensed premises

106.(1) A licensee shall not sell or supply liquor to a person under the age of 18 years.

Sale of liquor
to minors

(2) It is a defence in proceedings for an offence against sub-section (1) if the defendant proves that he had reasonable grounds for believing that the person to whom liquor was sold or supplied was not less than 18 years of age.

(3) A licensee may refuse to sell or supply liquor to a person unless that person satisfies the licensee that he is not less than 18 years of age.

107.(1) A licensee shall ensure that the licence is kept on or at the premises to which it relates at all times.

Licence to
be kept on
premises

(2) It is a defence to a prosecution for an offence against sub-section (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. 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.

Licence to
be produced
on demand

Liquor

Permitting
breach of
Lottery and
Gaming Act

109.(1) Where -

(a) a person is convicted 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 sub-section (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.

Licensee to
comply with
conditions

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

Licensee to
keep record
of liquor
purchases

111.(1) A licensee shall keep a written record, in respect of each period of 3 months or 12 months, as the case may be, 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 sub-section (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

Liquor

(d) the gross price paid or payable for the liquor.

(3) A record kept for the purposes of sub-section (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. 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.

Licensee to
produce re-
cord, &c.,
on demand

113.(1) Subject to the conditions of his licence, a licensee shall -

Licensee to
lodge return

(a) within 28 days of the last day of March, June, September and December in each year, 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; or

(b) within 28 days of the last day of June in each year, lodge with the Registrar such a return showing details of all purchases of liquor for disposal in pursuance of his licence made by the licensee in the 12 months preceding that last day of June.

(2) A licensee shall not -

(a) refuse or neglect to make a return in accordance with sub-section (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.

114.(1) The Commission may require any person, firm or body corporate to furnish to it particulars of

Particulars
from persons

Liquor

who supply
liquor to
licensees

the names and addresses of all licensees to whom that person, firm or body corporate has supplied or delivered liquor during the 12 months immediately preceding the date of the requirement, together with particulars of the respective amounts of liquor so supplied or delivered and the gross prices paid or payable for that liquor by those licensees.

(2) A person, firm or body corporate to whom a requirement is made under sub-section (1) shall furnish the particulars referred to in that sub-section within 28 days after the date of the requirement.

Division 2 - General

Sale of liquor
not authorized
by licence

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

Purchase of
liquor not
authorized
by licence

116. 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.

Minors not to
be sent to
obtain
liquor

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

Minors not to
buy or con-
sume liquor
at licensed
premises

118. A person under the age of 18 years shall not purchase from or consume liquor on or at, licensed premises.

PART X - ALTERATION OF PREMISES

Approval of
alteration
of premises

119.(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.

Liquor

(3) The Commission shall, as soon as reasonably practicable, consider an application under sub-section (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 sub-section (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 sub-section (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.(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.

Unauthorized
alterations

(2) The cost of taking the required action pursuant to sub-section (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.(1) A licensee may exclude or remove a person from his licensed premises if -

(a) the person is intoxicated, violent, quarrelsome or disorderly; or

(b) the presence or continued presence of the person on or at the premises would or might render the licensee liable to a penalty under this Act or any other law of the Territory.

Power to ex-
clude or
remove cer-
tain persons
from licensed
premises

Liquor

(2) A person to whom sub-section (1)(a) or (b) 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 sub-section (2), to leave the premises and may use such force as is necessary for that purpose.

Commission
may forbid
sale or
supply of
liquor to
a person

122.(1) Subject to this section, the Commission may, by order, forbid the sale or supply of liquor to a person.

(2) An application for an order under this section 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 an order under this section against a specified person.

(3) Where an application is lodged with him under this section, 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 shall 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 he thinks appropriate; and
- (c) forward any comments he may receive pursuant to paragraph (a), together with the results of his investigations pursuant to paragraph (b), to the Commission.

(4) Where the Commission is of the opinion that further investigations of an application for an order under this section are desirable, the Commission may

Liquor

direct the Registrar to conduct such further investigations as the Commission specifies and report the results of the investigations to the Commission.

(5) The Commission shall consider an application for an order under this section, the report or reports of the Registrar and any comments forwarded to the Commission pursuant to sub-section (3) and shall -

(a) where the Commission 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.

(6) Where the Commission has conducted a hearing pursuant to sub-section (5)(b), the Commission shall, after that hearing -

(a) refuse the application; or

(b) where it is satisfied as to the matters specified in sub-section (10), make an order forbidding all persons whomsoever to sell or supply liquor to the person named in the order, or to permit the 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.

(7) An order under this section shall remain in force for a period of 12 months commencing on the date of the order or such other period as the Commission may specify in the order.

(8) A hearing conducted pursuant to sub-section (5)(b) shall not be open to the public.

