

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR LEGISLATION AMENDMENT ACT 2021

Act No. 24 of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 24 of 2021

An Act to amend the *Liquor Act 2019* and the *Liquor Regulations 2019*

[Assented to 18 November 2021]

[Introduced 22 September 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Liquor Legislation Amendment Act 2021*.

2 Commencement

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

Part 2 Amendment of Liquor Act 2019

3 Act amended

This Part amends the *Liquor Act 2019*.

4 Section 4 amended (Interpretation)

Section 4(1)

insert

registered BYO server of liquor means a business registered under Part 3, Division 2A.

registered small community group means a group registered under Part 3, Division 2B.

5 Section 31 amended (Review by NTCAT)

Section 31(2)(e)

omit

any affected person as defined in section 28

insert

a person referred to in section 29(2)

6 Section 39 amended (Application for registration)

(1) Section 39(2)(b)

omit

beverages.

insert

beverages;

(2) After section 39(2)(b)

insert

(c) a person under 18 years of age.

7 Part 3, Divisions 2A and 2B inserted

After section 41

insert

Division 2A BYO server registration**41A Registration of BYO servers of liquor**

A business that is registered under this Division must not serve any liquor to a patron unless:

- (a) the liquor was brought to the premises by the patron or a member of the party of patrons of which the patron is a member; and
- (b) the liquor is served for consumption with food served by the business.

Note for section 41A

A business that has a licence with an authority is not required to register under this Division to also serve liquor brought to the premises on a BYO basis.

41B Application for registration

- (1) A person may lodge with the Director an application for registration of the person's business as a BYO server of liquor.
- (2) A person's business may be registered under this Division for a period of 3 years.
- (3) The application must:
 - (a) be in the approved form; and
 - (b) describe the nature of the business to be registered; and
 - (c) be accompanied by the prescribed fee (if any).
- (4) The Director may require an applicant to provide documents, information, samples or other things the Director considers relevant to the application.
- (5) After considering the application and the purposes of this Act, the Director must decide whether to:
 - (a) register the applicant's business, with or without conditions; or
 - (b) refuse to register the applicant's business.

- (6) The Director must not register the applicant's business unless the Director is satisfied that:
 - (a) in the case of an individual applicant, the person is of or above 18 years of age; and
 - (b) the applicant is not disqualified from holding a licence; and
 - (c) the applicant holds a certificate under section 137; and
 - (d) the applicant is able to exercise effective control over the consumption of liquor; and
 - (e) the applicant is otherwise suitable to hold a registration.
- (7) As soon as practicable after making a decision under subsection (5), the Director must give a decision notice to the applicant.
- (8) The registration of a business under this Division starts on the date of registration and ends on the expiry of the registration period.
- (9) A registration of a business under this Division may be renewed by making a new application for registration.

41C Register of BYO servers of liquor

The Director must keep a register of registered BYO servers of liquor that includes the following information:

- (a) the name and address of the person operating the registered business;
- (b) the nature of the person's business;
- (c) the date the business was registered;
- (d) the period of registration for the business.

41D Registration certificate

- (1) The Director must issue a registration certificate to a registered BYO server of liquor.
- (2) The registration certificate must include the information specified in section 41C.
- (3) A registered BYO server of liquor must produce the registration certificate when requested by an inspector or a police officer.

Division 2B Small community group registration**41E Registration of small community groups**

A small community group registered under this Division must not:

- (a) serve liquor for more than 4 hours per week; or
- (b) serve liquor to be consumed anywhere other than the premises on which the liquor is served.

41F Application for registration

- (1) A person responsible for operating a small community group consisting of no more than 100 members may lodge with the Director an application for registration under this Division.
- (2) A small community group is not eligible to be registered under this Division if:
 - (a) any of the persons responsible for operating the group is a licensee; or
 - (b) the small community group primarily supplies liquor.
- (3) A small community group may be registered under this Division for a period of 3 years.
- (4) The application must:
 - (a) be in the approved form; and
 - (b) describe the nature of the group to be registered; and
 - (c) be accompanied by the prescribed fee (if any).
- (5) The Director may require an applicant to provide documents, information, samples or other things the Director considers relevant to the application.
- (6) After considering the application and the purposes of this Act, the Director must decide whether to:
 - (a) register the small community group, with or without conditions; or
 - (b) refuse to register the small community group.

- (7) The Director must not register the small community group unless the Director is satisfied that:
 - (a) each person responsible for operating the group:
 - (i) is of or above 18 years of age; and
 - (ii) is not disqualified from holding a licence; and
 - (iii) is otherwise suitable to hold a registration; and
 - (b) at least one person responsible for operating the group holds a certificate under section 137.
- (8) As soon as practicable after making a decision under subsection (6), the Director must give a decision notice to the applicant.
- (9) The registration under this Division starts on the date of registration and ends on the expiry of the registration period.
- (10) A registration under this Division may be renewed by making a new application for registration.

