



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

# **Inquiry into the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026**

April 2026



# **Inquiry into the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026**



Legislative Assembly of the Northern Territory

Parliament House  
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## Chair's Preface

This report details the Committee's findings regarding its examination of the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026. By implementing five specific reform proposals outlined in the *Saying 'Yes' to Business Report*, the Bill seeks to improve regulatory efficiency in the liquor licensing system while maintaining appropriate safeguards.

The Committee received 11 submissions to its inquiry, with mixed views presented. Four submissions supported passage of the Bill in full or with proposed amendments, while the remaining seven submissions highlighted concerns and/or did not support passage of the Bill. Submitter concerns related mainly to the newly introduced low risk liquor application framework which exempts low risk applications from the requirement to meet the public interest and community impact requirements of the *Liquor Act 2019*, and exempts applicants from the Act's public notice requirements. Several submissions raised concerns that the exclusions afforded to low risk applications could increase alcohol harms.

Following its examination of the Bill and evidence presented, the view of the Committee is that the Assembly should pass the Bill without amendment. However, to address stakeholder concerns, the Committee recommends that:

- Within 24 months of implementation, a post-implementation review be conducted to assess the impacts of the low risk application framework on key stakeholders and the community.
- The Department develop and publish guidance on factors the Director of Liquor Licensing may consider in determining whether to progress an application as low risk to ensure there is consistency and transparency in decision making.
- Within 24 months of commencement of the Bill, the Department review the operation of the fit and proper person test.
- The Bill's Explanatory Statement be amended to ensure it is sufficiently detailed and accurate.

On behalf of the Committee, I would like to thank all those that took the time to provide submissions to the Committee's inquiry. The Committee also thanks the Department of Tourism and Hospitality for appearing before the Committee at a public briefing on the Bill. I also thank my fellow Committee members for their bipartisan commitment to the legislative review process.



**Mrs Oly Carlson MLA**

**Chair**

## Committee Members

Chair:	Mrs Oly Carlson, MLA Member for Wanguri
Deputy Chair:	Mr Clinton Howe, MLA Member for Drysdale
Members:	Justine Davis, MLA Member for Johnston  Mr Chanston Paech, MLA Member for Gwoja  Mrs Laurie Zio, MLA Member for Fannie Bay

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## Acknowledgments

The Committee acknowledges all those that provided written submissions to its inquiry and the Department of Tourism and Hospitality who appeared before the Committee at a public briefing on the Bill and provided responses to written questions.

## Acronyms and Abbreviations

Bill	Liquor Legislation Amendment (Fast Track Approvals) Bill 2026
Commission	Northern Territory Liquor Commission
Committee	Legislative Scrutiny Committee
Department	Department of Tourism and Hospitality
Director	Director of Liquor Licensing NT
FARE	Foundation for Alcohol Research and Education
Liquor Act	<i>Liquor Act 2019</i>
Liquor Commission Act	<i>Liquor Commission Act 2018</i>
Liquor Regulations	Liquor Regulations 2019
Minister	Minister for Tourism and Hospitality
NT	Northern Territory
NTCAT	The Northern Territory Civil and Administrative Tribunal
NTPA	Northern Territory Police Association
NTPF	Northern Territory Police Force
PAAC	The People's Alcohol Action Coalition

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# Terms of Reference

## Sessional Order 14

### *Establishment of Legislative Scrutiny Committee*

- (1) The Assembly appoints a Legislative Scrutiny Committee
- (2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.
- (3) The functions of the scrutiny committee shall be to inquire into and report on:
  - (a) any bill referred to it by the Assembly;
  - (b) in relation to any bill referred by the Assembly:
    - (i) whether the Assembly should pass the bill;
    - (ii) whether the Assembly should amend the bill;
    - (iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:
      - (A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and
      - (B) is consistent with principles of natural justice; and
      - (C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and
      - (D) does not reverse the onus of proof in criminal proceedings without adequate justification; and
      - (E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and
      - (F) provides appropriate protection against self-incrimination; and
      - (G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and
      - (H) does not confer immunity from proceeding or prosecution without adequate justification; and
      - (I) provides for the compulsory acquisition of property only with fair compensation; and
      - (J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and
      - (K) is unambiguous and drafted in a sufficiently clear and precise way.

- (iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:
  - (A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
  - (B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and
  - (C) authorises the amendment of an Act only by another Act.
- (4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

# Recommendations

## Recommendation 1

The Committee recommends that the Legislative Assembly pass the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 without amendment.

## Recommendation 2

The Committee recommends that a post-implementation review be commenced within 24 months of operation to assess the impacts of the low risk application framework on key stakeholders and the community.

## Recommendation 3

The Committee recommends that the Department develop and publish guidance on factors the Director may consider in determining whether to progress an application as low risk under section 52A to ensure there is consistency and transparency in decision making.

## Recommendation 4

The Committee recommends that the Explanatory Statement be amended to clarify that a decision by the Director under section 52A(2) is not reviewable by the Liquor Commission or the Northern Territory Civil and Administrative Tribunal on the grounds that such decisions are procedural in nature.

## Recommendation 5

The Committee recommends that, within 24 months of commencement of the Bill, the Department review the operation of the fit and proper person test, giving consideration to:

- whether the current policy's assessment criteria and the additional factors considered in the assessment process should be included in the Liquor Regulations 2019; and
- the legislative and regulatory frameworks in other jurisdictions.

## Recommendation 6

The Committee recommends that the Explanatory Statement be amended to clarify whether the factors under section 49 apply to the Director, or any other factors the Director must consider, when considering an application to make a material alteration to licensed premises under section 97.

## Recommendation 7

The Committee recommends that the Explanatory Statement be amended to include an explanation of the rationale for extending the period for refresher training for a responsible service of alcohol certificate from 3 years to 5 years.

## Recommendation 8

The Committee recommends that the Explanatory Statement be amended to:

- update the general outline to explain that the Bill amends the *Liquor Act 2019*, the Liquor Regulations 2019 and the *Liquor Commission Act 2018*; and

- clarify that the effect of clause 23 is to exclude determinations made under proposed section 52A(2) from review by the Northern Territory Civil and Administrative Tribunal.

# 1 Introduction

## Introduction of the Bill

1.1 The Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Tourism and Hospitality, Hon Marie-Clare Boothby MLA, (the Minister) on 18 March 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 30 April 2026.<sup>1</sup>

## Conduct of the Inquiry

1.2 On 19 March 2026, the Committee called for submissions by 27 March 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. As set out in Appendix 1, the Committee received 11 submissions.

1.3 As set out in Appendix 2, on 24 March 2026, the Committee held a public briefing with the Department of Tourism and Hospitality (the Department). On 7 April 2026, following consideration of the evidence received, the Committee sought further advice from the Department to be provided in writing by 14 April 2026.<sup>2</sup>

## Outcome of Committee's Consideration

1.4 Sessional Order 14 requires that the Committee after examining the Bill determine:

whether the Assembly should pass the bill;

(ii) whether the Assembly should amend the bill;

(iii) whether the bill has sufficient regard to the rights and liberties of individuals; and

(iv) whether the bill has sufficient regard to the institution of Parliament.

1.5 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill without amendment.

### Recommendation 1

**The Committee recommends that the Legislative Assembly pass the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 without amendment.**

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<sup>1</sup> Hon Marie-Clare Boothby, Minister for Tourism and Hospitality, Draft Daily Hansard – Day 5 – 18 March 2026, <https://territorystories.nt.gov.au/10070/1030209>, pp. 14-16.

<sup>2</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](https://www.dtp.gov.au/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf).

## **Report Structure**

- 1.6 Chapter 2 provides an overview of the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement.
- 1.7 Chapter 3 considers the main issues raised in evidence received.

## 2 Overview of the Bill

### Background to the Bill

#### Legislation amended by the Bill

- 2.1 The Bill amends the *Liquor Act 2019* (the Liquor Act), Liquor Regulations 2019 (the Liquor Regulations) and *Liquor Commission Act 2018* (the Liquor Commission Act).
- 2.2 The Liquor Act governs “the sale, supply, service, promotion and consumption of all forms of liquor and alcohol products for the purpose of minimising their associated harm and for related purposes”.<sup>3</sup> This includes:
  - establishing the powers and functions of the Director of Liquor Licensing (the Director)
  - outlining powers and responsibilities of the Northern Territory Liquor Commission (the Commission) including the responsibility to decide an application to issue a licence or an authority, which requires considering public interest, community impact and fit and proper person factors
  - the application and approvals process for licensed premises to make material alterations to the premises
  - requirements for responsible service of alcohol certificates.
- 2.3 The Liquor Regulations outline other administrative requirements under the authority of the Liquor Act, including setting out the initial base fee payable for the issue of a new liquor licence.
- 2.4 The Liquor Commission Act establishes the Commission.

