



Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Liquor Amendment Bill 2026

August 2026



Inquiry into the Liquor Amendment 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 Amendment Bill 2026 (Serial 71). The Bill seeks to amend the *Liquor Act 2019* to make targeted amendments that streamline and improve liquor licence and authority processes, to reform alcohol protection provisions and transition Interim Alcohol Protected Areas into General Restricted Areas, and to strengthen the Act's banning notice scheme.

The Committee received 13 submissions, with mixed views presented. Following examination of the Bill and evidence presented, the Committee has recommended that the Assembly pass the Bill with some amendments.

Firstly, the Committee considered the Bill's amendment of section 113 of the Act which deals with the Liquor Commission's power to vary licence or authority conditions on its own initiative. The Committee found that the provision of the Bill as drafted makes it unclear whether the current requirement for the Commission to consider the community impact and public interest requirements, as set out in section 49 of the Act, is retained. Therefore, the Committee recommends that clause 16 of the Bill be amended so that proposed section 113(1A) explicitly provides that the community impact and public interest requirements must be taken into consideration by the Liquor Commission in determining whether to vary the conditions of a licence or authority on its own initiative.

Secondly, the Committee considered amendments to the banning notice scheme which seek to extend the maximum period of a banning notice from up to 14 days to up to 90 days, and provide additional reasons by which a person is not prevented from entering a banned area including attending a health care facility, receiving medical treatment or accessing a government service. This is in addition to the existing reasons of attending work or residing in a person's usual place of residence.

In light of evidence that residents of remote areas may face difficulties accessing services after receiving a banning notice, the Committee recommends that the Bill be amended to allow a person to enter a banned area for the purpose of accessing essential services or attending another location where appropriate, as authorised by police. To ensure clarity of this amendment, the Committee recommends that examples be included in the Bill of 'another place in appropriate circumstances'. Additionally, the Committee recommends that the Department review the operation of the banning notice scheme within 3 years of commencement.

Lastly, the Committee found that the Bill's Explanatory Statement would benefit from amendment to improve its clarity and comprehensiveness. The Committee therefore recommends that a supplementary Explanatory Statement be tabled which addresses the issues outlined throughout the report.

On behalf of the Committee, I would like to thank all those that took the time to provide submissions to the Committee's inquiry. I also thank my fellow Committee members for their bipartisan commitment to the legislative review process.



Oly Carlson, MLA
Chair

Committee Members

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Acknowledgments

The Committee acknowledges all those who provided written submissions to its inquiry and thanks them for their contribution.

Acronyms and Abbreviations

the Act	<i>Liquor Act 2019 (NT)</i>
ADF	Alcohol and Drug Foundation
AADANT	Association of Alcohol and other Drug Agencies Northern Territory
the Commission	Liquor Commission
the Committee	the Legislative Scrutiny Committee
Congress	Central Australian Aboriginal Congress
CAP	Community alcohol plan
the Department	Department of Tourism and Hospitality
the Director	the Director of Liquor Licensing
FARE	Foundation for Alcohol Research and Education
GRA	General restricted area
IAPAs	Interim alcohol protected areas
Liquor Regulations	Liquor Regulations 2019
LGANT	Local Government Association of the Northern Territory
NAAJA	North Australian Aboriginal Justice Agency
NTPA	Northern Territory Police Association
PAAC	the People's Alcohol Action Coalition
SDA NT	Shop, Distributive and Allied Employee's Association – SA/NT Branch

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 Amendment Bill 2026 with the proposed amendments set out in recommendations 2 to 4.

Recommendation 2

The Committee recommends that clause 16 of the Bill be amended so that proposed section 113(1A) provides:

The Commission may only vary the conditions of a licence or authority under subsection (1) if the Commission, considering the community impact and public interest requirements, is satisfied that the variation is:

- (a) necessary to prevent or minimise a risk of harm to the community; or
- (b) in the public interest.

Recommendation 3

The Committee recommends that proposed section 215(3)(c) be amended so that a banned person may also enter or remain in a high risk area for the purpose of:

- accessing essential services; or
- attending another place in appropriate circumstances as determined by the police.

Recommendation 4

The Committee recommends that, subject to the adoption of Recommendation 3, examples be included in proposed section 215(3)(c) of 'another place in appropriate circumstances'.

Recommendation 5

The Committee recommends the Department review the operation of the banning notice scheme within 3 years after commencement.

Recommendation 6

The Committee recommends that a supplementary Explanatory Statement be tabled which addresses the issues raised throughout this report.

1 Introduction

Introduction of the Bill

- 1.1 The Liquor Amendment Bill 2026 - Serial 71 (the Bill) was introduced into the Legislative Assembly by the Minister for Tourism and Hospitality, the Hon Marie-Clare Boothby, MLA, on 23 July 2026. The Legislative Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 20 August 2026.¹

Conduct of the Inquiry

- 1.2 On 24 July 2026, the Committee called for submissions by 31 July 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 13 submissions.

Outcome of Committee's Consideration

- 1.3 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.
- 1.4 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 with the proposed amendments set out in recommendations 2 to 4, and implementation of recommendation 5 and 6.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Liquor Amendment Bill 2026 with the proposed amendments set out in recommendations 2 to 4.

Report Structure

- 1.5 Chapter 2 provides an overview of the purpose of the Bill as contained in the Explanatory Statement and provides background information to give context to the Bill.

¹ Hon Marie-Clare Boothby, Minister for Tourism and Hospitality, Draft Daily Hansard – Day 3 - 23 July 2026, <https://territorystories.nt.gov.au/10070/1043080/0>, p. 6.

- 1.6 Chapter 3 considers the main issues raised in evidence received and as noted by the Committee.

2 Overview of the Bill

Purpose of the Bill

2.1 As noted in the Explanatory Statement, the Bill amends the *Liquor Act 2019* (NT) (the Act), with the purpose to:

- make targeted amendments to...improve the Act's effectiveness, operational clarity and alignment with contemporary regulatory practice;
- modernise liquor licensing administration by streamlining processes, strengthening compliance and enforcement capability, and reducing unnecessary regulatory burden; and
- reform alcohol protection provisions by transitioning Interim Alcohol Protected Areas into the General Restricted Area framework and establishing a clear mechanism for communities to seek variation or revocation of that status.²

2.2 The Bill also makes a minor amendment to the Alcohol Harm Reduction Regulations 2017.

Background to the Bill

2.3 This Bill implements or partially implements a handful of recommendations of the *Three Year Review of the Liquor Act 2019*.³

2.4 Liquor legislation has recently been amended through 4 other Bills:

- The Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 which introduced a fast-track approval process for certain low-risk liquor licence authorities, clarified the criteria for determining whether a person is a fit and proper person and amended public notice and community impact requirements for low-risk applications.⁴
- The Alcohol Harm Reduction Amendment (Banned Drinker Orders) Bill 2025 which increased the length of 7-Day Banned Drinker Orders issued by police to 28 days.⁵
- The Liquor Legislation Further Amendment Bill 2024 which:
 - created 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

² Explanatory Statement, Liquor Amendment Bill 2026 (Serial 71), https://parliament.nt.gov.au/data/assets/pdf_file/0010/1624861/Explanatory-Statement-Liquor-Amendment-Bill-2026.pdf, p. 1.