41G Register of registered small community groups

The Director must keep a register of registered small community groups that includes the following information:

- (a) the name and address of the persons responsible for operating the group;
- (b) the nature of the group;
- (c) the date the group was registered;
- (d) the period of registration for the group.

41H Registration certificate

- (1) The Director must issue a registration certificate to a registered small community group.
- (2) The registration certificate must include the information specified in section 41G.
- (3) A person operating a registered small community group must produce the registration certificate when requested by an inspector or a police officer.

8 Section 43 amended (Exceptions from licence requirement)

After section 43(2)(e)

insert

(ea) liquor brought to the premises of a registered BYO server of liquor by a patron for consumption, with food provided by the registered BYO server of liquor, by the patron or party of which the patron is a member;

(eb) liquor served by a registered small community group, for no more than 4 hours each week;

9 Section 47 amended (Authorities attached to licence)

(1) Section 47(1)(d)

omit, insert

(d) sporting event authority, which authorises the licensee to sell liquor ancillary to the services provided in relation to the conduct of a sporting event or similar competition;

(2) Section 47(1)(j)

omit

to patrons visiting the producer's manufacturing premises

(3) Section 47(1)(s), after "small bar authority"

insert

, restaurant authority, restaurant bar authority, club authority

(4) Section 47(1), example 2

omit

to people visiting the brewery

10 Section 53 amended (Licensing of body corporate)

Section 53(2)

omit

11 Section 55 amended (Associates of a person)

- (1) Section 55(1), after "associates of a person"
- insert*
- if engaged or intended to be engaged in the management of the applicant or applicant's business
- (2) Section 55(1)(b) and (i)
- omit*
- (3) Section 55(1)(g)
- omit*
- employee or
- (4) Section 55(1)(h)
- omit (all references)*
- or employee

12 Section 57 amended (Public notice of application)

- (1) After section 57(2)
- insert*
- (2A) The Director may exempt an applicant from the public notice requirements of this section if the Director is of the opinion that the application discloses no public interest issues.
- (2) Section 57(3), after "subsection (2)"
- insert*
- or (2A)
- (3) Section 57(3)(c)
- omit*
- (4) Section 57(3)(d), after "post"
- insert*
- or publish

13 Section 61 amended (Objecting to application)

(1) Section 61(2)(b)

omit

an

insert

and

(2) Section 61(6)

omit

28

insert

14

14 Section 62 amended (Applicant's right to respond to objection)

Section 62(1)

omit

28-day

insert

14-day

15 Section 67 amended (Abandonment of licence)

Section 67(2)(b)

omit

Commission

insert

Director

16 Section 69 amended (Fees for licences and authorities)

- (1) Section 69(2)
omit
October
insert
November
- (2) Section 69(2)
omit
a written estimate of the amount of
insert
an invoice for
- (3) Section 69(3)
omit
January
insert
February
- (4) Section 69(4)
omit
before the 2 January deadline
insert
by the day referred to in subsection (3)

17 Section 72 amended (Application for transfer)

- (1) Section 72(2)
omit
52 to 58

insert

52(1), (2), (3)(e) and (4), 53 to 55 and 56(1), (2), (3) and (4)(b)

- (2) Section 72(4)(b)

omit

- (3) Section 72(5)(b)

omit

paragraph (c) that is suitable for publication

insert

section 52(3)(d)

- (4) Section 72(6)(a) and (c)

omit

18 Section 73 amended (Decision on transfer)

After section 73(1)

insert

- (1A) The Commission may only authorise the transfer of the licence if satisfied that the proposed transferee is a fit and proper person.

19 Section 76 amended (Acting licensee)

Section 76(2)

omit

42

insert

90

20 Section 82 amended (Implied conditions)

- (1) Section 82, before "Any"

insert

- (1)

- (2) Section 82, at the end

insert

- (2) To avoid doubt, a licence or an authority must not be made subject to a condition or an authority that is contrary to, or purports to displace, any provision of this Act or the Regulations.

21 Section 85 amended (Duration of licence)

Section 85(1)

omit

22 Section 95 amended (Limit on material alterations)

Section 95(1)(b)

omit

23 Section 96 amended (Application for approval of material alteration)

- (1) Section 96(3)(b)

omit

2004

insert

1993

- (2) After section 96(6)

insert

- (6A) The Director must inform the following of the application, as soon as reasonably practicable after receiving it:

- (a) the Chief Executive Officer of the Agency administering the *Public and Environmental Health Act 2011*;
- (b) the Commissioner of Police.