#### Other recent liquor legislation amendments

- 2.5 Liquor legislation has recently been amended through three other Bills:
  - The Liquor Legislation Further Amendment Bill 2024 amended the Liquor Act, the Liquor Regulations, the *Alcohol Harm Reduction Act 2017* and the Alcohol Harm Reduction Regulations 2017 to:
    - create a new offence to provide an additional tool for police to be able to address and deter anti-social behaviour that is often present where alcohol is consumed
    - to clarify and support existing police powers to authorise the issuing of infringement notices for offences in an interim alcohol protected area<sup>4</sup>

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<sup>3</sup> *Liquor Act 2019* (NT), Long title.

<sup>4</sup> Explanatory Statement, Liquor Legislation Further Amendment Bill 2024 (Serial 3), <https://legislation.nt.gov.au/en/Bills/Liquor-Legislation-Further-Amendment-Bill-2024-S3>, p. 1.

- The Liquor Legislation Amendment (Repeal of Minimum Pricing) Bill 2024 amended the Liquor Act and Liquor Regulations to repeal Part 5 of the Liquor Act relating to the Minimum Unit Price<sup>5</sup>
- The Alcohol Harm Reduction Amendment (Banned Drinker Orders) Bill 2025 amended the *Alcohol Harm Reduction Act* to increase the length of 7-Day Banned Drinker Orders issued by police to 28 days.<sup>6</sup>

## Approvals Fast-Track Taskforce recommendations

2.6 In introducing the Bill, the Minister outlined that the Bill implements key recommendations relating to the hospitality sector from the 2025 Approvals Fast-Track Taskforce’s *Saying ‘Yes’ to Business* report, noting that:

The taskforce was established from people in the private sector to identify practical ways to simplify approval processes and remove barriers to investment across the Territory without compromising community safety.<sup>7</sup>

2.7 Six of the immediate priority ‘specific reform proposals’, provided for under each recommendation in the *Saying ‘Yes’ to Business Supplementary Report*, relate to liquor licensing reform.<sup>8</sup> Five of the 6 specific reform proposals are enacted through the Bill, all of which were determined to be immediate priorities that were recommended to be implemented within 12 months.<sup>9</sup> These proposals are detailed in this report under each relevant clause.

## Purpose of the Bill

2.8 By amending the Liquor Act, Liquor Regulations and Liquor Commission Act, the Explanatory Statement notes that the Bill seeks to:

...improve regulatory efficiency in the liquor licensing system while maintaining appropriate safeguards.<sup>10</sup>

2.9 To achieve this, the Bill:

...introduces a fast-track approval process for certain low-risk liquor licence authorities, clarifies the criteria for determining whether a person is a fit and proper person, transfers responsibility for determining applications for material alterations to licensed premises from the Commission to the

<sup>5</sup> Explanatory Statement, Liquor Legislation Amendment (Repeal of Minimum Pricing) Bill 2024 (Serial 10), <https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=92F3A220D3B148C4AF88613EAAF B06D3&amp;z=z>, p. 1.

<sup>6</sup> Explanatory Statement, Alcohol Harm Reduction Amendment (Banned Drinker Orders) Bill 2025 (Serial 48), <https://legislation.nt.gov.au/en/Bills/Alcohol-Harm-Reduction-Amendment-Banned-Drinker-Orders-Bill-2025-S48>, p. 1.

<sup>7</sup> Hon Marie-Claire Boothby, Minister for Tourism and Hospitality, Draft Daily Hansard – Day 5 – 18 March 2026, <https://territorystories.nt.gov.au/10070/1030209>, p. 15.

<sup>8</sup> Approvals Fast-Track Taskforce, *Saying ‘Yes’ to Business Approvals Fast-Track Taskforce Supplementary*, May 2025, <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>.

<sup>9</sup> Priority Reform Proposals implemented: 2B, 3D, 5C, 8A, 10I are implemented through the Bill, 10H is not.

<sup>10</sup> Explanatory Statement, Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 (Serial 62), [https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=6CE0E09B61304C3FB545FB534F0A059C&amp;%3B\\_z=z](https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=6CE0E09B61304C3FB545FB534F0A059C&amp;%3B_z=z), p. 1.

Director, and streamlines public notice and community impact requirements for low-risk applications.<sup>11</sup>

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<sup>11</sup> Explanatory Statement, Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 (Serial 62), [https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=6CE0E09B61304C3FB545FB534F0A059C&amp%3B\\_z=z](https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=6CE0E09B61304C3FB545FB534F0A059C&amp%3B_z=z), p. 1.

## 3 Examination of the Bill

### Introduction

3.1 The Committee received 11 submissions to its inquiry. Two submissions supported passage of the Bill,<sup>12</sup> 2 submissions suggested amendments prior to passing the Bill,<sup>13</sup> one submission did not comment on passage of the Bill but highlighted concerns and made recommendations,<sup>14</sup> and 6 submissions did not support the Bill.<sup>15</sup>

### Clauses 8 and 13 – Public interest, community impact and public notice requirements

3.2 Clause 8 seeks to amend section 49 of the Liquor Act to provide that the Commission may issue a licence or authority on a low risk application (refer to discussion at clause 11 for definition of low risk) if it is satisfied that the applicant is a fit and proper person (refer to discussion at clause 5 for definition of a fit and proper person), without needing to be satisfied of the public interest and community impact matters normally required under section 49. Clause 13 seeks to amend section 57 of the Liquor Act to provide that low risk applications are also exempt from the Liquor Act's public notice requirements.

3.3 The Foundation for Alcohol Research and Education (FARE) provided a summary of the current public interest and community impact requirements outlined in section 49 of the Liquor Act:

To determine whether issuing a licence or an authority is in the public interest the Commission must consider minimising the harm or ill-health caused to people and protecting the safety, health and welfare of people who use licensed premises.

The process also requires consideration of whether the licence would have a significant adverse impact on the community by assessing risks. For this requirement in Section 49 (1), (2), (3) and (4) of the Liquor Act, the Commission must consider the people or community affected, the effect on public health, licence density, volume of sales, days and operating hours and patron capacity.<sup>16</sup>

3.4 Section 57 provides for the public notice requirements. Subsection 57(3) requires an applicant to post a notice of the application at the proposed premises, as well as to publish a notice of the application. Subsection 57(4) requires that each notice must identify the location of the proposed licensed premises; list which authorities are being applied for; include a detailed description of the business

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<sup>12</sup> Retail Drinks Australia, Submission 2 and Hospitality NT, Submission 3.

<sup>13</sup> Sam Wilks, Submission 1 and Elizabeth Creed, Submission 11.

<sup>14</sup> Northern Territory Police Association, Submission 10.

<sup>15</sup> Alcohol and Drug Foundation, Submission 4; Foundation for Alcohol Research and Education, Submission 5; People's Alcohol Action Coalition, Submission 6; Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7; North Australian Aboriginal Justice Agency, Submission 8; and Aboriginal Medical Services Alliance Northern Territory, Submission 9.

<sup>16</sup> Foundation for Alcohol Research and Education, Submission 5, p. 4-5.

proposed; and include a statement that copies of the summary of the evidence referred to in section 52(3)(c) are available from the Director.

