

31 July 2026

Committee Secretariat, Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
Via email LSC@nt.gov.au

Dear Secretariat

Re: Inquiry into the Liquor Amendment Bill 2026

The Alcohol and Drug Foundation (ADF) is Australia's leading alcohol and other drug harm prevention organisation. In the Northern Territory, ADF works in collaboration with government, health services, researchers and the community to promote policies and regulatory settings that prioritise public health, harm minimisation, and community safety. ADF has prepared this submission with the North Australian Aboriginal Justice Agency (NAAJA). NAAJA is the provider of legal aid services to Aboriginal people in the Northern Territory, and a nationally and internationally recognised leader in legal and policy advocacy on matters relating to the interests of Aboriginal people including housing, employment and welfare, youth detention, alcohol, and health.

ADF and NAAJA write in response to item 3(b)(iii) of the Committee's [terms of reference](#) and in summary are concerned that the [Liquor Amendment Bill 2026](#) has insufficient regard to the rights and liberties of individuals.ⁱ

ADF and NAAJA extend our support to the submissions on this bill from FARE, AADANT and AMSANT, including on the transition of Interim Alcohol Protected Areas into General restricted Areas. As submissions have noted, the lack of meaningful engagement in the development of the bill and truncated time for scrutiny and review compromises public health and safety benefits of the reforms.

Recommendation

ADF and NAAJA urge the Committee to pause consideration of the bill until such time as a public health focused, consultative review of the proposed amendments has occurred.

If Parliament proceeds, ADF and NAAJA recommend amending the Bill to introduce appropriate safeguards: retain the current 14-day police-issued limit; exclude children and require consideration on

ⁱ The rights engaged by this bill include individual liberty, freedom of movement and participation in community and cultural life as protected by the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. The bill also engages the rights of Indigenous people, as protected by United Nations Declaration on the Rights of Indigenous Peoples; and the rights of the child as protected by the Convention on the Rights of the Child.

whether the notice will cause hardship; require stronger links between the notice, proven or charged offending and alcohol-related risk; provide review rights and independent oversight; broaden essential-purpose exemptions; and fund additional health, housing and social supports in high-risk areas.

Rationale

If the proposed amendments proceed, banning notices will have an outsized effect on individuals and the community that is not justified by any evidence of the effectiveness of banning notices.

What are banning notices and how will the proposed amendments change the scheme?

Banning notices were established in the Northern Territory as a short term discretionary-based protective measure. [The bill](#) proposes to increase the duration of notices to 90 days. In addition:

- Clause 23 expands additional 'applicable offences'. The additional offences are listed in the Appendix of this submission, and include minor (for example, shoplifting) and serious (indecent touching) offences, and breach of a domestic violence order.
- Clause 25 includes additional 'specified essential purposes' for entering or remaining in a high risk area – to attend a 'health care facility or another place to receive medical treatment' or to access 'a government service'.

The current provisions

Under section 212 of the [Liquor Act 2019 \(NT\)](#), a police officer may issue a banning notice for 14 days which restricts entry to a declared 'high risk area' if the police officer reasonably believes:

- The person has committed, or is committing, an applicable offenceⁱⁱ in a high-risk area,ⁱⁱⁱ and is likely to continue offending. The scheme does not require that an offence has in fact been committed.
- The notice is necessary to prevent alcohol-related violence or further offending in that area. The scheme does not require evidence that the banned person was intoxicated at the time of the offence or suspected offence.

The Act identifies certain 'specified essential purposes' for which a banned person may enter the high-risk area.^{iv} Under the Act, longer exclusions (for up to a year) may be made by a court.^v

There is no evidence that the provisions are effective and that the changes will increase their effectiveness.

The [explanatory statement](#) notes that the proposed changes are necessary to increase the effectiveness of notices, however there is no evidence presented as to:

ⁱⁱ Applicable offences are set out in section 209 of the Act.

ⁱⁱⁱ Section 210 of the Act empowers the Minister to declare an area to be a high risk area. At 29 July 2026, areas declared as high risk are Darwin CBD and various other Darwin areas and Palmerston including the Palmerston CBD), the Casuarina area (which includes the Casuarina Shopping Square, Library, Plaza, Swimming Pool, Police Station, and St John Ambulance); Katherine CBD; Tennant Creek CBD; and Central Australia CBD. Currently declared areas are listed on the NT Government website [Banning notice | NT.GOV.AU](#).

^{iv} Currently, the essential purposes specified in section 215 of the Act are for residing in or attending the person's usual place of residence or work.

