

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR FURTHER AMENDMENT ACT 2020

Act No. 25 of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 25 of 2020

An Act to amend the *Liquor Act 2019*

[Assented to 19 November 2020]

[Introduced 11 November 2020]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Liquor Further 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 322 amended (Definition)

omit

Part

insert

Division

5 Part 15, Division 3 inserted

After section 333

insert

**Division 3 Expedited determination of applications under
Liquor Act 1978**

334 Power of Director to expedite applications

- (1) This section applies in relation to the following applications:
 - (a) an application for the substitution of licensed premises that:
 - (i) was made under section 46A of the *Liquor Act 1978* before its repeal; and
 - (ii) was refused by the Commission; and
 - (iii) is, on the commencement, subject to an application for a review or rehearing by NTCAT that was lodged before the commencement under section 31 or 326 of this Act; and
 - (iv) was not determined by NTCAT under section 75(2) and (2A) of this Act before the commencement;
 - (b) an application for a variation of licence conditions to allow takeaway sales of liquor that:
 - (i) was made under section 32A of the *Liquor Act 1978* before its repeal; and
 - (ii) was not determined under that Act before the commencement.
- (2) The Director must determine the applications on an expedited basis within 30 days of the commencement.
- (3) The applications are not within the jurisdiction of the Commission and any previous decision of the Commission, under this Act or the *Liquor Act 1978*, in relation to the applications is of no effect.
- (4) To assist in determining the applications, the Director may:
 - (a) for an application referred to in subsection (1)(a) – allow the applicant to propose a location for the substituted premises that is an alternative to the location proposed in the application; and

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- (b) for any application – request further information in relation to the application from the following:
 - (i) the applicant;
 - (ii) an Agency;
 - (iii) any person or body who lodged an objection or made a submission in relation to the application.

 - (5) The Director must determine the applications on the basis of the following information:
 - (a) the applications as lodged;
 - (b) any objections lodged in relation to the applications;
 - (c) any submissions made to, or evidence received by, the Commission or NTCAT in relation to the applications;
 - (d) any information received by the Director under subsection (4).

 - (6) The Director has all the powers and functions of the Commission to:
 - (a) approve or refuse the applications; and
 - (b) if an application is approved – impose or vary conditions on the approval or on any licence, licenced premises or authority related to the application.

 - (7) The Director may, but is not required to, consider and be satisfied of the matters referred to in section 49 of this Act.

 - (8) A determination or decision by the Director under this section may be made without:
 - (a) giving prior notice to the applicant or any other person or body; or
 - (b) holding a hearing.

 - (9) The rules of natural justice do not apply to a determination or decision by the Director under this section.

 - (10) When making a determination or decision under this section, the Director must act independently and is not subject to direction from the Minister, the Chief Executive Officer or any other person.

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- (11) The Director must, without delay after determining an application under this section:
- (a) give the applicant a decision notice; and
 - (b) publish that decision notice.
- (12) Any determination or decision of the Director under this section is not reviewable by NTCAT.
- (13) The following proceedings are terminated on the commencement:
- (a) any proceedings before NTCAT for a rehearing, under section 326(4) of this Act, for the substitution of licensed premises referred to in subsection (1)(a);
 - (b) any proceedings before the Commission for the variation of licence conditions to allow takeaway sales of liquor referred to in subsection (1)(b).
- (14) This section and any determination or decision of the Director under this section has effect despite anything to the contrary in the following:
- (a) Part 3, Division 4 of this Act;
 - (b) section 31, 84(3) or 326 of this Act;
 - (c) any decision made by the Commission or NTCAT in relation to the applications before the commencement.
- (15) Subsections (3) and (14) do not affect the application of this Act, including the powers and functions of the Commission, in relation to any licence, licensed premises, licence condition or authority approved, issued or varied by the Director under this section.
- (16) In this section:

commencement means the commencement of this section.

6 Repeal of Act

This Act is repealed on the day after it commences.