3.5 These amendments enact two of the specific reform proposals of the *Saying 'Yes' to Business Supplementary Report*.<sup>17</sup>

Recommendation	Specific reform proposals	Reform benefit and justification
<p><b>2. Simplify regulatory processes that apply to low-risk activities</b></p>	<p>2B. Establish a risk based framework for liquor licensing and exempt low-risk activities from public interest and community impact tests.</p>	<p>When applying for a liquor licence, all applicants are required to complete a public interest and community impact assessment. Industry have noted that this requirement is redundant for activities that pose lower risk to the public. Exempting low-risk activities (or 'authorities') from public interest and community impact requirements under sections 49(1) to (3) of the <i>Liquor Act 2019</i> will better align the process with the risk involved.</p>
<p><b>3. Remove unnecessary public notification and consultation for low-risk activities.</b></p>	<p>3D. Establish a risk based framework for liquor licence authorities and exempt low-risk authorities from public notification requirements.</p>	<p>As part of the liquor licence application process, an applicant must comply with the mandatory public notice periods regardless of the level of risk of that activity ('or authority'). Exempting low-risk authorities from public notification requirements, under section 57(2) of the <i>Liquor Act 2019</i>, would reduce time and cost burden for low risk authorities and ensure these requirements are only implemented in appropriate circumstances.</p>

3.6 In response to a request from the Committee to explain the rationale for excluding public interest, community impact and public notice requirements, the Department wrote:

The Bill provides a streamlined pathway for applications assessed as low risk by reference to categories prescribed in the Liquor Regulations 2019. For these applications, mandatory procedural requirements are reduced to support more efficient processing.<sup>18</sup>

<sup>17</sup> Approvals Fast-Track Taskforce, *Saying 'Yes' to Business Approvals Fast-Track Taskforce Supplementary*, May 2025, <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>, p. 23.

<sup>18</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 2.

- 3.7 Retail Drinks Australia and Hospitality NT supported exempting low risk authorities from full public interest, community impact and public notice requirements, finding that this change would reduce approval timeframes and compliance costs.<sup>19</sup>
- 3.8 However, a majority of submissions did not support these clauses for the reasons outlined below.<sup>20</sup>

### **Alcohol-related harms**

- 3.9 Several submissions raised concerns that the exclusions afforded to low risk applications could increase alcohol harms,<sup>21</sup> including increased risk of domestic, family and sexual violence.<sup>22</sup> The Alcohol and Drug Foundation stated:
- ...the transfer of functions related to certain licensing decisions from the Commission to the Director, along with removing consultation impact assessment safeguards, will establish conditions expected to increase the flow of alcohol in the Territory, and our exposure to alcohol harms.<sup>23</sup>
- 3.10 Several submissions suggested that the measures may be inconsistent with Australia's international human rights obligations<sup>24</sup> and various national agreements.<sup>25</sup>
- 3.11 FARE recommended that the Liquor Act should be amended to focus on harm reduction and implementing the recommendations of the Rapid Review of Prevention Approaches to gender-based violence, as well as the National Cabinet commitment to review alcohol laws and their impact on domestic, family and sexual violence victims.<sup>26</sup>
- 3.12 Multiple submissions noted that these clauses do not enable community members to comment on low risk applications which may result in a failure to identify local risks and failure to raise concerns before harm occurs.<sup>27</sup> The Alcohol and Drug Foundation stated that the public and community impact assessment and consultation processes:

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<sup>19</sup> Retail Drinks Australia, Submission 2, p. 2 and Hospitality NT, Submission 3, p. 1.

<sup>20</sup> Sam Wilks, Submission 1, Alcohol and Drug Foundation, Submission 4; Foundation for Alcohol Research and Education, Submission 5; People's Alcohol Action Coalition, Submission 6; Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7; North Australian Aboriginal Justice Agency, Submission 8; and Aboriginal Medical Services Alliance Northern Territory, Submission 9; and Northern Territory Police Association, Submission 10.

<sup>21</sup> Alcohol and Drug Foundation, Submission 4, pp. 1-3; Foundation for Alcohol Research and Education, Submission 5, p. 3; and Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 1.

<sup>22</sup> Foundation for Alcohol Research and Education, Submission 5, p. 2 and People's Alcohol Action Coalition, Submission 6, p.4.

<sup>23</sup> Alcohol and Drug Foundation, Submission 4, p. 1.

<sup>24</sup> Alcohol and Drug Foundation, Submission 4; Foundation for Alcohol Research and Education, Submission 5; and Aboriginal Medical Services Alliance Northern Territory, Submission 9.

<sup>25</sup> Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, pp.1-2; and Aboriginal Medical Services Alliance Northern Territory, Submission 9, p. 2.

<sup>26</sup> Foundation for Alcohol Research and Education, Submission 5, p. 2.

<sup>27</sup> Sam Wilks, Submission 1, p. 2, Alcohol and Drug Foundation, Submission 4, p.1; Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 3; Northern Territory Police Association, Submission 10, 2.

...permit detailed local knowledge about the community, their experience of harms, and the suitability of arrangements set out in applications to manage those harms in their community.<sup>28</sup>

- 3.13 Sam Wilks contended that once this type of community input is removed, more work will be required in other areas to address issues that may arise:

...complaints do not disappear. They are merely delayed until after approval, when the burden has shifted to enforcement, review, complaint handling and, in most cases the victims.<sup>29</sup>

- 3.14 The Association for Alcohol and Other Drug Agencies NT and the NTPA noted the importance of considering the 'cumulative impacts' of alcohol in the community, with the NTPA recommending consideration of 'review mechanisms or reporting frameworks to assess cumulative impacts' of the low risk applications and approvals.<sup>30</sup>

- 3.15 In response to a question from the Committee regarding how the amendments align with the primary purpose of the Liquor Act to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale, supply, service, promotion and consumption of liquor, the Department wrote:

The Bill does not change alcohol policy settings or increase alcohol supply. It does not amend the primary objectives of the *Liquor Act 2019*. All licences and authorities remain subject to existing legislative obligations, compliance requirements and enforcement powers. The Director retains the ability to impose conditions, require further assessment, or refuse applications where harm minimisation concerns arise.<sup>31</sup>

- 3.16 In regard to the volume of low risk applications that are projected to be fast tracked, the Department stated:

Based on recent data, the number of applications expected to be processed as low risk is relatively small. In 2025, 8 applications approved met the low risk criteria.<sup>32</sup>

- 3.17 A number of submissions stated that more extensive consultation should have been undertaken when drafting the Bill due to the potential impacts on, and interest of, community members and affected stakeholders.<sup>33</sup>

- 3.18 The North Australian Aboriginal Justice Agency noted that Aboriginal communities are disproportionately impacted by alcohol-related harm and

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<sup>28</sup> Alcohol and Drug Foundation, Submission 4, pp. 2-3.

<sup>29</sup> Sam Wilks, Submission 1, p. 2.

<sup>30</sup> Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 2; Northern Territory Police Association, Submission 10, p. 2.

<sup>31</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 3.

<sup>32</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 3.

<sup>33</sup> Foundation for Alcohol Research and Education, Submission 5, p. 3; People's Alcohol Action Coalition, Submission 6, p. 1; and Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 3.

submitted that there was a 'lack of community briefing on these changes'.<sup>34</sup> The Association for Alcohol and Other Drug Agencies NT stated that:

...consultation on liquor law reform should occur over longer and more meaningful timeframes, with proper opportunity for member, community and public health input.<sup>35</sup>

3.19 In regard to consultation and briefings undertaken, the Department stated that:

In the development of the Bill, the Department collaborated with both the Department of Health and NT Police. Following the introduction of the Bill, the Department has conducted briefings for key stakeholders including the Aboriginal Medical Services Alliance NT, Menzies, the Alcohol and Drug Foundation, the North Australian Aboriginal Justice Agency, the Foundation for Alcohol Research and Education, and the Association of Alcohol and other Drug Agencies NT.<sup>36</sup>

### **Impact on policing**

3.20 The NTPA submitted that decreased visibility of licence applications and an increased number of application approvals will affect proactive policing and intelligence gathering, resulting in:

- increased reliance on post-approval compliance and enforcement
- indirect costs to the Northern Territory Police Force (NTPF) through additional liquor law enforcement activities relating to licence compliance checks, social order issues associated with licensed venues, and increased visibility and monitoring to cater for additional licensed venues.

3.21 The NTPA recommended establishing 'information-sharing protocols' between licensing authorities and the NTPF.<sup>37</sup>

3.22 In response to the Committee's question regarding this recommendation, the Department stated:

Existing operational arrangements between Licensing NT and the NT Police will continue. Low risk classifications do not prevent information sharing or escalation where required.<sup>38</sup>

### **Committee's Comments**

3.23 The Committee finds that the exemptions afforded to low risk applications under clauses 8 and 13 result in liquor licensing regulation that proportionally balances the varied business and community interests in liquor licensing.

3.24 However, in light of submitter concerns regarding the potential for increased alcohol harms, the Committee finds it appropriate to recommend that a review

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<sup>34</sup> North Australian Aboriginal Justice Agency, Submission 8, p. 2.

<sup>35</sup> Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 4.

<sup>36</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 1.

<sup>37</sup> Northern Territory Police Association, Submission 10, pp. 2-3.