³ NT Government, Department of the Chief Minister and Cabinet, [Three Year Review of the Liquor Act 2019](#), (2023). See recommendations related to: outdated provisions relating to the licensing framework; fees; transfer of licence; high risk areas, banning notices and exclusion orders; and emergency and other powers.

⁴ Explanatory Statement, Liquor Legislation Amendment (Fast Track Approvals) Bill 2026 (Serial 62), https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?_id=6CE0E09B61304C3FB545FB534F0A059C&_z=z, p. 1.

⁵ 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.

- clarified and supported existing police powers to authorise the issuing of infringement notices for offences in an interim alcohol protected area.⁶
 - The Liquor Legislation Amendment (Repeal of Minimum Pricing) Bill 2024 which repealed Part 5 of the Liquor Act relating to the Minimum Unit Price.⁷
- 2.5 Currently, section 170A of the Act provides for the establishment of interim alcohol protected areas (IAPAs). The IAPAs were introduced on 16 February 2023 following the expiration of the *Stronger Futures in the Northern Territory Act 2012* (Cth) (Stronger Futures Act). All NT communities, town camps, community living areas and outstations that were previously subject to alcohol restrictions under the Stronger Futures Act were converted to IAPAs. The IAPAs continued to be subject to alcohol restrictions (i.e. they remained 'dry communities'). The model introduced in February 2023 operated on an opt-out basis, meaning communities had to complete the process outlined in the Act if they wanted to revoke the restrictions.⁸ Under the Act, the IAPAs would automatically be repealed on 28 February 2027.⁹ Currently, there are 340 IAPAs.¹⁰
- 2.6 There is an existing framework for general restricted areas (GRAs) under the Act. Communities may apply following the process outlined in the Act to become a GRA, or to vary or revoke GRA restrictions, so that alcohol is banned or only allowed under certain conditions.¹¹

⁶ 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.

⁷ Explanatory Statement, Liquor Legislation Amendment (Repeal of Minimum Pricing) Bill 2024 (Serial 10), <https://legislation.nt.gov.au/LegislationPortal/Bills/~link.aspx?id=92F3A220D3B148C4AF88613EAAFB06D3&z=z>, p. 1.

⁸ NT Government, Department of Tourism and Hospitality, 'Interim alcohol protected area boundaries', <https://dth.nt.gov.au/publications/racing-gaming-and-licensing/decisions/director-of-liquor-licensing-notices/dol-notices/all-regions/interim-alcohol-protected-area-boundaries>.

⁹ *Liquor Act 2019* (NT) s 170D

¹⁰ NT Government, Department of Tourism and Hospitality, 'Interim alcohol protected area boundaries', <https://dth.nt.gov.au/publications/racing-gaming-and-licensing/decisions/director-of-liquor-licensing-notices/dol-notices/all-regions/interim-alcohol-protected-area-boundaries>

¹¹ NT Government, 'Changing alcohol rules for your community', <https://nt.gov.au/law/alcohol-rules-and-restrictions/liquor-permits/changing-alcohol-rules-for-your-community>.

3 Examination of the Bill

Introduction

- 3.1 The Committee received 13 submissions to the inquiry. Submissions expressed a mixture of support and opposition to the clauses of the Bill. The following Chapter considers the comments, issues and recommendations that were raised in submissions.

Clause 11 – Fees for licences and authorities

- 3.2 Clause 11 seeks to replace section 69 to update and amend the provisions dealing with fees for licences and authorities. The changes include:
- removing the requirement for the Director to give licensees an invoice for the annual fee that is payable before 1 November each year
 - changing the payment date of the annual fee from ‘on or before the first business day of February’ to the date outlined in the Liquor Regulations 2019 (the Liquor Regulations)
 - creating a late payment fee, which is to be set in the Liquor Regulations
 - updating existing provisions relating to new licence or authority fees which are set in the Liquor Regulations, requirements to pay an annual fee, new (initial) licence fees, and automatic suspension of a licence if the annual fee is not paid.

Automatic suspension of liquor licence

- 3.3 In their submission, Retail Drinks Australia provided ‘in principle support’ for this provision, endorsing automatic suspension of a licence as ‘an effective mechanism to ensure that annual licence fees are paid on time’. However, Retail Drinks Australia noted that a licensee may continue trading while under suspension due to a minor or administrative oversight, potentially leading to significant consequences:

A licensee who continues trading while unaware that their licence has been suspended may be exposed to serious compliance and enforcement consequences, despite the original non-payment resulting from an administrative oversight, incorrect contact information, a failed electronic payment or another readily rectifiable issue.

While Licensing NT may ordinarily issue invoices and administrative reminders, the Bill does not expressly require the Director to provide a final warning or notice of intended suspension before the suspension takes effect. Current administrative practice should not be treated as a substitute for a clear legislative safeguard.¹²

- 3.4 Based on this, the submission recommended:
- The Director be required to issue written notice that the fee is overdue and that the licence will be suspended if payment is not received.

¹² Retail Drinks Australia, Submission No. 8, p. 3.

- Licensees be provided with a reasonable rectification period, such as 14 days, before suspension takes effect.
- Notices be sent to both the licensee and any nominated licensing or compliance contact.¹³

Fees

- 3.5 The Committee observes that the Bill and the Act provide for fees to be set out in the Liquor Regulations.¹⁴ This may raise the issue of inappropriate delegation of legislative power if the fees imposed by the regulations amount to taxation as opposed to just cost recovery.¹⁵ The Committee notes that, ideally, fees that amount to taxation should be included in primary legislation.
- 3.6 The Committee also observes that the amendments change the payment date of the annual fee from 'on or before the first business day of February' to the date outlined in the Liquor Regulations. The Committee notes that to operationalise this provision, complementary amendments must be made to the Liquor Regulations prior to commencement. The Committee finds that it will be necessary to communicate the change of date to stakeholders to enable them to comply with the updated requirements.
- 3.7 The Committee notes that the Explanatory Statement states that this clause provides an 'update' to the provisions dealing with fees,¹⁶ however the Committee observes that the requirement to pay a late fee is a new provision. The Committee also notes that the Explanatory Statement states that 'the new section also provides that a licence is automatically suspended if the annual licence fee is not paid by the prescribed due date',¹⁷ which can be read to imply that this is a new requirement. However, the Committee observes that this is already a requirement under section 69(4) of the Act. Lastly the Committee notes that the Explanatory Statement does not state that the requirement for the Director to give licensees an invoice for the annual fee that is payable before 1 November each year has been removed or the purpose of this change.

