



Licensing, Regulation and Alcohol Strategy

Overview of the Northern Territory *Liquor Act* amendments

Amendments affecting Licensees

The Northern Territory Parliament recently passed a number of amendments to the *Liquor Act*. This fact sheet will provide Licensees with a brief overview of those amendments that impact directly on their business. Individual fact sheets are available which provide further information.

Minors and fake or false identification

In an effort to reduce instances of minors attempting to:

- gain entry into licensed premises; or
- obtain a genuine identification from statutory body or Government agency; or
- purchase or obtain alcohol,

Recent amendments now make it an offence for someone to assist a minor by providing for them to use:

- a genuine form of identification; or
- a forged identification document; or
- a genuine identification document that has been altered.

A minor also faces being charged with an offence if they attempt the same.

Seizure of fake or false identification

To combat the use of fake or false identification, amendments have been made that require licensees and their employees to seize identification they believe is fake or false when it has been presented by a minor in an attempt to gain entry into licensed premises or to purchase or obtain alcohol.

Liquor Accords

One of the major issues faced by licensees looking to establish liquor accords has been the threat of investigation by the Australian Competition and Consumer Commission (ACCC), especially where agreement is reached regarding supply or pricing of particular alcoholic products.

The *Liquor Act* now allows for the establishment of liquor accords without the need to seek authorisation from the ACCC, with the Director of Licensing having the authority to approve, amend or terminate an accord.

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Designated Areas

It is now possible for the Minister to declare an area of land as a designated area. This will occur where there have been incidences of alcohol related violence in a public place within the vicinity of licensed premises and these issues will be reduced through the issuing of banning notices and exclusion orders.

Banning Notices and Exclusion Orders

Following the declaration of a designated area, the police will be able to issue a banning notice to any person they believe has committed, or is likely to commit, a specified offence. A specified offence ranges from failing to leave licensed premises to serious assault and arson.

A banning notice will be in effect for a maximum of 48 hours and will ban the person from the entire designated area or just the licensed premises within the area.

Where a serious specified offence has been committed, or a person has received numerous banning notices for the same designated area, the police may apply to the courts for a person to be issued an exclusion order.

An exclusion order works similar to a banning notice in that the person may be banned from the entire designated area, all of the licensed premises or only some of them. This will be up to the court. The other major difference is the length of the ban which can be for up to 12 months.

Contravening a Banning Notice or Exclusion Order

It is an offence for a licensee or an employee of the licensee, to knowingly permit a person, who has been issued a banning notice or exclusion order, to enter, or remain on, licensed premises. It is also an offence for a banned person to remain in the banned area.

Patrons returning to premises after direction to leave: It is now an offence for a person, who has been removed or excluded from licensed premises, under section 121 of the *Liquor Act*, to enter or attempt to re-enter the premises. The police now have the power to issue an infringement notice.

Police direction for person to leave licensed premises: The police now have the power to direct a person to leave licensed premises, where that person is intoxicated, violent, quarrelsome, disorderly or incapable of controlling his behaviour. Previously a licensee had to request a police officer to remove the person. This amendment will assist in reducing alcohol related issues by 'speeding up' the process of removing someone who may cause trouble.

LICENSING, REGULATION AND ALCOHOL STRATEGY

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