<sup>38</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 2.

be conducted into the impacts of the low risk application framework on key stakeholders and the community.

- 3.25 The Committee acknowledges the concerns of the NTPA regarding the potential operational interactions between Licensing NT and NTPF through implementation of the Bill, however considers that this issue is beyond the scope of the Bill.

### **Recommendation 2**

**The Committee recommends that a post-implementation review be commenced within 24 months of operation to assess the impacts of the low risk application framework on key stakeholders and the community.**

## **Clause 11 – Low risk applications**

- 3.26 Clause 11 seeks to insert new section 52A into the Liquor Act to establish that some applications would be categorised as low risk for the purposes of the Act. The requirements and exclusions afforded to low risk applications, and their effects, are discussed in this report in relation to clause 5 and clauses 8 and 13.

### **Definition of low risk**

- 3.27 Proposed subsection 52A(1) defines a low risk application as either a new liquor licence application that includes one or more low risk authorities prescribed by regulation, or an application to add one or more low risk authorities prescribed by regulation to an existing liquor licence.
- 3.28 The ‘authority’ of a liquor licence determines the rules and conditions of the licence depending on the type of business and activities that will be run.<sup>39</sup> Section 47 of the Liquor Act defines the authorities. Schedule 2 of the Liquor Regulations prescribe risk categories to each authority. Currently, the risk categories are used for the purposes of determining the base fee applicable to each authority, per regulation 10(4), which is used as one component of a formula to determine a licensee’s annual fee per regulation 9.
- 3.29 Hospitality NT were supportive of this clause, noting that this change would ‘significantly reduc[e] approval timeframes and compliance costs for restaurants, community clubs, caterers, liquor producers, accommodation and special ventures authorities’.<sup>40</sup>
- 3.30 However, the majority of submissions raised concerns with this clause. A number of submissions critiqued defining low risk applications by reference to the Liquor Regulations. Submitters expressed the view that the definitions for low risk and very low risk in the Liquor Regulations are for the purpose of calculating a base licence fee based solely on the authority type (e.g. a takeaway authority is very

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<sup>39</sup> NT Government, *Types of liquor licence authorities*, <https://nt.gov.au/industry/liquor/sell-supply-serve/licence-authorities>.

<sup>40</sup> Hospitality NT, Submission 3, p. 1.

high risk and a community club authority is very low risk)<sup>41</sup> and therefore, these categories do not account for a broad range of risk factors.<sup>42</sup>

- 3.31 FARE noted the factors included in the calculation of the annual fee, for example, hours of trade and volume of pure alcohol contained in liquor purchased by the licensee are not included in the base fee calculation, stating that:

This means that an Application, initially getting a 'Low Risk' classification (eg. simply by being a restaurant), for the purpose of setting a Base Fee, could still automatically get all the exemptions in this Bill, despite paying the equivalent of a 'Moderate Risk' Fee.<sup>43</sup>

- 3.32 Sam Wilks similarly noted:

A licence category that appears low risk in theory may still be high risk in practice once location, trading pattern, surrounding land use, patron mix, cumulative licence density and local enforcement history are taken into account. The Bill strips out those contextual checks for a whole class of applications before the public even has an opportunity to know the application exists.<sup>44</sup>

- 3.33 Additionally, submissions argued that the licence categories contain significant diversity, so applications in the same category may have widely varied local impacts.<sup>45</sup>

- 3.34 The People's Alcohol Action Coalition (PAAC) was of the view that low risk or very low risk authorities are incorrectly scheduled, recommending to:

Conduct an independent review of 'Schedule 2: Risk classification for authorities' in the Regulations, in order to reassess the correct level of risk associated with [low risk and very low risk] authorities, including but not only any producer's authority that permits take-away sales.<sup>46</sup>

- 3.35 In response to the Committee's question regarding the rationale for defining low risk applications by reference to the regulations, the Department wrote:

This approach enables the risk framework to be adjusted through regulation where required. The Director retains discretion to require further assessment where circumstances warrant it.<sup>47</sup>

### **Determining that an application is not low risk**

- 3.36 Proposed subsection 52A(2) provides that, within 14 days after a low risk application is lodged, the Director may, if the Director considers it to be in the

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<sup>41</sup> The types of authorities are established in the *Liquor Act 2019* (NT) s 47.

<sup>42</sup> Alcohol and Drug Foundation, Submission 4; Foundation for Alcohol Research and Education, Submission 5; People's Alcohol Action Coalition, Submission 6; and North Australian Aboriginal Justice Agency, Submission 8.

<sup>43</sup> Foundation for Alcohol Research and Education, Submission 5, p. 4.

<sup>44</sup> Sam Wilks, Submission 1, p. 2.

<sup>45</sup> Foundation for Alcohol Research and Education, Submission 5, p. 5 and Association for Alcohol and Other Drug Agencies Northern Territory, Submission 7, p. 2.

<sup>46</sup> People's Alcohol Action Coalition, Submission 6, p. 7.

<sup>47</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 3.

public interest, determine that an application is not to be further dealt with as a low risk application.

- 3.37 FARE noted that by providing the Director with this discretion, the proposed subsection recognises the diversity of licence applications. However, the submission expressed concerns about transparency of this discretionary decision making:

...the Director is not provided with any criteria to make such a determination, meaning there is no visibility to the community about this decision-making; the Bill would be improved by adding transparency to this process.<sup>48</sup>

- 3.38 Retail Drinks Australia acknowledged that this subsection provides a necessary safeguard, however expressed that it may also 'create uncertainty for applicants' due to the 'breadth of the discretion', recommending 'clearer guidance on the exercise of this discretion'.<sup>49</sup>

- 3.39 The NTPA flagged the potential for actual or perceived bias in decision making:

The removal of requirement to conduct public interest and community impact assessments constitutes a risk as does the absence public notifications and consultation requirements in the liquor licensing application process. It is a concern for the NTPA and its members along with members of the public but can also provide an appearance that the application could be open to bias or at least the apparent apprehension of bias from the Director of the Liquor Licensing Commission, given the absence of public scrutiny and/or notifications.<sup>50</sup>

- 3.40 The Committee notes that section 49 of the Liquor Act sets out matters that must be considered by the Commission in determining whether something is in the public interest, including minimising harm, safeguarding public order, protecting safety and increasing cultural benefits, but no similar requirements are provided in the Bill for the Director to consider.

- 3.41 In response to a question posed by the Committee regarding the factors the Director will consider in determining if something is in the public interest, the Department stated that:

Applications are assessed on their merits. Classification as low risk does not result in automatic approval. The Director may determine that an application should proceed through the standard pathway where it is in the public interest to do so.... Existing operational practices will continue to support consistent decision-making.<sup>51</sup>

### **Director's decision not reviewable**

- 3.42 Proposed subsection 52A(5) provides that the Director's decision under subsection 52A(2) not to progress an application as a low risk application if it is

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<sup>48</sup> Foundation for Alcohol Research and Education, Submission 5, p. 5.

<sup>49</sup> Retail Drinks Australia, Submission 2, p. 2.

<sup>50</sup> Northern Territory Police Association, Submission 10, p. 4

<sup>51</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 3.

in the public interest is not reviewable by the Northern Territory Civil and Administrative Tribunal (NTCAT) or the Commission.

- 3.43 Retail Drinks Australia highlighted their concerns that this subsection may reduce procedural fairness, stating:

While this would ensure it is easier for applications to be determined by the Director under the existing higher risk application thresholds, it runs the risk of reducing principles of procedural fairness. Importantly it means the determination by the Director under 52A(2) is beyond scrutiny. Retail Drinks encourages consideration of appropriate review pathways...<sup>52</sup>

- 3.44 The Committee notes that the decision not to progress an application as a low risk application is a procedural decision. This means it is a decision that would facilitate or lead to a substantive decision of the Commission under section 60 of the Liquor Act, which is reviewable by NTCAT under section 31.

- 3.45 The Department confirmed decisions made under section 52A(2) are procedural and stated that such decisions of the Director:

...do not determine whether a licence is granted or refused. Substantive licensing decisions remain subject to existing review and oversight mechanisms.<sup>53</sup>

- 3.46 The Committee notes the federal Administrative Review Council's view that preliminary decisions are unsuitable for merits review.<sup>54</sup> The reasoning for this is that:

...review of preliminary or procedural decisions may lead to the proper operation of the administrative decision-making process being unnecessarily frustrated or delayed. In the case of preliminary or procedural decisions, the beneficial effect of merits review is limited by the fact that such decisions do not generally have substantive consequences. The benefits are outweighed by the cost of potentially frustrating the making of substantive decisions.