Committee's Comments

- 3.8 The Committee considers that the recommendations regarding written notice to relevant parties may be dealt with by the Department of Tourism and Hospitality (the Department) as operational matters.

¹³ Retail Drinks Australia, Submission No. 8, p. 3.

¹⁴ Liquor Amendment Bill 2026 (Serial 71) clause 11; Liquor Act 2019 (NT) Division 7 and s 319(2)(j).

¹⁵ Parliament of Australia, Senate Standing Committee for the Scrutiny of Bills, *Committee Guidelines – Principle (IV): Inappropriate Delegation of Legislative Powers*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Bills/Committee_guidelines/Principle_iv.

¹⁶ Explanatory Statement, Liquor Amendment Bill 2026 (Serial 71), https://parliament.nt.gov.au/_data/assets/pdf_file/0010/1624861/Explanatory-Statement-Liquor-Amendment-Bill-2026.pdf, p. 3.

¹⁷ Explanatory Statement, Liquor Amendment Bill 2026 (Serial 71), https://parliament.nt.gov.au/_data/assets/pdf_file/0010/1624861/Explanatory-Statement-Liquor-Amendment-Bill-2026.pdf, p. 3.

3.9 As noted above, the Committee finds that it is unclear from the Explanatory Statement which provisions contained in the clause are new, what has been retained from the Act or minorly updated, and what has been removed. Recommendation 6 of this report proposes that these issues be addressed through a supplementary Explanatory Statement.

3.10 The Committee considers the clause of the Bill appropriate as drafted.

Clauses 12 and 13 – Transfer of licence

3.11 Clause 12 seeks to update the process for transferring a liquor licence. As outlined by the Explanatory Statement, the amendments are intended to ‘distinguish a licence transfer from an application for a new licence’ to ‘enable regulatory scrutiny to focus on whether the proposed transferee is a fit and proper person, while avoiding unnecessary duplication where relevant probity matters have already been assessed’.¹⁸

3.12 Proposed sections 72(1)-(3) effectively retain current sections 72(1), (3) and (4) which set out that the transferee must apply to the Commission for the transfer, the application must be lodged in the approved form and must be accompanied by an affidavit under section 54 and the application fee.

3.13 The following sections are proposed to be removed:

- Section 72(2) which states ‘the application is to be made as if the proposed transferee is applying for a new licence and sections 52(1), (2), (3)(e) and (4), 53 to 55 and 56(1), (2), (3) and (4)(b) apply to the application.’¹⁹
- Section 72(5) which states that the proposed transferee is not required to provide the evidence necessary to satisfy the onus specified in section 51 or a summary of evidence under section 52(3)(d) which requires evidence in relation to satisfying the onus specified in section 51.
- Section 71(2) which states that the transfer of a licence has no effect unless the transfer is authorised by the Commission.
- Section 72(6) which outlines the requirement for the Director to inform the Commissioner of Police of the application, as soon as reasonably practicable after receiving it.

3.14 The following sections are proposed to be added:

- Section 72(4) which outlines requirements to address matters related to bodies corporate.

¹⁸ Explanatory Statement, Liquor Amendment Bill 2026 (Serial 71), https://parliament.nt.gov.au/_data/assets/pdf_file/0010/1624861/Explanatory-Statement-Liquor-Amendment-Bill-2026.pdf, p. 3.

¹⁹ It is noted that the Explanatory Statement for the Liquor Bill 2019 (Serial 95) states that this section ‘provides that an application must be made to the Commission to transfer a licence, as if an application is being made for a new licence’, <https://parliament.nt.gov.au/committees/previous/EPSC/95-2019/key-documents/Explanatory-Statement.pdf>, p. 20.

- Section 72(5) which outlines requirements related to acceptance and refusal of an application.
- Section 72(6) which outlines requirement for Director to refer application to Commission.
- Section 72(7) which provides the Director power to investigate whether a transferee is a fit and proper person.

3.15 Clauses 12 and 13(1) replace references to the Commission 'authorising' a transfer with references to the Commission 'approving' a transfer. Clause 13(2) inserts new provisions outlining that:

- If the proposed transferee already holds a licence under the Act, the person is presumed to be a fit and proper person unless there is evidence to the contrary.
- The Commission may require the proposed transferee to provide additional documents or information it considers necessary to properly consider and decide the application.

3.16 Retail Drinks Australia supported these clauses finding that they:

more clearly distinguish the transfer of an existing licence from an application for a new licence. In particular, the presumption that an existing licensee is fit and proper in the absence of evidence to the contrary, should reduce duplication and allow regulatory resources to be directed towards matters presenting a genuine risk.²⁰

3.17 However, the Central Australian Aboriginal Congress (Congress) and the People's Alcohol Action Coalition (PAAC) did not support the amendments. Congress stated:

Alcohol is associated with significant social and health harms, and holding a licence for the sale of alcohol should be restricted to those who take the responsibility to prevent harm seriously. This should apply equally to those seeking to have an existing licence transferred to them and to those seeking a new licence. The same process should be applied to both in ascertaining whether the proposed licensee is or has remained a 'fit and proper person', and for determining whether the transfer is in the public interest.²¹

3.18 The PAAC outlined that the public interest, community impact and fit and proper person tests should be reapplied to proposed licence transferees:

These proposed changes appear designed to make the process easier for a person who wishes to have an existing liquor licence transferred to them. Such an applicant, for example, will no longer need to show that issuing the licence is in the public interest and will have no significant adverse impact on the community. The Explanatory Statement does not offer any insight into why it is desirable to lower the bar...

Further, the Director, before referring such an application to the Commission, will have discretion under a new s 73(1A) to investigate whether the applicant is a fit and proper person. In our submission, such investigations should be mandatory for all applicants, including those seeking a transfer, noting again the high level of responsibility involved, and the primary purpose of the Act in relation to harm

²⁰ Retail Drinks Australia, Submission No. 8, p. 2.

²¹ Central Australian Aboriginal Congress, Submission No. 5, p. 1.

minimisation, and the well-documented problems associated with alcohol misuse in the NT.

