

Serial 29  
Liquor Legislation Amendment Bill 2021  
Ms Fyles

A Bill for an Act to amend the *Liquor Act 2019* and the *Liquor Regulations 2019*



NORTHERN TERRITORY OF AUSTRALIA

LIQUOR LEGISLATION AMENDMENT ACT 2021

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Act No. [ ] of 2021

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2021

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

[Assented to [ ] 2021]  
[Introduced [ ] 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.

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**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*.

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**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.