^v Exclusion orders are dealt with under Part 9, Division 4 of the Act.

- the effectiveness of the current 14-day maximum, or how the extended duration is expected to increase the effectiveness of the provisions. Public reporting on the provisions show that the notices appear to be operating as designed – for example, very few people are issued with more than one banning notice;(1)
- whether issuing banning notices in respect of the existing and proposed applicable offences are achieving their objective; or
- whether the effect of the banning notices provisions could be expected to have an adverse effect on individuals or the community.

Data on the use of banning notices – 2023-2025(1, 2)

- In 2024-25, 104 people received one banning notice, and one person received two banning notices. In 2023-24, 206 people received one banning notice, and 11 people received two notices.
- In 2024-25, 87% of notices were issued to people who identified as Aboriginal (13% not stated). In 2023-24, 72% of notices were issued to Aboriginal persons, and 7% were issued to non-Aboriginal persons (20% not stated).
- In 2024-25, 2 notices were issued to children, and in 2023-24, 11 notices were issued to children.
- The most commonly issued orders were made in respect of applicable summary offences.^{vi} Offence categories were not recorded in 20% of notices in 2024-25 and 13% of notices in 2023-24.

There is little published evidence on the effectiveness of banning notices, other than in relation to a much more limited, notice model directed at behaviour on or in the immediate surrounds of licenced premises. Evidence for these 'on-and-around premises' notices is mixed, with some research from Western Australia indicating patron bans can be useful, although not for 'prolific offenders'. However, the evidence is variable across Australia – for example, a study in Victoria found that in the short term (2 years) there was a significant increase in anti-social offending after receiving a ban compared to before.(3)

The lack of evidence creates questions as to the legitimacy and proportionality of the provisions.

The proposed amendments will have a negative effect on the community, with disproportionate effects for Aboriginal communities, young people and people who have underlying health and social needs

Whether the bill is consistent with the Committee's term of reference 3(b)(iii) requires consideration of the impact of the amendments on the community and whether they are proportionate, and are accompanied by safeguards against arbitrariness.

Currently, the overwhelming majority of banning notices are made in respect of Aboriginal people.(1) This indicates that the scheme does not operate neutrally in practice and that any expansion of the scheme is likely to further entrench discriminatory impacts.

While the inclusion of family violence breaches in applicable offences is intended as a protective measure, the complexities of the operation of family violence laws create a risk of unintended and perverse effects which could include, for example, preventing access to essential supports, or preventing a victim-survivor from moving through a high risk area for their safety. This is both an equity and operational issue for police, health and social services.

^{vi} The Act does not require that an offence has been committed, only that police have a reasonable belief that a relevant offence has occurred.

Banning notices can and are made in relation to children and young people. Young people, including those who are experiencing homelessness and other forms of disadvantage, will be disproportionately affected by the provisions, either by way of being the subject of a notice, or by experiencing effects that flow from their parents being the subject of a notice. This has immediate and downstream negative effects on the health and safety of young people.

In addition, elements of the bill that expand the reach of the banning notice provisions may exacerbate difficulties in accessing services and entrench and/or drive homelessness and service demand by excluding people from supports and compounding existing issues. This is contrary to Government policy commitments to take a preventive approach to homelessness.

NT Homelessness Strategy 2025-2030

5.6 % of Territorians experience homelessness, disproportionately affecting Aboriginal people. The Strategy notes that services are unable to meet demand, particularly in East and West Arnhem, Barkly and Big Rivers regions and in underserved locations including Tennant Creek.(4)

Through the Strategy the Government has committed to adopting a preventive approach to homelessness, supporting people at risk of homelessness to access and maintain stable housing through early intervention with access to appropriate services, increased access to income, greater self-reliance and community connections.(5)

Amendments are likely to drive criminal justice demand

Existing provisions and proposed amendments include applicable offences that are minor in nature (such as shoplifting), do not require commission of an offence, or evidence of intoxication. In addition to creating a potentially wide reach of discretionary powers, given breach of a notice is an offence, this is likely to create additional demand on criminal justice services which would not otherwise arise.

Additional safeguards are needed

Discretionary powers that limit the exercise of rights should be subject to safeguards.

The primary safeguard in the Act is to preserve access by a banned person to their usual place of residence or work, and the proposed amendments sensibly extends this to accessing a health service to receive medical treatment or to visit a "government service".