24 Section 105 amended (Change of licensee's contact information)

Section 105(1), after "number"

insert

and email address

25 Section 127 amended (Selling liquor below minimum sale price)

Section 127(1), penalty provision

omit

100

insert

200

26 Section 141 amended (Duty and power to exclude and remove persons)

Section 141(1) and (2)

omit

occupying

insert

residing in or lodging at

27 Section 153 amended (Control of inedible alcohol products)

Section 153(2)

omit, insert

Note for subsection (1)

See sections 236 and 243.

28 Section 169 amended (Register of enforcement matters)

Section 169(3)

omit

Commission's

insert

Director's

29 Section 171 amended (No consumption in prohibited public places)

(1) Section 171(1), after "liquor in any public place"

insert

(or in a vehicle at a public place)

(2) Section 171(1)(g)

omit

Gazette notice

insert

notice published on the council's website

30 Section 200 amended (Permission for prohibited public place)

Section 200(3)

omit

by *Gazette* notice

insert

in writing

31 Section 205 amended (Delivery of liquor to permit holder)

Section 205

omit

person

insert

licensee or their agent

32 Section 214 amended (Identification of person)

(1) Section 214(1), (2) and (3)

omit, insert

(1) For the purpose of issuing a banning notice to a person, a police officer may require the person:

(a) to state the person's name and the address of the person's usual place of residence or work; and

(b) to produce evidence of the person's identity.

(2) When giving a requirement under subsection (1), the police officer must warn the person it is an offence to contravene the requirement unless the person has a reasonable excuse.

(3) A person commits an offence if the person contravenes a requirement given to the person under subsection (1).

Maximum penalty: 5 penalty units.

(2) Section 214(5) and (6)

omit

(3) Section 214(7)

omit

or (5)

(4) Section 214(8)

omit

or (2)

33 Section 216 amended (Contents of banning notice)

Section 216, before "A banning"

insert

(1)

34 Section 236 amended (Searching persons and property)

- (1) Section 236, before "If"

insert

- (1)

- (2) Section 236, at the end

insert

- (2) Before exercising a power under subsection (1), a police officer may request the person to state the person's name and address.

35 Section 243 amended (Seizing containers)

After section 243(5)

insert

- (5A) Despite subsection (5)(b), if it is not reasonably practicable to immediately destroy the container and its contents, a police officer may temporarily retain possession of the container and its contents for destruction at a police station as soon as reasonably practicable.

- (5B) Subsections (5)(a) and (b) and (5A) do not apply if the container or its contents are required as evidence for an offence against this Act.

36 Section 250 amended (Point of sale intervention powers – customer)

Section 250(4), after "a liquor"

insert

related

37 Section 252 amended (Inspector and police officer obligations)

- (1) Section 252(3)

omit

250 or

(2) Section 252(3)

omit

with the a requirement or direction power under those sections is an offence

insert

with a requirement or direction under that section is an offence.

38 Section 253 amended (Offence to fail to comply with requirement or direction)

Section 253(3)

omit, insert

- (3) A prosecution for an offence against subsection (1) must not be commenced unless the inspector or police officer giving the requirement:
- (a) has complied with section 252(1) and (2); and
 - (b) has warned the person that failure to comply with the requirement or direction under those subsections is an offence; and
 - (c) has given the person at least 2 opportunities to comply with the requirement or direction, at least one of which is given after the warning referred to in paragraph (b).

39 Section 275 amended (Police application for forfeiture of vehicle, vessel or aircraft)

Section 275(1)

omit

271

insert

274

40 Section 303 amended

Section 303, heading

omit

for

insert

to sell, supply or serve

41 Section 308 repealed (Limit on prosecuting offence)

Section 308

repeal

42 Section 319 amended (Regulations)

(1) Section 319(2)(j)

omit

Act.

insert

Act;

(2) After section 319(2)(j)

insert

(k) any conditions, requirements or other matters in relation to registration under Part 3, Division 2A or 2B.

43 Section 327 amended (BYO restaurants)

Section 327(2)

omit, insert

(2) Subsection (1) ceases to apply on the commencement of section 336.

44 Part 16 inserted

After section 334

insert

Part 16 Transitional matters for Liquor Legislation Amendment Act 2021**335 Definitions**

In this Part:

amending Act means the *Liquor Legislation Amendment Act 2021*.

commencement means the commencement of section 7 of the amending Act.

336 Abolition of BYO authorities

- (1) A licensee who held a BYO authority immediately before the commencement of the amending Act is taken to be a registered BYO server of liquor.
- (2) A registration mentioned in subsection (1) expires on 31 May 2024, unless earlier cancelled or revoked.
- (3) If a licensee held no authority other than a BYO authority immediately before the commencement, the licensee's licence is revoked on the commencement.

Part 3 Amendment of Liquor Regulations 2019**45 Regulations amended**

This Part amends the *Liquor Regulations 2019*.