In addition to the above amendments...under a new provision, s73(1B), an applicant for a transfer who already holds a licence is presumed to be a fit and proper person in the absence of evidence to the contrary. This does not offer sufficient probity or protection to the community. Query how evidence to the contrary is to be ascertained if the Director is not obliged to investigate an applicant's fit and proper status, as per our comments above on the proposed new s73(1A) provision. A person may have held a licence for many years, but could be found on investigation to no longer be a fit and proper person.²²

- 3.19 The Committee notes that under the Act and the proposed sections of the Bill, a new licensee and a licensee applying for a transfer are both presumed to be a fit and proper person in the absence of evidence to the contrary.²³ However, the addition of proposed section 72(7) provides a new power for the Director of Liquor Licensing (the Director) to conduct an investigation into the application for a transfer and whether the proposed transferee is a fit and proper person.
- 3.20 The Committee notes that per current section 72(5), transferees are already not required to provide the evidence necessary to satisfy the onus specified in section 51 which is to provide evidence necessary to satisfy the Commission that the licence or authority is in the public interest and will not have a significant adverse impact on the community. In this regard, whilst it removes existing section 72(5), the Bill does not have the effect of changing this arrangement.
- 3.21 The Committee notes that the Explanatory Statement restates the clauses but does not explain what changes the Bill makes to the operation of the current Act. The Committee acknowledges that the Explanatory Statement outlines that the amendments 'enable regulatory scrutiny to focus on whether the proposed transferee is a fit and proper person, while avoiding unnecessary duplication where relevant probity matters have already been assessed'. However, the Committee notes that it is unclear from the Explanatory Statement how the amendments allow a greater focus on whether a transferee is a fit and proper person and what the relevant probity matters referred to are. The Committee notes that other changes, such as the removal of the requirement under section 72(6) for the Director to inform the Commissioner of Police of the application as soon as reasonably practicable after receiving it, are also not noted or explained in the Explanatory Statement.

Committee's Comments

- 3.22 The Committee considers the clauses of the Bill appropriate as drafted. However, as noted above, the Committee considers that the Explanatory Statement does not sufficiently explain the purpose and effect of the amended provisions. Recommendation 6 of this report proposes that these issues be addressed through a supplementary Explanatory Statement.

²² People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 2.

²³ Liquor Act 2019 (NT) s 51(3) and Liquor Amendment Bill 2026 (Serial 71) proposed s 71(1B).

Clauses 16 and 17 – Variation of licence conditions on Commission's initiative

3.23 Clause 16 seeks to amend section 113, which deals with the Liquor Commission's (the Commission's) power to vary licence or authority conditions on its own initiative. The changes:

- Require the Commission to be 'satisfied that the variation is necessary to prevent or minimise a risk of harm to the community; or in the public interest', as opposed to the current section which states that the Commission may vary the conditions 'after considering...the public interest and community impact requirements'. The factors to be considered in determining whether there is a significant adverse community impact are set out in section 49(3).²⁴
- Enable the Commission, before varying conditions, to request the Director to investigate the licence or authority.
- Require the Commission to consider the results of any investigation by the Director.
- Minorly amend existing provisions such as the requirement to invite licensees to provide a response to a proposed variation within 28 days.

3.24 Clause 16 also seeks to make other consequential amendments to reflect the updated structure of section 113. Clause 17 further seeks to insert new section 113A to allow the Commission to vary licence or authority conditions to make administrative amendments.

Guidance and variation to administrative conditions

3.25 These clauses were supported by Retail Drinks Australia and the Endeavour Group, however both submission made recommendations for changes to the clauses, including that:

- guidance be developed on 'the distinction between substantive variations under section 113 and administrative corrections under section 113A'²⁵

²⁴ *Liquor Act 2019 (NT)* s 49(3):

To determine whether issuing a licence or an authority would have a significant adverse impact on the community, the Commission must consider the following:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) the effect of the volume of liquor sales on the community;
- (i) the community impact assessment guidelines issued under section 50;
- (j) any other matter prescribed by regulation.

²⁵

- Licensing NT, instead of the Commission, be given the power to make variations to administrative conditions.²⁶

3.26 The Committee notes that section 113A sets out specific and clear provisions that outline what an administrative amendment is.

Committee Comment

3.27 The Committee considers the Commission to be the appropriate body to exercise discretion in varying a licence or authority, including where the variation is administrative in nature.

3.28 The Committee finds that the distinction between an administrative and a substantive variation is made clear through proposed section 113A.

Notice period

3.29 AADANT raised concerns about the 28-day period where a licensee may submit a response to a variation proposed by the Commission and the requirement for the Commission to be satisfied that the variation is 'necessary to prevent or minimise a risk of harm to the community'. AADANT noted that these provisions provide procedural fairness to licensees but expressed concern that it may limit the Commission's ability to rapidly respond to situations where variations are needed to address alcohol-related harms:

An amendment to section 113 introduces additional procedural safeguards where the Liquor Commission proposes to vary licence conditions on its own initiative. Before exercising this power, the Commission must provide notice to the licensee, allow a 28-day period for submissions and be satisfied that the variation is necessary to prevent harm or is otherwise in the public interest. This change strengthens procedural fairness and provides safeguards for the commission's discretion.

At the same time, the additional procedural requirements may reduce the Commission's ability to respond rapidly to emerging alcohol-related harms at licensed premises where timely intervention is required. This is not a strong objection to the amendment, but it is an issue the Committee may wish to consider in assessing whether the revised process achieves an appropriate balance between procedural fairness and the need for effective, responsive regulation.²⁷

3.30 The Committee notes the 28-day period is prescribed under existing section 113 and the Bill does not introduce this a new requirement. The Committee further notes that there is an existing power under section 258 for the Commissioner of Police to immediately suspend a licence or authority in certain circumstances relating to public safety. The Bill seeks to amend section 258. This is discussed in relation to clause 26 below. The Committee notes that the Explanatory Statement does not include this information.

²⁶ Endeavour Group, Submission No. 13, p. 1.

²⁷ Association of Alcohol and Other Drug Agencies NT, Submission No. 1, p. 2.

Committee comment

- 3.31 The Committee considers Explanatory Statement could some confusion by stating the ‘amendments strengthen procedural fairness by requiring the Commission to consider any response from the licensee, the results of any investigation by the Director and the existing matters in section 113(3) before deciding whether to vary the conditions’. The Committee notes that the requirement of the Commission to consider any response from the licensee is an existing matter under section 113(3)(a). Recommendation 6 of this report proposes that these issues be addressed through a supplementary Explanatory Statement.

Public interest and community impact requirements

- 3.32 The current section 113(3) states that the Commission may vary the conditions of the licence or authority after it ‘considers...the public interest and community impact requirements’. The Committee notes that this wording seems to point to consideration of the factors outlined in section 49(2) and 49(3) which outlines matters the Commission must consider in determining whether issuing a licence or an authority is in the public interest or will have a significant adverse impact on the community.²⁸
- 3.33 Clause 16 changes the wording so that the Commission must be ‘satisfied that the variation is necessary to prevent or minimise a risk of harm to the community; or in the public interest’.
- 3.34 The PAAC did not support clause 16, finding that, the change of wording proposed by the Bill could unnecessarily narrow the requirements that must be considered by the Commission in determining whether it may vary licence or authority conditions:

It is unclear why this amendment has been proposed. Section 113(3) of the Act already requires the Commission to consider, among other things, the public interest and community impact requirements set out in the Act. The Minister’s Explanatory Statement says that the change will ‘clarify that the Commission may only make a variation if satisfied that it is necessary to prevent or minimise a risk of harm to the community, or that it is in the public interest.’ As it stands, the Commission may only vary licence conditions on its own initiative if it has considered the public interest and community impact requirements in the Act: s113(3)(c).

