

Serial 134
Liquor Legislation Amendment Bill 2008
Dr Burns

A Bill for an Act to amend the *Liquor Act* and *Liquor Regulations*, and for other purposes

NORTHERN TERRITORY OF AUSTRALIA
LIQUOR LEGISLATION AMENDMENT ACT 2008

Act No. [] of 2008

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2008

An Act to amend the *Liquor Act* and *Liquor Regulations*, and for other purposes

[Assented to [] 2008]
[Second reading [] 2008]

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 2008*.

2 Commencement

- (1) This Act, other than section 5, commences on the date fixed by the Administrator by *Gazette* notice.
- (2) Section 5 is taken to have commenced at the commencement of the *Liquor Amendment Regulations 2007*.

Part 2 Amendment of Liquor Act

3 Act amended

This Part amends the *Liquor Act*.

4 New section 31A

After section 31

insert

31A Conditions about identification system

- (1) This section applies to a sale of liquor to an individual under a licence prescribed by regulation.
- (2) The Minister may establish an identification system for determining whether the individual is subject to a prohibition covered by any of the following provisions:
 - (a) a prohibition order or alcohol intervention order under the *Alcohol Court Act*;
 - (b) a bail condition as defined in the *Bail Act* (otherwise than for a bail granted under Part III of the Act) relating to liquor;
 - (c) a condition of a court order under the *Domestic Violence Act* or the *Domestic and Family Violence Act* relating to liquor;
 - (d) a provision under a law in force in the Territory prescribed by regulation.
- (3) For subsection (2), a scanner must be given to the licence holder:
 - (a) to enable a person who may sell liquor under the licence (the **authorised seller**) to scan an identification of the individual; and
 - (b) to indicate to the seller whether the individual is prohibited from buying liquor or liquor of a particular kind or quantity.
- (4) The identification must be one of the following (an **approved identification**):
 - (a) the individual's passport;
 - (b) the individual's driver licence;
 - (c) any other identification approved by the Director.
- (5) Each of the following requirements is a condition of the licence:
 - (a) the authorised seller must not sell liquor to an individual without scanning an approved identification of the individual with the scanner;

- (b) the authorised seller must not sell liquor to an individual contrary to a prohibition mentioned in subsection (2) indicated in the scanner;
 - (c) except for this Act or another law in force in the Territory, the authorised seller must not disclose or use any information indicated in the scanner;
 - (d) the authorised seller must not damage or tamper with the scanner or any other component of the system;
 - (e) any requirement about maintaining the system specified by the Director in writing;
 - (f) any other requirement specified by regulation for the system.
- (6) A person must not contravene a requirement in subsection (5).

Maximum penalty: 20 penalty units.

- (7) It is a defence to a prosecution for the offence if the defendant has a reasonable excuse.

Example

A reasonable excuse for a contravention of the requirement in subsection (5)(a) or (b) may be based on a failure of the system to operate properly for reason other than the defendant's conduct.

- (8) The Director may, by *Gazette* notice, exempt a licence from a requirement in subsection (5) for a specified period.

Part 3 Liquor Regulations

5 Effect of Liquor Amendment Regulations 2007

The *Liquor Amendment Regulations 2007* (Subordinate Legislation No. 41 of 2007) are taken to have amended the *Liquor Regulations*.

6 Amendment of Liquor Regulations

- (1) This section amends the *Liquor Regulations*.
- (2) Regulation 3, definition ***infringement offence***, before "75(1B)"
insert
31A(6),
- (3) After Part 2
insert

Part 2A Licence conditions

5A Conditions about identification system

Section 31A(1) of the Act applies to a sale of liquor for consumption away from licensed premises under a licence having any of the following licence numbers:

80901791	80117506	80902690
81301673	81200500	80902628
80316511	80900058	80902856
80101789	81200372	80902573
80100963	80102399	80902634
80900131	80102200	80902567
80900042	80902640	80901729
80900070	80902951	
80900703	80902945	