- 3.47 The Committee notes that the Explanatory Statement does not explain these grounds for exclusion.

### **Committee's Comments**

- 3.48 The Committee acknowledges that defining low risk applications by reference to the Liquor Regulations provides flexibility and allows the risk framework to be easily adjusted. However, the Committee notes that, as drafted currently, the Liquor Regulations define low and very low risk applications broadly. On balance, the Committee finds that amendments may be made to the Liquor Regulations in the future to set out additional factors that may be considered by the Director in determining whether an application should be dealt with as low risk or not. In this instance, the Committee does not consider it necessary to amend the Bill.

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<sup>52</sup> Retail Drinks Australia, Submission 2, p. 2.

<sup>53</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 3.

<sup>54</sup> Administrative Review Council, *What decisions should be subject to merit review?* 1999, <https://www.ag.gov.au/legal-system/publications/arc-what-decisions-should-be-subject-merit-review-1999>.

- 3.49 In light of submitter concerns regarding the breadth of the Director’s discretion in deciding whether to progress an application as low risk, the Committee finds that publication of guidance on factors the Director may consider in making this determination is appropriate to ensure there is consistency and transparency in the Director’s decision making.
- 3.50 The Committee notes the Department’s advice that decisions made under section 52A(2) are procedural decisions, and such decisions are inappropriate for review. However, noting submitters concerns, the Committee considers this information should be reflected in the Explanatory Statement.

### **Recommendation 3**

**The Committee recommends that the Department develop and publish guidance on factors the Director may consider in determining whether to progress an application as low risk under section 52A to ensure there is consistency and transparency in decision making.**

### **Recommendation 4**

**The Committee recommends that the Explanatory Statement be amended to clarify that a decision by the Director under section 52A(2) is not reviewable by the Liquor Commission or the Northern Territory Civil and Administrative Tribunal on the grounds that such decisions are procedural in nature.**

## **Clause 5 – Fit and proper person test**

- 3.51 Clause 5 seeks to insert new section 5D into the Liquor Act to require the Commission to consider matters prescribed via regulations, and any other information considered relevant, when determining whether a person is a fit and proper person for the purposes of the Act. It provides that a person is not a fit and proper person if they have been found guilty of an offence under specified liquor legislation in the past 10 years,<sup>55</sup> unless the Commission considers the circumstances relating to the matter provide justification for the person to be considered a fit and proper person.
- 3.52 This amendment enacts one of the specific reform proposals of the *Saying ‘Yes’ to Business Supplementary Report*.<sup>56</sup>

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<sup>55</sup> A person is not a fit and proper person if they have been found guilty of an offence under the Liquor Act, the *Liquor Act 1978* before its repeal, or a law of the Commonwealth, a State or another Territory prescribed by regulation.

<sup>56</sup> Approvals Fast-Track Taskforce, *Saying ‘Yes’ to Business Approvals Fast-Track Taskforce Supplementary*, May 2025, <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>, p. 34

Recommendation	Specific reform proposals	Reform benefit and justification
<p><b>10. Increase confidence and certainty in regulatory approvals through improved guidance on requirements and decision-making frameworks.</b></p>	<p>10I. Introduce disqualifying offences in liquor licensing regulations to increase certainty in determining whether applicants are fit and proper.</p>	<p>Under the <i>Liquor Act 2019</i>, an applicant must be a fit and proper person. This has led to penalising and stopping younger and inexperienced applicants from entering the market. Introducing a list of disqualifying offences in regulations rather than meeting a subjective standard for being a fit and proper person will increase certainty for applicants. Reasonable criminal background checks should remain as a legislated requirement for an applicant.</p>

3.53 The Committee notes that the Liquor Act does not currently set out what specific factors make a person ‘fit and proper’. This detail is found in policy guidance.<sup>57</sup> Licensing NT guidance sets out the criteria a person ‘must’ be assessed against to determine whether they are a fit and proper person for the purpose of being granted a liquor licence, namely:

- an appreciation of the responsibilities required, and
- the character, knowledge, ability and honesty for the responsibilities of a liquor licence.

3.54 This assessment includes review of a number of factors including previous declarations of bankruptcy, arrests, summons, charges and convictions, as well as criminal history checks, referee checks and an assessment of the person’s attitude toward financial management and business responsibilities.<sup>58</sup>

3.55 The Committee further notes that despite the content of the *Saying ‘Yes’ to Business Supplementary Report*:

- The Bill amends the Act rather than Regulations
- Criminal background checks are not a legislated requirement currently and the Bill does not enact this.

3.56 In response to the Committee’s written question regarding whether Licensing NT’s current policy guidance will be updated, continue to operate as is, or be included in the regulations, the Department stated that:

The Bill introduces a clear statutory test for determining whether a person is fit and proper, set out in new section 5D. That test focuses on liquor related offences within the preceding 10 years, together with any other information the Commission considers relevant. Existing Licensing NT guidance

<sup>57</sup> NT Government, *Who can apply for a liquor licence*, <https://nt.gov.au/industry/liquor/sell-supply-serve/who-can-apply-for-a-licence>.

<sup>58</sup> NT Government, *Who can apply for a liquor licence*, <https://nt.gov.au/industry/liquor/sell-supply-serve/who-can-apply-for-a-licence>.

materials are administrative in nature and will be reviewed following passage of the Bill to ensure consistency with the amended Act.<sup>59</sup>

3.57 Hospitality NT supported clause 5, noting that it:

...provides greater certainty for applicants and regulators by codifying matters to be considered, while retaining appropriate discretion. This will assist with sales of hospitality businesses, so that buyers are aware of what the regulator will be considering.<sup>60</sup>

3.58 Other submissions proposed that the exclusions as drafted are too narrow and that a broader scope of offences should be included in the factors considered by the Commission in deciding that a person is not fit and proper, such as violent offences.<sup>61</sup> The People's Alcohol Action Coalition (PAAC) recommended that:

If the Minister wishes to prescribe further the conditions for a successful licence application, as appears is the case, we would propose that the *Liquor Act* be amended to preclude not only persons found guilty of an offence against liquor legislation in the past ten years, but also so that a person found to have breached a condition of a liquor licence in any jurisdiction, simply be barred from holding a liquor licence in the NT. Also, we suggest that a person (or corporation) convicted of any offence relating to violence, fraud or dishonesty that attracts a prison term of three months or more similarly be barred.<sup>62</sup>

3.59 In response to the Committee's question regarding the rationale for confining fit and proper person exclusions to liquor-related offences and whether consideration was given to including more offences, the Department stated the framework in the NT is 'consistent with comparable regulatory frameworks'.<sup>63</sup>

3.60 The Committee notes that the frameworks across other Australian jurisdictions vary. Other jurisdictions' legislation provide for a mix of disqualifying offences<sup>64</sup> and matters that must and/or may be taken into consideration in determining whether a person is fit and proper.<sup>65</sup>

3.61 The Committee further notes that all other jurisdictions' legislation include one or more factors that may or must be considered by the licensing body in determining whether a person is fit and proper, beyond exclusion clauses related to liquor-related offences. The Committee finds that the terminology in other jurisdiction's Acts is generally similar to the NT's current policy guidance.

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<sup>59</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 1.

<sup>60</sup> Hospitality NT, Submission 3, p. 2.

<sup>61</sup> Sam Wilks, Submission 1, p 4; and People's Alcohol Action Coalition, Submission 6, p. 3.

<sup>62</sup> People's Alcohol Action Coalition, Submission 6, p. 3.

<sup>63</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 1.

<sup>64</sup> SA (s 55 (a2) *Liquor Licensing Act 1997* and Regulation 13AA *Liquor Licensing (General) Regulations 2012*), Tasmania (s 22(1A) *Liquor Licensing Act 1990*) and NSW (s 45(5) of *Liquor Act 2007*) all provide for exclusion clauses that go beyond liquor related offence, with SA including violent offences. The ACT (s 68 of *Liquor Act 2010*) and WA (s 33 of *Liquor Control Act 1988*) provide for matters to be taken into consideration that go beyond liquor related offences.

<sup>65</sup> *Liquor Act 2007* (NSW) s 45(5A), *Liquor Act 1992* (QLD) s 107, *Liquor Licensing Act 1997* (SA) s 55(1), *Liquor Control Act 1988* (WA) s 33(6), *Liquor Licensing Act 1990* (Tas) s 22(2), *Liquor Act 2010* (ACT) s 68 and 69.

