

NORTHERN TERRITORY OF AUSTRALIA
LIQUOR AMENDMENT BILL 1990 (No. 4)

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Liquor Act*

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:

1. SHORT TITLE

This Act may be cited as the *Liquor Amendment Act (No. 4) 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Liquor Act* is in this Act referred to as the Principal Act.

4. INSPECTOR'S POWERS

Section 19 of the Principal Act is amended by omitting subsection (8A).

5. LIQUOR NOT BROUGHT INTO, &c., RESTRICTED AREA

Section 75 of the Principal Act is amended by inserting, after subsection (1), the following:

"(1A) Subsection (1), other than paragraph (c) so far as it relates to the sale of liquor in a restricted area, does not apply to liquor that is being or will be -

- (a) brought into a restricted area; and
- (b) administered within a restricted area,

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for the purposes of worship associated with the celebration of the Holy Communion or any other religious service by a person approved by the Commission (for the purposes of paragraph (a) or (b) or of both (a) and (b))."

6. REPEAL AND SUBSTITUTION

Sections 106 and 106A of the Principal Act are repealed and the following substituted:

"106. COMMISSION MAY DECLARE LICENSED PREMISES PROHIBITED AREAS FOR MINORS

"(1) The Commission may, by notice in writing, declare licensed premises or parts of licensed premises to be an area or areas where a person who has not attained the age of 18 years -

(a) shall not enter or remain; or

(b) shall not enter or remain unless that person is in the company of his parent, guardian or spouse (who has attained the age of 18 years).

"(2) Where the Commission makes a declaration under subsection (1), the Commission shall serve a copy of the declaration on the licensee of the licensed premises to which the declaration relates.

"(3) A licensee, on being served a copy of a declaration under subsection (2), shall cause a notice in a form approved by the Commission to be posted, and to be kept posted, at each entrance of the licensed premises or part of the licensed premises to which the declaration relates, and at such other places on the licensed premises as the Commission may require.

"106A. MINORS ON LICENSED PREMISES

"(1) A person who has not attained the age of 18 years shall not enter or remain on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(a).

"(2) A person who has not attained the age of 18 years shall not enter or remain on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b) unless the person is in the company of his parent, guardian or spouse (who has attained the age of 18 years).

"(3) In proceedings for an offence against subsection (1) or (2), evidence that the accused person was required under section 19(5)(e) to provide evidence of

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his age and did not provide, and has not subsequently provided, that evidence, is prima facie evidence that the accused person had not attained the age of 18 years on the date when the requirement was made.

"(4) It is a defence to a prosecution for an offence against subsection (1) or (2) that the accused person did not know he had entered or remained on licensed premises or any part of licensed premises the subject of a declaration under section 106 and that he did not have reasonable cause to know that he had entered or remained on licensed premises or part of licensed premises the subject of a declaration under section 106.

"106B. LICENSEE OR EMPLOYEE NOT TO PERMIT MINORS TO ENTER, &c., LICENSED PREMISES

"(1) A licensee of licensed premises, or any person employed by a licensee, shall not permit a person to enter or remain on the licensed premises or any part of the licensed premises the subject of a declaration served under section 106 if he reasonably believes that that person has not attained the age of 18 years or, if that person is purportedly in the company of his parent, guardian or spouse, he reasonably believes that both that person and the parent, guardian or spouse, have not attained the age of 18 years.

"(2) It is a defence to a prosecution for an offence against subsection (1) that the accused person was shown an identification for the purposes of representing that the person who has not attained the age of 18 years had attained the age of 18 years, or that the person purporting to be a parent, guardian or spouse had attained the age of 18 years, and the accused had no reasonable grounds for doubting the validity of the identification.

"106C. SUPPLY OF LIQUOR TO MINORS

"A person who has attained the age of 18 years shall not sell or supply liquor on licensed premises to another person who has not attained the age of 18 years except where the first-mentioned person is the licensee of the licensed premises, or a person employed by the licensee, and -

- (a) the liquor is sold or supplied on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b);
- (b) the person to whom the liquor is sold or supplied is in the company of his parent, guardian or spouse (who has attained the age of 18 years); and

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- (c) the liquor is sold in conjunction with or ancillary to a meal supplied on the licensed premises.

"106D. DEFINITIONS OF 'PARENT' AND 'GUARDIAN'

"In sections 106(1), 106A(2), 106B and 106C, 'parent' and 'guardian', in relation to a person who has not attained the age of 18 years, include a person who has attained the age of 18 years to whom the care and control of the first-mentioned person has been given by his parent or guardian (irrespective of the duration).

"106E. EVIDENCE

"In a prosecution for an offence against section 106A, 106B or 106C -

- (a) a certificate purporting to be signed by a person who claims in the certificate to be the Registrar or Deputy Registrar, stating that licensed premises or a specified part of licensed premises was or was not, at a specified time, the subject of a declaration under section 106 and a copy of the declaration was served on the licensee of the licensed premises on a specified day, is prima facie evidence of the facts stated; and
- (b) the onus of proving that the care and control of a person who has not attained the age of 18 years had, at the relevant time, been given to a particular person by his parent or guardian rests on the accused person."

7. MINORS NOT TO SELL, &c., LIQUOR

Section 116A of the Principal Act is amended -

- (a) by omitting from subsection (1) "a person under the age of 18 years" and substituting "a person who has not attained the age of 18 years"; and
- (b) by omitting from subsection (2) "a person under the age of 18 years" and substituting "a person who has not attained the age of 18 years".

8. MINORS NOT TO BE SENT TO OBTAIN LIQUOR

Section 117 of the Principal Act is amended by omitting "a person under the age of 18 years" and substituting "a person who has not attained the age of 18 years".

9. REPEAL AND SUBSTITUTION

Section 118 of the Principal Act is repealed and the following substituted:

"118. MINORS NOT TO BUY OR CONSUME LIQUOR ON LICENSED PREMISES

"(1) A person who has not attained the age of 18 years shall not purchase from or consume liquor on licensed premises unless -

- (a) the liquor is purchased or consumed on licensed premises or any part of licensed premises that is the subject of a declaration for the purposes of section 106(1)(b);
- (b) the person is in the company of his parent, guardian or spouse (who has attained the age of 18 years); and
- (c) the person purchases or consumes the liquor in conjunction with or ancillary to a meal supplied on the licensed premises.

"(2) In subsection (1) 'parent' and 'guardian', in relation to a person who has not attained the age of 18 years, include a person who has attained the age of 18 years to whom the care and control of the first-mentioned person has been given by a parent or guardian (irrespective of its duration).

"(3) In a prosecution for an offence against subsection (1) -

- (a) a certificate purporting to be signed by a person who claims in the certificate to be the Registrar or Deputy Registrar, stating that licensed premises or a specified part of licensed premises was or was not, at a specified time, the subject of a declaration served under section 106 and a copy of the declaration was served on the licensee of the licensed premises on a specified day, is prima facie evidence of the facts stated; and
- (b) the onus of proving that the care and control of a person who has not attained the age of 18 years had, at the relevant time, been given to a particular person by his parent or guardian rests on the accused person."

10. REGULATORY OFFENCES

Section 124AA of the Principal Act is amended by omitting "104(1)," and substituting "104(1), 106B(1),".

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