46 Part 4, Division 3 replaced

Part 4, Division 3

repeal, insert

Division 3 Sporting event authority conditions**26 Application of Division**

A sporting event authority is subject to the conditions specified in this Division.

27 Sporting event authority hours of operation

The hours of operation for a sporting event authority are from 10:00 to 24:00 on any day that a sporting event is conducted.

28 Sporting event authority operating conditions

- (1) Liquor must not be sold for consumption away from the premises where the sporting event is conducted.
- (2) A reasonable range of non-alcoholic beverages must be available to patrons during the hours of operation.
- (3) Complimentary tap water must be available to patrons during the hours of operation.

47 Regulation 31 amended (Casino authority operating conditions)

Regulation 31(5)

omit

in a

insert

a

48 Regulation 38 amended (Club authority hours of operation)

(1) Regulation 38(2)

omit

Good Friday and

(2) After regulation 38(2)

insert

(2A) The hours of operation for a club authority on Good Friday are from 11:00 to 21:00.

49 Regulation 47 amended (Community club functions)

Regulation 47(5)

omit

bans

insert

bands

50 Regulation 55 amended (Separation of liquor from groceries)

(1) Regulation 55(2)(d)

omit

sale or

insert

sale and

(2) Regulation 55(2)(d)

omit

store

insert

area

51 Regulation 56 amended (Conditions on advertising liquor for grocery store authority)

(1) Regulation 56(1)

omit

(2) Regulation 56(3)

omit

The prohibitions in subregulations (1) and (2) do

insert

Subregulation (2) does

52 Regulation 58 amended (Late night authority hours of operation)

Regulation 58(2)

omit

liquor

53 Regulation 59 amended (Safety for late night authority)

After regulation 59(4)

insert

- (5) This regulation does not apply to a late night authority attached to a club authority, a restaurant authority or a restaurant bar authority.

54 Regulation 61 amended

(1) Regulation 61, heading

omit

Live entertainment

insert

Entertainment

(2) Regulation 61(1)

omit

live

(3) Regulation 61(2)

omit

55 Regulation 62 amended (Lock out for extended late night authority)

Regulation 62(1)

omit

licenses

insert

licensed

56 Regulation 68 amended (Safety for major event)

(1) Regulation 68(2)(b)

omit

event.

insert

event, up to 5 000 patrons; and

(2) After regulation 68(2)(b)

insert

(c) one additional licensed crowd controller for each additional 200 patrons attending the event.

57 Regulation 75 amended (Public bar authority hours of operation)

(1) Regulation 75(2)

omit

Good Friday and

(2) After regulation 75(2)

insert

(2A) The hours of operation for a public bar authority on Good Friday are from 11:00 to 21:00.

58 Regulation 82 amended (Restaurant bar authority hours of operation)

(1) Regulation 82(2)

omit

Good Friday and

(2) After regulation 82(2)

insert

(2A) The hours of operation for a restaurant bar authority on Good Friday are from 11:00 to 21:00.

59 Regulation 83 amended (Restaurant bar authority operating conditions)

Regulation 83(9)(b), before "meal"

insert

light

60 Regulation 100 amended (Wayside inn authority hours of operation)

(1) Regulation 100(1)

omit

Good Friday and

(2) After regulation 100(1)

insert

(1A) The hours of operation for a wayside inn authority on Good Friday are from 11:00 to 21:00.

61 Regulation 103 amended (Information to be provided to Director)

Regulation 103(2)(b) (*first reference*)

renumber as paragraph (a)

62 Part 6A inserted

After regulation 111

insert

Part 6A Matters concerning registration schemes**111A Requirements for small community groups**

A registered small community group must make complimentary tap water available to patrons at all times while liquor is being served.

63 Regulation 113 amended (Prescribed amounts for infringement notice offences)

Regulation 113

omit

5

insert

6

64 Regulation 118 amended (Effect of this Division)

Regulation 118(1)(c)

omit

an

insert

a

65 Schedule 1 amended (Application fees)

Schedule 1, item 2

omit

17

insert

50

66 Schedule 2 amended (Risk classification for authorities)

- (1) Schedule 2, after "low risk 4 catering authority"

insert

low risk 5 sporting event authority

- (2) Schedule 2

omit

very low risk 5 BYO authority

67 Schedule 3 amended (Hours of operation of takeaway and grocery store authorities)

Schedule 3

omit

Groot

insert

Groote

68 Schedule 6 amended (Infringement notice offences and prescribed amounts)

- (1) Schedule 6, Part 1, entry for section 126(1)

omit

5

insert

3

- (2) Schedule 6, Part 1, entry for section 127(1)

omit

3

insert

5

Part 4 Repeal of Act

69 Repeal of Act

This Act is repealed on the day after it commences.