



Licensing, Regulation and Alcohol Strategy

Fake or False ID

Northern Territory *Liquor Act* amendments affecting Licensees

The Northern Territory Parliament recently passed a number of amendments to the *Liquor Act* including addressing the issue of minors using fake ID to purchase alcohol or enter licensed premises. It is now an offence for a minor to attempt to gain entry into licensed premises or obtain or purchase alcohol, through the use of false or altered identification.

Misrepresentation of minor's age

A person, who assembles, creates, composes, makes or manufactures a document that could reasonably be taken by a licensee to be a form of identification, and provides that identification to a minor, knowing that the minor will use the identification in an attempt to illegally gain entry into licensed premises or obtain or purchase alcohol, is now guilty of an offence. The person may face a fine of up to \$1,000 or six (6) months imprisonment or a \$2,000 fine or 12 months imprisonment for a second or subsequent offence.

A minor, who lies or misrepresents their age to a statutory body or Government Agency, in an effort to obtain a genuine identification, and then uses that identification to attempt to illegally gain entry into licensed premises or to obtain or purchase alcohol, or gives that identification to another minor to do the same, may be charged and face a fine of up to \$1,000 or six (6) months imprisonment or a \$2,000 fine or 12 months imprisonment for a second or subsequent offence.

Wrongful dealing with genuine form of written identification

If a person gives their genuine identification to a minor, and that person knows, or suspects, that the minor will use the identification to misrepresent their age, in order to attempt to gain entry into licensed premises or obtain or purchase alcohol or to obtain a genuine identification from a statutory body or Government Agency, then the person is committing an offence and may face a fine of up to \$1,000 or six (6) months imprisonment for the first offence or a \$2,000 fine or 12 months imprisonment for a second or subsequent offence.

The same penalty may apply if a person alters, defaces or interferes with a genuine form of identification for the purpose of misrepresenting their age in an effort to illegally gain entry into licensed premises, obtain or purchase alcohol or to obtain identification from a statutory body or Government Agency, or providing it to a minor to do likewise.

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Seizure of fake or false identification

Amendments have been made that now require licensees and their employees to seize presented identification where they suspect that it is fake or false.

In the past, crowd controllers could only refuse entry to a minor who presented fake or false ID, which meant that the person was generally free to go to another venue and attempt the same. It is hoped the new changes will reduce the proliferation of attempts using false or fake ID and provide support to those involved with licensed premises.

To assist licensees to comply with the changes, a card has been designed which must be handed out when they seize the ID. Signs will also be available to advise patrons that staff are complying with the law in seizing suspect ID.

The card advises the person why their ID has been seized and offers a contact number for any questions they may have. The licensee must ensure the premises name is on the card and the date is recorded when it is handed out. Each time ID is seized, it must be recorded in the incident register.

Under the legislative amendments, all seized ID is to be forwarded to the Director of Licensing within three days. The Director will then determine the legitimacy of the ID and return it if it is found to be genuine (unless it is to be kept as evidence) or determine if the person is to be charged should it be found to be fake or altered.

To reduce the administrative burden on licensees, a process has been set up to meet the legislative requirements in forwarding the ID to the Director and is available as a separate fact sheet and on the Department of Justice website (Seizing Fake Identification – Flowchart).

LICENSING, REGULATION AND ALCOHOL STRATEGY

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