We query whether this change is necessary. There is no substantive reason offered in the Explanatory Statement. Perhaps the Minister seeks to narrow the

²⁸ *Liquor Act 2019 (NT)* s 49(2):

To determine whether issuing a licence or an authority is in the public interest, the Commission must consider how it would advance the following objectives:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
- (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person’s role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

scope of the Commission's considerations or decision-making. Commission members are appointed due to their legal or health expertise, or their community involvement. In our submission the Commission is capable of understanding its responsibilities in relation to own initiative variations, and the need to take into account the public interest and community impact requirements to which it must turn its attention. There is no apparent reason to narrow the required focus or otherwise fetter the decision-making process that relates to this section.²⁹

Committee's Comments

- 3.35 The Committee considers that an appropriate balance between procedural fairness and responsive regulation is achieved through the combination of amended sections 113 and 258.
- 3.36 The Committee finds that the Explanatory Statement could cause some confusion by stating the proposed amendments 'clarify that the Commission may only make a variation if satisfied that it is necessary to prevent or minimise a risk of harm to the community, or that it is in the public interest'. The Committee finds that the proposed amendments could substantively change the existing provisions. The Committee notes that the Explanatory Statement does not explain the purpose or effect of this amendment. Recommendation 6 of this report proposes that this issue be addressed through a supplementary Explanatory Statement.
- 3.37 The Committee notes that it is unclear whether the change in wording made by the Bill per proposed section 113(1A) could substantively alter the process by which the Commission varies the conditions of a licence or authority. The Committee finds that it should be made clear in proposed section 113(1A) that the Commission should still consider the public interest and community impact requirements as set out in existing section 49 to determine whether a variation to a licence or authority is necessary to prevent or minimise a risk of harm to the community, taking into consideration the community impact and public interest requirements.
- 3.38 Otherwise, the Committee finds that the provisions of the Bill that give the Commission discretion to vary or revoke a licence or authority on its own initiative are appropriate as drafted.

Recommendation 2

The Committee recommends that clause 16 of the Bill be amended so that proposed section 113(1A) provides:

The Commission may only vary the conditions of a licence or authority under subsection (1) if the Commission, considering the community impact and public interest requirements, is satisfied that the variation is:

- (a) necessary to prevent or minimise a risk of harm to the community; or**
- (b) in the public interest.**

²⁹ People's Alcohol Action Coalition Alice Springs, Submission No. 11, pp. 4-5.

Clause 20 – General restricted area (GRA) consultation and notice of restriction

3.39 Clause 20 seeks to amend section 175, which sets out the notice requirements for a proposed GRA. A GRA prohibits a person from:

- the bringing of prohibited liquor into the area;
- the possession of prohibited liquor in the area;
- the consumption of prohibited liquor in the area;
- the sale, supply and service of prohibited liquor in the area.³⁰

3.40 The amendments require notice of a proposed GRA to the CEO of the agency administering the *Alcohol Harm Reduction Act 2017*, the CEO of the agency administering the *Public and Environmental Health Act 2011*, the Commissioner of Police and any persons or bodies prescribed by regulation. This is in addition to the existing requirements to give notice to any licensee whose licensed premises are in the area, any applicant for a licence whose proposed licensed premises are in the area, any licensee whom the Director considers may be affected adversely by the proposed restriction, and any local council in the proposed area.

3.41 The clause also seeks to insert section 175(1A) to enable the Director to give notice of the proposed GRA to any other person or body if the Director considers it appropriate.

3.42 The Shop, Distributive and Allied Employee's Association – SA/NT Branch (the SDA NT) and the Northern Territory Police Association (the NTPA) supported this clause. The NTPA stated:

The requirement to consult the Commissioner of Police and relevant agencies recognises the operational expertise police contribute regarding alcohol-related harm.³¹

3.43 SDA NT recommended that employees of affected licensed premises and their representatives should be notified under the discretion provided for at section 175(1A).³²

Committee's Comments

3.44 The Committee finds that the Director is best suited to determine appropriate additional parties to notify under proposed section 175(1A). Accordingly, the Committee considers the provision appropriate as drafted.

Clause 22 – Framework to vary or revoke a General Restricted Area (GRA)

3.45 Clause 22 seeks to replace section 180 and add new sections 180A-H to establish a new framework for varying or revoking a declaration of a GRA. Under the current

³⁰ *Liquor Act 2019* (NT) section 172(5)

³¹ Northern Territory Police Association, Submission No. 12, p. 5.

³² Shop, Distributive and Allied Employees' Association, Submission No. 6, p. 3.

Act, the same consultation, notice, reporting, decision, publication and commencement requirements apply to both an application to establish a GRA and an application to vary or revoke a GRA per existing section 180(2).

Sections 180A, 180B and 180E – Community alcohol plans (CAPs) and varying or revoking a general restricted area (GRA)

- 3.46 Proposed sections 180A and 180B establish requirements to have a community alcohol plan (CAP). Proposed section 180A outlines the process to apply for a variation or revocation of a GRA, with this process requiring a CAP if a prohibition will be removed, the regulations require a plan, or the Director requests a plan. Proposed section 180B outlines the CAP requirements,³³ and provides that the CAP must be prepared in accordance with the requirements (if any) prescribed by the Liquor Regulations.
- 3.47 Under the current Act, a CAP is required for an application to revoke an IAPA³⁴ and, if prepared, for an application to make an area a GRA.³⁵ Clause 22 seeks to introduce provisions that require a CAP to vary or revoke a GRA.
- 3.48 Currently, a CAP outlines whether a community wishes to:
- retain total prohibition on alcohol under a GRA
 - allow controlled access to alcohol under a permit system, or through restricting different types and/or quantities of alcohol
 - apply for a community club licence
 - have no alcohol restrictions (i.e., apply for a revocation of the IAPA)
 - consider its supply management capacity (e.g., police station permanently staffed, community safety plan and committee in place).³⁶
- 3.49 A CAP includes descriptions of demand reduction measures, harm reduction measures, a risk assessment, the consultation process, and plans for monitoring the CAP including indicators used to gauge success.

³³*Liquor Act 2019 (NT)* s 180B:

Community alcohol plans

(1) A community alcohol plan must:

- (a) be in writing; and
- (b) be consistent with this Act and the Regulations; and
- (c) include the matters prescribed by regulation.

(2) A community alcohol plan must be prepared in accordance with the requirements (if any) prescribed by regulation.