3.62 The Committee considers that the most comparable legislative framework within Australia is Victoria's framework which provides that the Victorian Liquor Commission may refuse to grant an application if the person:

- is not a suitable person
- does not have an adequate knowledge of the Act.

Without limiting the reasons why a person is not a suitable person, a person is not to be considered suitable if they have:

- been convicted in the past 3 years of supplying liquor without a licence or of supplying adulterated liquor or of an offence against any law relating to customs or excise
- in the past 3 years, engaged in activities involving the trading in or marketing of liquor in a manner contrary to the provisions of the Act.<sup>66</sup>

### **Committee's Comments**

3.63 The Committee agrees that the matters the Commission generally has regard to under section 5D(1)(b) should be publicly available and clearly laid out so that there is transparency in decision making and certainty for applicants.

3.64 The Committee considers these matters best placed in the Liquor Regulations, noting the additional layer of oversight this would provide. The Committee further notes the current drafting of proposed section 5D(1)(b) supports the ongoing use of existing guidance material by enabling the Commission to have regard to any other information it considers relevant in determining whether a person is fit and proper. The Committee considers it appropriate that this guidance is updated to reflect the changes implemented in the Bill as advised by the Department.

3.65 The Committee finds that this issue should be monitored. In view of this, the Committee recommends that, following implementation of the Bill, a review of the operation of the fit and proper person test should be undertaken.

### **Recommendation 5**

**The Committee recommends that, within 24 months of commencement of the Bill, the Department review the operation of the fit and proper person test, giving consideration to:**

- **whether the current policy's assessment criteria and the additional factors considered in the assessment process should be included in the Liquor Regulations 2019; and**
- **the legislative and regulatory frameworks in other jurisdictions.**

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<sup>66</sup> *Liquor Control Reform Act 1998* (Vic) s 44.

## Clauses 6, 7 and 18 – Material alterations

3.66 The amendments proposed to sections 10 and 19 of the Liquor Act by clauses 6 and 7 have the effect of transferring responsibility for applications and approvals for material alterations to licensed premises from the Commission to the Director. Clause 18 provides for consequential amendments to give effect to this change throughout the Act.

3.67 Material alterations are any alterations to a licensed premises referred to in section 95(1),<sup>67</sup> as outlined below:

(1) The prior written approval of the Commission is required before any of the following material alterations are made to licensed premises:

(a) a significant increase in the area of the premises used for the sale, supply, service or consumption of liquor;

(c) a change to an entrance to or an exit from the premises;

(d) a significant change to the external appearance of the premises;

(e) a significant change to the premises' facilities related to the sale, supply, service or consumption of liquor.<sup>68</sup>

3.68 These amendments enact one of the specific reform proposals of the *Saying 'Yes' to Business Supplementary Report*.<sup>69</sup>

Recommendation	Specific reform proposals	Reform benefit and justification
<p><b>8. Increase the use of delegation and discretion for low-risk decisions.</b></p>	<p>8A. Delegate decisions regarding material alterations to licensed premises, under the <i>Liquor Act 2019</i>.</p>	<p>When an existing Licensee seeks to undertake a material alteration (renovate) their licenced premises, a timely and costly administrative process is required, as well as a complex public interest and community interest test. Currently the Northern Territory Liquor Commission is required to determine the application. This reform proposes that a permanent delegation be given to the Director of Liquor Licensing for material alterations for licenced premises through section 19(d) of the <i>Liquor Act 2019</i>. Additionally, this reform proposes removing the requirement to satisfy a public interest test and community impact for material alterations, to reflect that the material alteration does not change the existing licence. Delegating decisions and removing compliance requirements will fast track administrative processes that industry incurs because of licence changes.</p>

<sup>67</sup> *Liquor Act 2019* (NT) s 4.

<sup>68</sup> *Liquor Act 2019* (NT) s95(1)

<sup>69</sup> Approvals Fast-Track Taskforce, *Saying 'Yes' to Business Approvals Fast-Track Taskforce Supplementary*, May 2025, <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>, p. 30

3.69 Hospitality NT expressed support for these clauses, finding that:

Moving responsibility from the Liquor Commission to the Director under section 10 will reduce delays for minor venue modifications, allowing businesses to respond more quickly to operational needs.<sup>70</sup>

3.70 Several other submitters did not support these clauses.<sup>71</sup> Submitters stated that decisions relating to material alterations can be significant and may 'alter the risk profile of licensed premises'.<sup>72</sup> Submitters raised concerns that the Bill's amendments reduce public scrutiny and weaken transparency, accountability and independent decision-making.<sup>73</sup>

3.71 The PAAC stated:

While there may be arguments on the part of licensees that such applications should be handled with greater efficacy, on balance we believe it is not acceptable to remove this function from the Liquor Commission. Such applications should be open to public scrutiny and also have the benefit of the experience of Liquor Commission members rather than be delegated to the Director. To do so would mean an inevitable reduction in transparency, and, most likely, in public confidence.<sup>74</sup>

The PAAC recommended that if the clause is to remain, then it should be amended to:

...put a modest monetary cap, say \$50,000, on the value of alterations that the Director acting alone would be permitted to approve, with a provision that such alterations do not significantly change either the appearance or internal structural layout of the premises.<sup>75</sup>

3.72 In response to the Committee's question regarding whether the Department considered a monetary or scope-based threshold below which the Director has authority, with more significant alterations remaining with the Commission, the Department wrote:

The Bill adopts a principles-based approach with decisions guided by risk and legislative criteria. The Director retains the ability to escalate matters to the full process where appropriate.<sup>76</sup>

3.73 The Committee notes section 97(1) of the current Liquor Act sets out factors the Commission must consider when deciding on an application to make a material alteration, including public interest and community impact requirements. Section 49 sets out the specific factors that must be considered by the Commission in meeting the requirements to consider public interest and community impact when deciding on an application for a liquor licence.

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<sup>70</sup> Hospitality NT, Submission 3, p. 2.

<sup>71</sup> Sam Wilks, Submission 1; Alcohol and Drug Foundation, Submission 4; People's Alcohol Action Coalition, Submission 6; and Northern Territory Police Association, Submission 10.

<sup>72</sup> Sam Wilks, Submission 1, p. 3.

<sup>73</sup> Sam Wilks, Submission 1, p. 3; People's Alcohol Action Coalition, Submission 6, p. 3 and Northern Territory Police Association, Submission 10, p. 3.

<sup>74</sup> People's Alcohol Action Coalition, Submission 6, p. 3.

<sup>75</sup> People's Alcohol Action Coalition, Submission 6, p. 3.

<sup>76</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 2.

3.74 However, the Committee finds the amendment to transfer responsibility for making decisions on material alterations to the Director makes it unclear whether the factors under section 49 apply to the Director.

3.75 The Committee wrote to the Department to seek clarity on this issue. The Department responded that:

The Bill transfers responsibility for deciding applications for material alterations from the Liquor Commission to the Director. The substantive considerations that apply to those decisions, including public interest and community impact requirements, remain unchanged.<sup>77</sup>

### **Committee's Comments**

3.76 The Committee notes that the Department response regarding section 97 implies that, to date, the Commission has been required to consider the public interest and community impact requirements of section 49 in deciding material alterations, and that the Director must continue to consider these requirements.

3.77 The Committee finds that this is unclear in the Bill as drafted, given the transfer of responsibility for section 97 to the Director. Therefore, the Committee recommends this issue be clarified in the Explanatory Statement.

### **Recommendation 6**

**The Committee recommends that the Explanatory Statement be amended to clarify whether the factors under section 49 apply to the Director, or any other factors the Director must consider, when considering an application to make a material alteration to licensed premises under section 97.**

## **Clause 16 – Responsible service of alcohol certificate**

3.78 Clause 16 amends section 137 of the Liquor Act to increase the period after which licensees must ensure employees complete a refresher course for their responsible service of alcohol certificate from 3 to 5 years.

3.79 This amendment enacts one of the specific reform proposals of the *Saying 'Yes' to Business Supplementary Report*:<sup>78</sup>

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<sup>77</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](#) p. 2.

