Amendments to the Liquor Act

Enough is Enough Alcohol Reform Package

The amendments to the Liquor Act contemporise regulation of the liquor industry and toughen penalties for breaches of the Act, including raising penalties for illegal grog sales.

An infringement notice scheme and enforceable undertaking agreements are introduced under the amendments.

To assist in the practical application of the Act the amendments introduce a definition of “drunk”. This new definition will assist licensees and inspectors in assessing alleged breaches for serving “drunk” patrons.

The amendments also clarify the role of the Director of Licensing, the Northern Territory Licensing Commission (NTLC) and the courts in responding to breaches of the Act.

The amendments outlined above and new provisions associated with scanning ID for takeaway alcohol sales support the Enough is Enough Alcohol reforms.

New Infringement Notice Scheme

The Director of Licensing will be able to issue infringement notices to licensees or their employees for offences against the Act. The Director will make a decision as to whether to issue an infringement notice based on the severity of the breach.

Supply to Minors

A new offence of irresponsible supply of liquor to minors has also been created. It will be illegal to irresponsibly supply children with alcohol anywhere at all in the Northern Territory – this includes licensed premises, public places and private premises. The offence carries a maximum penalty of $13,300. Minors will also be prevented from consuming liquor in any licensed premises.

Unlicensed Grog Sales

The offence of selling liquor without a licence has been prohibited since the commencement of the Liquor Act. These amendments significantly increase the penalty for the unlicensed sale of grog. Illegal supply now carries a 250 penalty unit ($33,250) or 12 month imprisonment maximum penalty.

Definition of “Drunk”

The term “intoxication” has been replaced with “drunk”, a term used in the Western Australia Liquor Control Act 1988. Drunk is a term that is more easily understood. A definition of drunk is being included in the Liquor Act to further assist in clarifying its meaning.
A person is considered to be drunk if their speech, balance, coordination or behaviour appears to be noticeably impaired due to consumption of alcohol.

Guidelines will be drafted to assist in understanding the operation of the provision.

In a NTLC or Court action against a licensee or employee for serving a drunk person, it will be up to the prosecution to prove the person was drunk.

**Responding to Breaches of the Liquor Act**

The amendments provide more options, particularly through infringement notices and enforceable undertakings, for the NTLC and the Director of Licensing to better respond to licensees who breach the *Liquor Act*.

These additional options allow breaches to be responded to in a way that appropriately reflects the seriousness of the breach, its circumstances and whether there is a pattern of problems at the venue.

Disciplinary action in relation to liquor licensees will be dealt with by the NTLC for breaches of the Act that relate to their licence. If an employee of a venue is to be directly prosecuted for a breach, they would be dealt with by the Court. Other offences that relate to individuals that are not employed at licensed premises, like unlicensed grog sales, would also be dealt with by the Court.

**Impact on Licensees**

Licensees and their employees who breach the Liquor Act will face a response that reflects the nature and severity of the breach. Infringement notices, enforceable undertakings, and monetary penalties have been added to the enforcement tools available to the Director of Licensing and the NTLC increasing the enforcement options available and so the industry’s compliance with the law.

For licensees, these amendments clarify how matters will be responded to and by whom, with licensee matters being dealt with by the Director of Licensing and the NTLC.

The amendments eliminate the capacity for licensees to be punished twice for the same breach by removing section 124AAA. Where in the past, licensees found guilty for an offence against the Liquor Act in a Court could also have been punished in a separate process through the NTLC.

**Making a complaint**

Any person may make a complaint against a licensee. The complaint must be made to the Director of Licensing who will accept the complaint and deal with it, provided it is not vexatious or frivolous. Once the Director has acted on the complaint, which may be referred to the NTLC for serious breaches, the person who made the complaint will be advised of what action was taken.

**Enough is Enough Alcohol Reforms**

The amendments to the Liquor Act also support the Enough is Enough Alcohol Reforms through provisions that require a licensee to scan a customer’s ID for all takeaway liquor purchases to determine if the customer is on the Banned Drinker Register.

Offences have also been created as a disincentive for a Banned Drinker to use another person’s ID or to create a fake Identification Card.