(3) Without limiting subsection (2), the Regulations may require that a person preparing a community alcohol plan:

- 5 (a) carry out consultation on the proposed community alcohol plan in the manner prescribed by regulation; and
- (b) ascertain community support for the proposed community alcohol plan in the manner prescribed by regulation.

³⁴ *Liquor Act 2019 (NT)*, s 170AB(2)(b).

³⁵ *Liquor Act 2019 (NT)* s 175(3A).

³⁶ NT Government, Community Alcohol Plan template, <https://nt.gov.au/media/docs/your-rights,-crime-and-the-law/alcohol/changes-to-community-alcohol-restrictions/community-alcohol-plan-template.DOCX>.

Support required to develop CAP

3.50 AADANT raised that communities will need adequate support to develop CAPs to ensure that the process does not unnecessarily hinder a community's ability to make changes to alcohol restrictions. The submission outlined:

Preparing a CAP is a substantial undertaking requiring time, expertise and sustained community engagement. The Committee should seek assurance that adequate resourcing, technical assistance and ongoing support will be available to assist communities that wish to pursue this process, particularly those with limited governance or administrative capacity. Without appropriate support, there is a risk that the required pathway to modify alcohol restrictions will be difficult for some communities to access in practice.³⁷

Consultations on CAP

3.51 Submitters also raised that consultations should include all relevant parties, with community support, voting and results verified by an independent body to ensure free and confidential decision making.³⁸ AMSANT emphasised that all community members should be 'able to have a say'³⁹ and Retail Drinks Australia advocated for 'businesses, affected licensees and industry representatives' to be consulted. The PAAC further suggested that men, women and young people should be separately consulted.⁴⁰

3.52 The Committee notes that the Community Led Alcohol Harm Reduction Unit helps communities create a CAP.⁴¹ The CAP template includes consultation and governance sections⁴² and the Liquor Regulations provide guidance on conducting community consultations.⁴³ It is noted that the Liquor Regulations provide an option for a ballot or written support to be used to determine community support, with a requirement that the CAP includes information about:

- if there is a ballot, how voters were given reasonable opportunity to vote and that the ballot was conducted in a manner that ensures voters are able to vote without intimidation, coercion or bullying
- if there is written support, what measures were put in place so that community members are not intimidated, coerced or bullied.⁴⁴

³⁷ Association of Alcohol and Other Drug Agencies NT, Submission No. 1, p. 2.

³⁸ Aboriginal Medical Services Alliance Northern Territory, Submission No. 4; Central Australian Aboriginal Congress, Submission No. 5 p. 2; Retail Drinks Australia, Submission No. 8; People's Alcohol Action Coalition Alice Springs, Submission No. 11; Northern Territory Police Association, Submission No. 12.

³⁹ Aboriginal Medical Services Alliance Northern Territory, Submission No. 4, p. 1.

⁴⁰ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 10.

⁴¹ NT Government, 'Changing alcohol rules for your community', <https://nt.gov.au/law/alcohol-rules-and-restrictions/liquor-permits/changing-alcohol-rules-for-your-community>.

⁴² NT Government, Community Alcohol Plan template, <https://nt.gov.au/media/docs/your-rights,-crime-and-the-law/alcohol/changes-to-community-alcohol-restrictions/community-alcohol-plan-template.DOCX>.

⁴³ Liquor Regulations 2019, Regulation 111C, <https://legislation.nt.gov.au/en/Legislation/LIQUOR-REGULATIONS-2019>.

⁴⁴ Liquor Regulations 2019, Regulation 111F and 111G.

- 3.53 Further, the Committee notes that the Liquor Regulations provide that consultation must be conducted in a manner that is appropriate to the particular community and responsive to the needs of different groups in the community.⁴⁵
- 3.54 The Committee additionally observes that the Liquor Regulations require the person preparing a CAP to consult with and consider the views of, among other parties, the residents of the community, specifically including women, young people and vulnerable people, and the views of operators of businesses and services in the community.⁴⁶ The CAP template further requires a description 'of the steps taken during the consultation process to ensure that all community members had a chance to fully participate in the development of the Plan'.⁴⁷

Monitoring of CAP

- 3.55 The NTPA recommended that CAPs should require monitoring of the following indicators:
- anticipated policing impacts;
 - emergency service demand;
 - domestic violence trends;
 - alcohol-related assaults;
 - hospital presentations;
 - mechanisms for ongoing review.⁴⁸
- 3.56 The Committee notes that the CAP template includes a requirement to describe the process for monitoring supply, demand, and harm reduction measures including the indicators used to gauge success.⁴⁹

Level of support required for CAP

- 3.57 The PAAC argued that 'there should be evidence that any [CAP] is supported by a clear majority of at least two thirds of persons aged twelve and over who reside in the area'.⁵⁰
- 3.58 Under section 180E(2)(b), in deciding whether to vary or revoke a declaration of a GRA, the Commission must consider the CAP, if one is required per section 180A(4), having regard to 'any evidence of community support for the plan'. The Committee notes that there is no threshold to determine what 'community support' means. The Committee observes that this is a change from the current Act which requires at least 60% of the adults who reside in the applicable area to support the CAP.⁵¹

⁴⁵ Liquor Regulations 2019, Regulation 111C(2).

⁴⁶ Liquor Regulations 2019, Regulation 111C(2).

⁴⁷ NT Government, Community Alcohol Plan template, <https://nt.gov.au/media/docs/your-rights,-crime-and-the-law/alcohol/changes-to-community-alcohol-restrictions/community-alcohol-plan-template.DOCX>.

⁴⁸ Northern Territory Police Association, Submission No. 12, p. 6.

⁴⁹ NT Government, Community Alcohol Plan template, <https://nt.gov.au/media/docs/your-rights,-crime-and-the-law/alcohol/changes-to-community-alcohol-restrictions/community-alcohol-plan-template.DOCX>.

⁵⁰ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 10.

⁵¹ Liquor Act 2019 (NT) s 170AB(2)

Status of existing CAPS

- 3.59 The Local Government Association of the Northern Territory (LGANT) expressed concern about the ‘future status of Alcohol Management Plans and the relationship between existing plans and the proposed legislative framework including the ongoing role of those plans’.⁵²
- 3.60 The Committee notes that ‘Alcohol Management Plan’ appears to be an outdated or alternate term used for a CAP.⁵³ The Committee notes that the GRAs that have a CAP⁵⁴ would be required to follow the process outlined in the Act as amended by this Bill if the community wishes to lower the restrictions. The Committee observes that the conversion of the IAPAs into GRAs does not affect the conditions of the existing GRAs.