However, there remain significant limitations on a person's access to education, social services, transport, social support, cultural and community connection, public facilities (particularly important for those who may be experiencing homelessness or unstable housing), shopping for everyday necessities, and access to supports from non-government organisation-delivered services, such as free community meals. As noted in the submission to this Inquiry by AADANT, this may create unintended consequences, particularly in regional centres where shopping options are limited and essential services are concentrated within restricted areas. This would increase the likelihood of further enforcement action without achieving the objectives of the proposed amendment.

ADF and NAAJA recommend the provisions in the bill relating to banning notices are paused until an independent review of the scheme, including consultation with affected communities and community member, is conducted.

Alternatively, Parliament should ensure that banning notices operate in a way that is as least restrictive to human rights by adopting additional safeguards which could include:

- retaining the existing 14-day limit, permitting longer exclusions only by order of the court, or (such as in Queensland, where banning notices may be extended for up to 3 months) allowing for review of notices^{vii}
- requiring for longer notice periods that an offence has been committed, that a charge in relation to the offence has been laid, and evidence that the offending was alcohol-related
- expanding safeguards to include a broader range of places and purposes for which a person who is the subject of a notice may move in the relevant community
- excluding young people from the operation of the scheme and requiring consideration the potential of the notice to cause undue hardship to the banned person or a family member
- providing for independent statutory review of the scheme in line with objectives determined in consultation with the community
- introducing complementary public health measures including increasing the availability of health and social services in high-risk areas, to maximise opportunities for addressing the drivers of offending and antisocial behaviour.

Conclusion

ADF and NAAJA urge the Committee to pause consideration of the bill until such time as a public health focused, consultative review of the proposed amendments has occurred.

We extend our full support to the submissions on this bill from FARE, AADANT and AMSANT relating to the bill, including on the transition of Interim Alcohol Protected Areas into General restricted Areas and the need for a comprehensive community engagement strategy and long-term investment to address the drivers of harmful alcohol use.

As submissions have noted, the lack of meaningful engagement in the development of the bill and truncated time for scrutiny and review compromises public health and safety benefits of the reforms.

Sincerely,

Sally Underdown and Amy Herbert

Northern Territory Manager; Manager, Policy and Engagement

Alcohol and Drug Foundations

E sally.underdown@adf.org.au; amy.herbert@adf.org.au

Shahleena Musk

Manager, Strategic Policy

North Australian Aboriginal Justice Agency

E shahleena.musk@naaja.org.au



^{vii} See Chapter 19 of the *Police Powers and Responsibilities Act 2000* (Qld).

References

1. Northern Territory Police. Annual Report 2024-2025, Northern Territory Police, Banning notices and exclusion orders in high risk areas, Section 233, Liquor Act 2019. Darwin, NT: Legislative Assembly of the Northern Territory; 2025.
2. Northern Territory Police. Annual Report 2024-2025, Northern Territory Police, Banning notices and exclusion orders in high risk areas, Section 233, Liquor Act 2019. In: Legislative Assembly of the Northern Territory, editor. Darwin, Northern Territory 2024.
3. Farmer C, Taylor N, Baldwin R, Miller PG. Police-issued barring notices in Western Australia: An analysis of the type, seriousness and trajectory of associated offences. Drug and Alcohol Review. 2024;43(7):1676–85.
4. Department of Children and Families NTG. Background Paper, Northern Territory Homelessness Strategy 2025-2030. Darwin, Northern Territory 2025.
5. Department of Children and Families NTG. Northern Territory Homelessness Strategy 2025-2030. 2025.

Appendix

Table 1: Proposed additional offences, [Liquor Amendment Bill 2026](#)

Act	Section	Title / offence description
Criminal Code	69	Going armed in public
Criminal Code	166	Threats to kill
Criminal Code	174F	Driving motor vehicle causing death or serious harm
Criminal Code	174FA	Hit and run
Criminal Code	174FB	Dangerous driving during pursuit
Criminal Code	180A	Endangering occupants of vehicles and vessels
Criminal Code	196	Deprivation of liberty
Criminal Code	208HC	Indecent touching or act - without consent
Criminal Code	217	Theft
Criminal Code	218	Robbery
Criminal Code	224	Damaging or interfering with property as trespasser
Criminal Code	227	Shoplifting
Criminal Code	241 (1)	Damage to property (intentional or reckless)
Criminal Code	241 A	Ram-raid
Weapons Control Act 2001	6(e)	Prohibited weapons, bring in, possess, use, carry, manufacture, purchase, display
Domestic and Family Violence Act 2007	120	Contravention of DVO by defendant