<sup>78</sup> Approvals Fast-Track Taskforce, *Saying 'Yes' to Business Approvals Fast-Track Taskforce Supplementary*, May 2025, <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>, p. 27

Recommendation	Specific reform proposals	Reform benefit and justification
<b>5. Extend licence renewal periods to reduce unnecessary touchpoints with government.</b>	5C. Extend renewal periods for responsible service certificates from 3 to 5 years.	The current renewal period for Responsible service certificates creates unnecessary administrative burden on licenced businesses in managing their employees. Amending section 137(1)(b) of the <i>Liquor Act 2019</i> to extend the renewal period from 3 to 5 years will reduce the renewal cycle and administrative burden for employees and businesses.

3.80 Hospitality NT supported this clause based on it reducing ‘administrative duplication’.<sup>79</sup>

3.81 Other submitters raised concerns that lengthening the refresher period will weaken competency requirements tied to harm minimisation.<sup>80</sup> Elizabeth Creed stated:

...the outcome of extending the period for refresher training from 3 years to 5 years is likely to be inadequately trained staff without the current knowledge to enable them to undertake their work safely and professionally while dealing with a wide range of people in what can often be a volatile environment, especially in locations which have been classified as high risk and very high risk.<sup>81</sup>

3.82 The Department advised in the public briefing that this change aligns with New South Wales (NSW).<sup>82</sup>

3.83 Elizabeth Creed argued that NSW has more stringent requirements, including ‘a practical demonstration of skills ... via video from a suitable physical simulated environment’.<sup>83</sup> However, the Committee notes that the information publicly available from the NSW Government states that the Responsible Service of Alcohol refresher course is a 60-90 minute online course with a multiple-choice assessment at the end.<sup>84</sup> NSW does issue a ‘competency card’ which includes a photo.<sup>85</sup>

<sup>79</sup> Hospitality NT, Submission 3, p. 3.

<sup>80</sup> Sam Wilks, Submission 1, p. 4; and Elizabeth Creed, Submission 11, p. 5.

<sup>81</sup> Elizabeth Creed, Submission 11, p. 5.

<sup>82</sup> Legislative Scrutiny Committee, Public Briefing Transcript – Inquiry into the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026, Department of Tourism and Hospitality, Darwin, 24 March 2026, [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0017/1604402/Corrected-Transcript-Public-Briefing-Serial-62-Tuesday-24-March-2026.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0017/1604402/Corrected-Transcript-Public-Briefing-Serial-62-Tuesday-24-March-2026.pdf), p. 3.

<sup>83</sup> Elizabeth Creed, Submission 11, p. 5.

<sup>84</sup> NSW Government, *Responsible Service of Alcohol (RSA) training*, <https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/training/rsa>.

<sup>85</sup> NSW Government, Get or renew a competency card, <https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/training/competency-cards>.

- 3.84 The Department noted during the public briefing that some jurisdictions such as Queensland, Western Australia, South Australia and Tasmania have no renewal period.<sup>86</sup>
- 3.85 In a written response to the Committee, the Department outlined the reasons for this amendment:
- The amendment reflects the Approvals Fast-Track Taskforce recommendations and reduces administrative burden.....Responsible service obligations remain unchanged, and licensees are required to ensure staff are appropriately trained.<sup>87</sup>
- 3.86 The PAAC highlighted that ‘There is no reason offered’ in the Explanatory Statement for increasing the refresher period.<sup>88</sup>

### **Committee’s Comments**

- 3.87 Considering the interjurisdictional context, the rationale provided by the Department and the alignment with the *Saying ‘Yes’ to Business Supplementary Report*, the Committee finds that the amendment is reasonable. However, the Committee acknowledges submitters’ concerns that there is no rationale provided in the Explanatory Statement for the extended renewal period from 3 to 5 years. The Committee considers this information should be included in the Explanatory Statement.

### **Recommendation 7**

**The Committee recommends that the Explanatory Statement be amended to include an explanation of the rationale for extending the period for refresher training for a responsible service of alcohol certificate from 3 years to 5 years.**

### **Explanatory Statement**

- 3.88 A number of submissions raised issues with the clarity and quality of the Explanatory Statement.<sup>89</sup>
- 3.89 Sam Wilks found that the explanation provided for clause 23 could create confusion, as it could be read to mean that decisions under section 52A(2) are reviewable by NTCAT.<sup>90</sup>
- 3.90 As referred to previously, the Committee notes that the Explanatory Statement does not explain the grounds for excluding decisions of the Director under

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<sup>86</sup> Legislative Scrutiny Committee, Public Briefing Transcript – Inquiry into the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026, Department of Tourism and Hospitality, Darwin, 24 March 2026, [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0017/1604402/Corrected-Transcript-Public-Briefing-Serial-62-Tuesday-24-March-2026.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0017/1604402/Corrected-Transcript-Public-Briefing-Serial-62-Tuesday-24-March-2026.pdf), p. 3.

<sup>87</sup> Department of Tourism and Hospitality, Answers to Written Questions, 14 April 2026, [From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0017/1604402/From-Department-of-Tourism-and-Hospitality-Responses-to-Written-Questions-Liquor-Amendment-Bill-Serial-62-14-April-2026.pdf) p. 4.

<sup>88</sup> People’s Alcohol Action Coalition, Submission 6, p. 6.

<sup>89</sup> Sam Wilks Submission 1; Alcohol Action Coalition, Submission 6; and Northern Territory Police Association, Submission 10.

<sup>90</sup> Sam Wilks Submission 1, p. 3.

proposed section 52(A) from NTCAT review or the reasons for extending the responsible service of alcohol certificate refresher period from 3 to 5 years.

- 3.91 The Committee finds that the notes for each clause tend to simply restate the amendments without any explanatory detail on the intended effect of the clause or the reason for its inclusion in the Bill. Additionally, the general outline does not mention that both the Liquor Regulations and the Liquor Commission Act are amended by the Bill.
- 3.92 The Committee refers to the *NT Government Legislation Handbook* which states that Explanatory Statements are designed to assist both Members of the Legislative Assembly and members of the public to gain a thorough understanding of the legislation:

The Explanatory Statement explains the general intent of the Bill and describes the purpose of each clause of the Bill. It is to more than merely paraphrase the clauses of the Bill; it should explain the policy purpose of each clause and what the effect of the Bill would be if passed. ... The sponsoring Minister uses the Explanatory Statement as a reference document in the Consideration in Detail Stage debate on the Bill. ... the courts may refer to the Explanatory Statement to help ascertain the intent of the legislation in the event of related litigation or prosecution action, so it is critical the material in the Explanatory Statement is clear and comprehensive.<sup>91</sup>

- 3.93 The Committee notes that the Explanatory Statement is a document that may be used by a court to interpret the legislation.<sup>92</sup>

### **Committee's Comments**

- 3.94 Based on the guidance outlined in the *NT Government Legislation Handbook* and given that Explanatory Statements may be referred to in a court, the Committee is of the view that the Bill's Explanatory Statement should be amended to provide more detail and clarity regarding the operation of the clauses.

### **Recommendation 8**

**The Committee recommends that the Explanatory Statement be amended to:**

- **update the general outline to explain that the Bill amends the *Liquor Act 2019*, the *Liquor Regulations 2019* and the *Liquor Commission Act 2018*; and**
- **clarify that the effect of clause 23 is to exclude determinations made under proposed section 52A(2) from review by the Northern Territory Civil and Administrative Tribunal.**

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<sup>91</sup> Northern Territory Government, *Northern Territory Government Legislation Handbook*, (unpublished), Northern Territory Government, Darwin, December 2024, pp. 14-15.

<sup>92</sup> *Interpretation Act 1978* (NT), s 62B(2)(e).

## **Other issues**

3.95 Some submissions raised issues and proposed amendments that did not relate to a particular clause of the Bill.

3.96 Retail Drinks Australia recommended:

- the Liquor Regulations should be amended to increase the cap on alcohol sales in grocery stores and lower reporting requirements
- the Liquor Act should be amended to remove the moratorium on new takeaway licences
- trading restrictions, including Sunday trading limitations, should be reviewed
- there should be additional support for enforcement measures and stronger protections for retail worker.<sup>93</sup>

3.97 FARE recommended:

- Additional resources should be provided to support members of the public to navigate and engage with the liquor licence application process.<sup>94</sup>

### **Committee comments**

3.98 The Committee considers these issues go beyond the scope of the Bill.

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<sup>93</sup> Retail Drinks Australia, Submission 2, p. 3.

<sup>94</sup> Foundation for Alcohol Research and Education, Submission 5, p. 4.