Sections 180D and 180F - Consultation and notice requirements for variation or revocation of a general restricted area (GRA)

- 3.61 Proposed sections 180D and 180F outline consultation and notice requirements for variation or revocation of a GRA. Proposed section 180D outlines these requirements where the application is submitted on behalf of the community and proposed section 180F outlines the requirements when the application is submitted on the Commission’s own initiative.
- 3.62 Both circumstances require notification to the CEO of the agency administering the *Alcohol Harm Reduction Act 2017*, the CEO of the agency administering the *Public and Environmental Health Act 2011*, the Commissioner of Police, and the local council. Section 180D requires notification to any person or body prescribed by regulation, and any other person the Director considers appropriate.
- 3.63 Under sections 180D and 180F, those who are given notice may make written submissions about the application within 28 days of being given the notice. Under section 180F, the Director must additionally take reasonable steps to consult on the Commission’s proposed variation or revocation with residents and any local council in the GRA. Under section 180D, the Director must then refer the application and submissions to the Commission for determination or, under section 180F, the Director must report to the Commission on submissions, and consultation opinions and advice.
- 3.64 Submitters argued that the Liquor Regulations should include parties additional to those listed in section 180D(2) for notice of CAP applications including: health services providers; educational service providers for children, youth or adults; youth service providers; aged care and disability service providers; women’s services

⁵² Local Government Association of the Northern Territory, Submission No. 9, p. 4.

⁵³ Parliament of Australia, Stronger Futures in the Northern Territory (Alcohol Management Plans) Rule 2013, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/Scrutiny_reports/2013/2013/62013/c48.

⁵⁴ GRAs may have a CAP per *Liquor Act 2019 (NT)* s 174(3A).

including but not limited to domestic violence service providers; job service providers; and community arts centres who operate in the area.⁵⁵

- 3.65 The Committee notes that proposed section 180D(2) provides the Director discretion to give notice to any other person or body if the Director considers it appropriate to do so.

Committee's Comments

- 3.66 The Committee finds that the CAP consultation, community support, monitoring and notice provisions of the Bill are appropriate as drafted. However, the Committee notes that the Explanatory Statement does not explain the purpose of removing the requirement for CAPs to be supported by at least 60% of the adults who reside in the area or otherwise explain how the new provision, which no longer provides a 60% threshold of community support of the CAP, will operate. Recommendation 6 of this report proposes that this issue be addressed through a supplementary Explanatory Statement

Clauses 18 and 27 – Transition of interim alcohol protected areas (IAPAs) into general restricted areas (GRA)

- 3.67 Clause 18 seeks to repeal Part 8, Division 1, which contains the IAPA provisions. Clause 27 seeks to outline transitional provisions for the Bill including transitional provisions for existing IAPAs to be converted into GRAs on commencement of the Bill.
- Proposed section 342(2) provides that each former alcohol protected area is, on the commencement, taken to have been declared to be a GRA under section 172.
 - Proposed section 342(3) provides that all liquor is taken to have been declared to be prohibited liquor for each GRA on the commencement
 - Proposed section 342(4) provides that any permit that, immediately before the commencement, was in effect under section 170A(5) for a former alcohol protected area mentioned in subsection 342(2) continues in effect after the commencement as if that permit had been granted under section 201 for the GRA.
 - Proposed section 342(7) provides that the Commission is not required to comply with section 181 in relation to a former alcohol protected area that becomes a GRA under subsection 342(2). Section 181 outlines that the Commission must take steps to warn the public of a GRA.

⁵⁵ Central Australian Aboriginal Congress, Submission No. 5, p. 2; People's Alcohol Action Coalition Alice Springs, Submission No. 11, pp. 9-10.

3.68 A majority of submissions partially supported these amendments.⁵⁶ Overall, submitters found that restrictions on alcohol can be an effective way to reduce alcohol related harms.⁵⁷

3.69 Congress expressed their strong support for these provisions, noting that the legislated expiration of the IAPAs in February 2027 'would leave Central Australia facing a potential wave of alcohol-related harm such as we saw when the Stronger Futures provisions expired in 2022'.⁵⁸

3.70 Submitters emphasised that continued investment in complementary public health prevention, treatment and support services,⁵⁹ and meaningful consultation and community-lead decision making⁶⁰ is needed to wholistically address harmful alcohol use. The Foundation for Alcohol Research and Education (FARE) stated:

Reducing alcohol-related harms requires a comprehensive, evidence-based strategy, rather than reliance on any single policy lever. Supply measures such as restricted areas, reduced takeaway trading hours and minimum pricing are necessary because they reduce the availability and affordability of alcohol products associated with harmful use. However, supply controls alone cannot address the broader drivers of alcohol harm or meet the needs of people, families and communities already experiencing those harms. Long-term change requires a public health approach that combines effective supply regulation with sustained investment in prevention, treatment and support services, community-led decision making, and self-determination for Aboriginal people.⁶¹

3.71 Some submitters emphasised the need for clear communication on the new framework.⁶² FARE raised:

To uphold Aboriginal community rights to autonomy and self-determination, communities must have clear, accessible information about the legal effect of conversion. Communities must be empowered and aware of the options available to them, and the steps required to vary or revoke restrictions through a community action plan if they wish to do so.⁶³

3.72 LGANT suggested that local government members should be involved in communications on the changes:

Many Northern Territory regional local government councils are Aboriginal led, governed by elected members who live in and represent the communities affected by these changes. These elected members play an important role in

⁵⁶ Association of Alcohol and Other Drug Agencies NT, Submission No. 1; Foundation for Alcohol Research and Education Submission No. 3; Aboriginal Medical Services Alliance Northern Territory Submission No. 4; Central Australian Aboriginal Congress Submission No. 5; Retail Drinks Australia Submission No. 8; Local Government Association of the Northern Territory, Submission No. 9; Northern Territory Police Association, Submission No. 12.

⁵⁷ Foundation for Alcohol Research and Education, Submission No. 3, pp. 2-3; Local Government Association of the Northern Territory, Submission No. 9, p. 4.

⁵⁸ Central Australian Aboriginal Congress, Submission No. 5, p. 1.

⁵⁹ Foundation for Alcohol Research and Education, Submission No. 3, p. 2; Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5; Local Government Association of the Northern Territory, Submission No. 9, p. 4.

⁶⁰ Foundation for Alcohol Research and Education, Submission No. 3, p. 2; Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5; Local Government Association of the Northern Territory, Submission No. 9, p. 4.

⁶¹ Foundation for Alcohol Research and Education, Submission No. 3, pp. 1-2.

⁶² Foundation for Alcohol Research and Education, Submission No. 3, p. 2; Local Government Association of the Northern Territory, Submission No. 9, p. 5.

