

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR AMENDMENT ACT 2020

Act No. 11 of 2020

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Act No. 11 of 2020

An Act to amend the *Liquor Act 2019*

[Assented to 26 March 2020]
[Introduced 13 February 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Liquor Amendment Act 2020*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Act amended

This Act amends the *Liquor Act 2019*.

4 Section 75 amended (Substitution of premises)

Section 75(2)

omit, insert

- (2) Despite subsection (1), instead of issuing a new licence the Commission may, on application by the licensee, amend a licence to substitute other premises for the licensed premises if satisfied that the substitution satisfies the public interest and community impact requirements.

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- (2A) To avoid doubt, the Commission may, under subsection (2):
- (a) impose conditions on the substitution; and
 - (b) substitute premises that are not yet constructed or are still under construction.

5 Section 326 replaced

Section 326

repeal, insert

326 Substitution of licensed premises

- (1) This section applies to the following applications for the substitution of licensed premises:
- (a) an application made under section 46A of the *Liquor Act 1978* during the period from 27 February 2018 to 30 September 2019;
 - (b) an application made under section 75 of this Act during the period from 1 October 2019 to the commencement.
- (2) An application that is not determined by the Commission before the commencement is to proceed and be determined under section 75(2) and (2A) of this Act, as in force after the commencement.
- (3) An application that was determined by the Commission before the commencement cannot be resubmitted to the Commission for a determination under section 75(2) and (2A).
- (4) If an application was refused by the Commission before the commencement, the licensee may apply to NTCAT for a rehearing of the application in accordance with section 75(2) and (2A).
- (5) The licensee may apply for a review under subsection (4) even if the refusal of the application was reviewed by NTCAT before the commencement.
- (6) An application for review by NTCAT under subsection (4) must be made within the later of the following:
- (a) 28 days after the commencement;
 - (b) a period or day specified by NTCAT or the Supreme Court.
- (7) For the purpose of the rehearing, NTCAT is not limited to evidence and material that was before the Commission.

(8) This section has effect despite any law of the Territory or decision of NTCAT or the Supreme Court to the contrary.

(9) In this section:

commencement means the commencement of section 4 of the *Liquor Amendment Act 2020*.

6 Repeal of Act

This Act is repealed on the day after it commences.