# Appendix 1: Submissions Received

## Submissions Received

1. Sam Wilks
2. Retail Drinks Australia
3. Hospitality NT
4. Alcohol and Drug Foundation
5. Foundation for Alcohol Research and Education
6. People's Alcohol Action Coalition
7. Association for Alcohol and Other Drug Agencies Northern Territory
8. North Australian Aboriginal Justice Agency
9. Aboriginal Medical Services Alliance Northern Territory
10. Northern Territory Police Association
11. Elizabeth Creed

**Note:** Copies of submissions are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/62-2026>

## Appendix 2: Public Briefing

### **Public Briefing – Darwin, 24 March 2026**

#### ***Department of Tourism and Hospitality***

- Melissa Garde: Executive Director, Liquor, Racing and Gaming

**Note:** A copy of the public briefing transcript is available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/62-2026>

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Explanatory Statement, Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 (Serial 62), <https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=6CE0E09B61304C3FB545FB534F0A059C&amp%3B z=z>.

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Hon Marie-Claire Boothby, Minister for Tourism and Hospitality, *Draft Daily Hansard – Day 5 – 18 March 2026*, <https://territorystories.nt.gov.au/10070/1030209>.

*Liquor Act 1992* (QLD)

*Liquor Act 2007* (NSW)

*Liquor Act 2010* (ACT)

*Liquor Act 2019* (NT)

*Liquor Control Act 1988* (WA)

*Liquor Control Reform Act 1998* (Vic)

*Liquor Licensing Act 1990* (TAS)

*Liquor Licensing Act 1997* (SA)

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# Dissenting Report – Justine Davis MLA

## Justine Davis MLA *Independent Member for Johnston*

Alawa - Jingili - Millner - Moil

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29/04/26

Dear Chair and Members of the Legislative Scrutiny Committee,

### **Re: Liquor Legislation Amendment (Fast Track Approvals) Bill 2026**

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat in examining this Bill and presenting a report to the Legislative Assembly. I also acknowledge all individuals and organisations who provided submissions to the inquiry.

As reflected in the Committee’s report, the Inquiry received 11 submissions, the majority of which raised substantive concerns about the Bill. These concerns were consistent across public health organisations, Aboriginal peak bodies, policing representatives, and community stakeholders.

The evidence before the Committee raises serious questions as to whether the Bill, in its current form, maintains the balance between regulatory efficiency and harm minimisation that underpins the *Liquor Act 2019*. For this reason, I provide this dissenting report to further address the critical issues raised in submissions.

### **Inadequate Consultation and Timeframes**

A number of submitters raised concerns regarding the limited consultation process. The seven-working-day submission period was identified as insufficient, particularly given the complexity and potential impact of the reforms.

This concern was compounded by the composition of the government’s “Approvals Fast-Track Taskforce”, which consisted primarily of industry stakeholders, excluding public health experts and Aboriginal organisations—the representative bodies of those most directly impacted by alcohol-related harm—from early-stage consultation.

While the Department advised that consultation occurred with the Department of Health and NT Police during drafting, and that briefings were provided to key stakeholders after the Bill’s introduction, this does not substitute for meaningful, early-stage consultation. Submitters emphasised that consultation on liquor law reform should occur over longer timeframes, with proper opportunity for community and public health input.



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**Recommendation:** *The Bill should be amended to require that significant reforms to the operation of the Act are subject to consultation processes that:*

- *Include public health organisations, Aboriginal representative bodies, and community stakeholders; and*
- *Occur over a reasonable minimum timeframe.*

### Low Risk Applications and Removal of Safeguards

The central reform in the Bill is the introduction of a fast-track pathway for “low risk” applications, including the removal of public interest, community impact, and public notification requirements.

Submitters consistently emphasised that risk cannot be determined solely by licence category and that contextual factors such as location, trading patterns, patron mix, and cumulative impacts are critical to assessing risk. In its current form, the Bill permits applications to be treated as low risk without requiring a structured, evidence-based assessment of these factors.

**Recommendation:** *The Bill should be amended to require that any determination of “low risk” status:*

- *Is based on consideration of the location and surrounding community, the cumulative impact of existing licences, the trading model and hours, and relevant indicators of alcohol-related harm; and*
- *May only be made where the decision-maker is satisfied that granting the application will not increase alcohol-related harm.*

### Removal of public notification

The removal of public notification and community impact assessment processes was identified as a significant weakening of safeguards. Submitters emphasised that these mechanisms enable local knowledge to inform decision-making and allow risks to be identified early. Evidence before the Committee indicates that removing these processes does not eliminate risk, but rather shifts the burden to post-approval enforcement and complaint mechanisms.



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**Recommendation:** *The Bill should be amended to retain the following for all applications, including those classified as low risk:*

- *The public interest test;*
- *Community impact assessments; and*
- *Public notification requirements.*

### **Transparency, Discretion and Review**

The Bill grants the Director of Liquor Licensing NT broad discretion to determine whether an application proceeds as low risk, without prescribed criteria and without access to merits review. Submitters raised concerns about both transparency and procedural fairness, noting the lack of visibility in decision-making and the potential for real or perceived bias in the absence of public scrutiny.

The Department claims that because these decisions are just 'procedural,' they shouldn't be subject to review. While relying on this legal technicality might be valid, the practical effect is that it completely shields the Director's choices from public scrutiny and accountability.

The current arrangements whereby the Liquor Commission has the power to delegate what they consider to be low risk applications to the Director is appropriate and already provides a "Fast Track" route for businesses.

The Bill removes the step of Commission oversight. That is undesirable: in some cases, a material alteration is so substantial that in effect it amounts to an application for a whole new licence. In those cases, the application should be dealt with by the Commission, applying the public interest and community impact tests.

The separation between the Liquor Commission, as an independent body, and the Director and Department, with responsibility for compliance and enforcement activities, is designed for fairness, transparency and community confidence in the decision-making processes and should be protected.

**Recommendation:** *The Bill should be amended to:*

- *Prescribe clear statutory criteria guiding the exercise of this discretion; and*



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- Provide that decisions to classify applications as low risk are subject to merits review.

*These amendments are necessary to ensure that decision-making remains transparent, accountable, and consistent.*

### Alcohol-Related Harm and Policing Impacts

A consistent theme across submissions was concern that the Bill shifts the system from a preventative to a reactive model. Submitters warned that removing safeguards may increase exposure to alcohol-related harm, while policing stakeholders identified increased pressure on enforcement systems. The cumulative effect of these changes is likely to increase reliance on compliance and enforcement, rather than reducing overall harm.

**Recommendation:** *If the fast-track pathway is to be retained, the Bill should be amended to include additional safeguards, including mandatory review of approvals within 12 months.*

### Fit and Proper Person Test

Clause 5 introduces a statutory “fit and proper person” test. Submitters raised concerns that the proposed framework is too narrow; limiting disqualification primarily to liquor-related offences fails to capture broader conduct relevant to risk, including violence, fraud, and dishonesty. Submitters also highlighted the lack of transparency in how discretionary factors will be applied. Further, key criteria currently remain in administrative guidance rather than legislation.

**Recommendation:** *The Bill should be amended to:*

- Expand the criteria to include broader criminal history, financial management, character, and integrity; and
- Require that these criteria are prescribed in legislation or regulation.

*This would improve both transparency and effectiveness.*

### Responsible Service of Alcohol (RSA)

Clause 16 extends the RSA refresher period from three to five years. Submitters raised concerns that this may weaken staff competency in high-risk environments. The Department



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advised that this aligns with New South Wales. However, the Northern Territory operates in a fundamentally different context, including significantly higher rates of alcohol-related harm.

I note the Committee's Recommendation 7, which asks the Department to amend the Explanatory Statement to include an explanation of the rationale for extending this refresher period. However, simply explaining the rationale after the fact does not mitigate the underlying risk to our community. In the absence of Territory-specific evidence justifying this reduction in training frequency in our high-risk environment, I do not consider the Committee's recommendation sufficient.

**Recommendation:** *Clause 16 should be amended to retain the current three-year RSA refresher requirement.*

## Conclusion

In particular, the removal of preventative safeguards, the breadth of administrative discretion, and the reduction in transparency and review mechanisms risk weakening the regulatory framework designed to protect the community. I am not persuaded that these risks can be adequately addressed through post-implementation reviews.

To ensure a balance between efficiency and harm minimisation, I believe the recommendations outlined throughout this report would strengthen the Bill by protecting Territorians while still enabling it to achieve its aim.

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