(9) For the purposes of section 51, an applicant for an order under this section and a person against whom such an order is sought are each a party to a hearing conducted pursuant to sub-section (5)(b).

(10) The Commission shall not make an order under this section unless the Commission is satisfied that, by the habitual or excessive use of liquor, a person against whom an order is sought wastes his means, or injures or is likely to injure his health or endangers or interrupts the peace, welfare or happiness of his family.

(11) 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

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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.

(12) 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 sub-section (11).

Surrender of
cancelled or
suspended
licence,
special
licence or
permit

123.(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.

Offences,
penalties,
&c.

124.(1) A person shall not contravene or fail to comply with a provision of this Act or the regulations.

(2) A person who contravenes or fails to comply with a provision of this Act or the regulations for which a penalty is not provided by a provision of this Act or the regulations other than this section, is punishable upon conviction -

- (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.

Delivery of
documents
by post

125. 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.

Commission
may deter-
mine on
procedures

126. 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.

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127.(1) Where this Act provides that an act or thing may or is required to be done -

Commission
may extend
or abridge
time

(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 sub-section (1) notwithstanding that the time prescribed by this Act for the doing of an act or thing has expired.

128. 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.

Regulations

PART XII - TRANSITIONAL AND SAVINGS

129.(1) On and after the date of commencement of this Act, a person who, immediately before that date, held a licence granted under the repealed Ordinance shall be deemed to be a licensee.

Transitional
provisions
regarding
existing
licences

(2) Where, by virtue of this section, a person is deemed to be a licensee, he shall be deemed to be the holder of a licence -

(a) relating to the premises to which the licence held by him under the repealed Ordinance, immediately before the date of commencement of this Act related; and

(b) upon the same terms and conditions and subject to the same restrictions as were applicable to the licence held by that person under the repealed Ordinance immediately before the date of commencement of this Act.

(3) Sub-section (1) applies to a person until a licence is issued to that person in accordance with sub-section (4).

(4) As soon as practicable after the date of commencement of this Act, the Commission shall issue to a person to whom sub-section (1) applies, a licence, subject to such conditions as are determined by the Commission under Division 2 of Part III and relating to premises of a description referred to in sub-section (2)(a).

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(5) In determining the conditions of a licence pursuant to sub-section (4), the Commission shall consider the class of licence held under the repealed Ordinance immediately before the date of commencement of this Act by a person to whom sub-section (1) applies.

(6) Subject to sub-section (7), a licence issued to a person in accordance with sub-section (4) shall be in force for the remainder of the period during which the licence held by the person under the repealed Ordinance would, but for this Act, have been in force.

(7) Where a licence is issued, pursuant to sub-section (4), to a person after the expiration of the period referred to in sub-section (6) -

(a) that person shall pay the fee, calculated in accordance with section 35, which would have been payable if the issue of the licence had been a renewal of a licence in accordance with this Act; and

(b) the licence shall be in force for -

(i) a period of 12 months commencing on the date that the licence held by the person under the repealed Ordinance would, but for this Act, have expired; or

(ii) such other period as may be determined by the Commission.

(8) Section 35 applies to and in relation to, the renewal of a licence issued to a person in accordance with sub-section (4) as if -

(a) liquor purchased by the person before the date of commencement of this Act for disposal in pursuance of a licence under the repealed Ordinance had been purchased for disposal in pursuance of the licence issued in accordance with sub-section (4); and

(b) liquor disposed of before the date of commencement of this Act in pursuance of a licence under the repealed Ordinance had been disposed of in pursuance of the licence issued in accordance with sub-section (4).

Saving of
inspectors'
appointments

130. 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.

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131.(1) Notwithstanding the repeal effected by section 3 and subject to this section -

Saving of
certain
provisions
of repealed
Ordinance

- (a) sections 140C, 140E and 141 of the repealed Ordinance shall be deemed to continue in force until such time as the Commission otherwise determines;
- (b) an approval given under section 140E of the repealed Ordinance or a declaration made under section 141 of the repealed Ordinance shall be deemed to continue in force in the same manner as was provided by those sections of the repealed Ordinance immediately before the commencement of this Act; and
- (c) for the purposes of section 140E of the repealed Ordinance, a reference to a person in charge of a reserve or mission lease shall be read as a reference to the Commission.

(2) The Commission may, in its discretion, determine that the provisions referred to in sub-section (1) shall cease to have effect either generally or in relation to a specified area or areas of land of the Territory.

132. 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.

References
to repealed
Ordinance

SCHEDULE

Section 3

REPEALED ORDINANCES

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
Licensing Ordinance 1965
Licensing Ordinance 1966
Licensing Ordinance (No. 2) 1966
Licensing Ordinance 1967
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

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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