⁶³ Foundation for Alcohol Research and Education, Submission No. 3, p. 2.

advocating for their communities and should be empowered to participate in decisions that directly affect local governance, community wellbeing and alcohol management arrangements. LGANT considers that significant reforms of this nature should be supported by genuine community engagement, clear and culturally appropriate information, and opportunities for communities and their elected representatives to help shape decisions that affect them.⁶⁴

- 3.73 The Committee notes that proposed section 342(7) outlines that section 181, which requires the Commission to take all steps it considers necessary to warn the public of a GRA at road, vessel and aircraft entry points, does not apply to converted areas. This warning often takes the form of a sign at the relevant entry points.⁶⁵ Per section 173, it is a strict liability offence punishable by imprisonment to bring alcohol into a GRA.

Committee's Comments

- 3.74 The Committee notes that clear communication on the GRA framework is necessary to ensure residents of affected communities and the public are aware of the new process. The Committee considers this is particularly important noting the proposed section 342(7) is a strict liability offence punishable by imprisonment. The Committee notes that the Explanatory Statement does not outline the rationale or purpose of proposed section 342(7). Recommendation 6 of this report proposes that this issue be addressed through a supplementary Explanatory Statement.

Clause 25 – Effect of banning notice

- 3.75 Division 3 of the Act outlines the police power to provide banning notices. Section 215(1) of the Act provides that a banning notice bans a person from entering or remaining in either a high risk area for a specified period or in specified licensed premises in the high risk area for a specified period of up to 14 days.⁶⁶ Section 215(3) provides that a banning notice does not prevent a person from residing in or attending the person's usual place of residence or work or entering or remaining in the high risk area for the purpose of residing in or attending the person's usual place of residence or work.
- 3.76 Existing section 217(1) provides discretion for a banning notice to be varied or revoked by a police officer at any time.⁶⁷ Alternatively, existing section 217(4) provides that a banned person may apply to the Commissioner of Police in writing to vary or revoke the ban, and the Commissioner may do so if satisfied that there are sufficient grounds for revoking or varying it or there are special circumstances that make it otherwise appropriate to revoke or vary it.⁶⁸

⁶⁴ Local Government Association of the Northern Territory, Submission No. 9, p. 5.

⁶⁵ See examples of Liquor Commission requests to erect warning signs in GRAs: [Application for general restricted area over Delye Outstation \[2025\] NTLiqComm 6](#) p. 3; [Application for general restricted area over Hawk Dreaming \[2024\] NTLiqComm 54](#) p. 9; [application-general-restricted-area-over-belyuen-2025-ntlqcomm-8.pdf](#) p. 9; [Amangal GRA Decision Notice 2025 NTLiqComm 35](#) p. 3.

⁶⁶ Liquor Act 2019 (NT) s 215(1)

⁶⁷ Per *Liquor Act 2019* (NT) section 217(1), 'Any police officer may vary a banning notice at any time by written notice given to the banned person stating the variation', and 217(4) 'The police officer who gave a banned person a banning notice may revoke it if the officer considers it appropriate to do so'.

⁶⁸ Per *Liquor Act 2019* (NT) section 219.

- 3.77 Maps of the high risk areas from which people can be banned are available on the NT Government website.⁶⁹ The areas currently include Darwin CBD, Palmerston CBD, Katherine CBD, Tennant Creek CBD, Alice Springs CBD, and parts of some Greater Darwin suburbs.⁷⁰
- 3.78 Firstly, clause 25 seeks to amend section 215 to extend the maximum period of a banning notice from up to 14 days to up to 90 days. Secondly, clause 25 seeks to amend section 215 to provide additional reasons by which a person is not prevented from entering or remaining in a high risk area from which they are banned including attending a health care facility, receiving medical treatment or accessing a government service. This is in addition to the existing reasons of attending work or residing in a person's usual place of residence.

Protection from alcohol related violence

- 3.79 This clause was supported by SDA NT and Retail Drinks Australia who found the amendments to be positive measures that protect employees and the community from alcohol related violence while balancing the need to protect individuals' rights and liberties. SDA NT stated:

Clause 25 extends the maximum period of a banning notice under section 215 from 14 days to 90 days. This is the most significant provision in the Bill for our members. A 14-day maximum provides limited practical protection where an offender may lawfully return to the same premises a fortnight after a violent or threatening incident. A maximum of 90 days provides meaningful respite and signals that violence directed at retail workers carries a real consequence.

On the Committee's third term of reference, the SDA submits that clause 25 has sufficient regard to the rights and liberties of individuals. The clause expressly provides that a banning notice does not prevent a person entering or remaining in a high-risk area to attend work, attend a health care facility, receive medical treatment or access a government service. As a trade union, the SDA would not support a banning regime that severed a person's access to their employment or to health care. The Bill does not do so, and the SDA regards those carve-outs as essential to the proportionality of the extended period.⁷¹

- 3.80 The NTPA noted the potential of this measure to reduce reoffending and made suggestions for operationalising the amendments within the police force:

From an operational perspective, longer banning periods may provide greater opportunity to disrupt repeat alcohol-related offending. However, the effectiveness of longer bans will depend upon:

- timely recording within police systems;
- officers' ability to readily verify active notices;
- consistent enforcement across districts;
- adequate review mechanisms.

⁶⁹ NT Government, 'Banning Notice', <https://nt.gov.au/law/alcohol-rules-and-restrictions/banning-notice>.

⁷⁰ The high risk areas in the Greater Darwin suburbs include areas in Casuarina Shopping Square, Bundilla Beach, Fannie Bay, Karama, Leanyer, Malak, Marrara, Nightcliff, Parap and Stuart Park.

⁷¹ Shop, Distributive and Allied Employees' Association, Submission No. 6, p. 4.

The NTPA encourages Government to ensure operational systems are capable of supporting increased monitoring and enforcement over extended banning periods.

Consideration should also be given to monitoring:

- breach rates;
- repeat offending;
- impacts on police workload;
- measurable reductions in alcohol-related violence.

Such data will assist in evaluating whether the intended public safety outcomes are achieved.⁷²

3.81 However, this clause was not supported by various other submitters.⁷³ The issues raised by these submitters are outlined in the subsequent sections.

Evidence for 90-day timeframe

3.82 Some submissions expressed that the banning notice framework is ‘punitive’ and ‘harsh’, and does not ‘address the underlying factors contributing to harmful behaviour’.⁷⁴ Submitters raised that there is a lack of evidence that the 90 day ban will improve community safety⁷⁵ or increase effectiveness of the notices,⁷⁶ and found that it is unclear why the 90-day period was chosen.⁷⁷ The Alcohol and Drug Foundation (ADF) and North Australian Aboriginal Justice Agency (NAAJA) stated in their joint submission that:

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... the lack of evidence creates questions as to the legitimacy and proportionality of the provisions.⁷⁸

3.83 The Committee notes that the *Three Year Review of the Liquor Act 2019* recommended that banning notices are extended from 14 to 90 days based on advice from the former NT Police, Fire and Emergency Services.⁷⁹

Impact of extended banning notice on vulnerable groups

3.84 Other submitters raised that banning notices may be discriminatorily applied to, or disproportionately impact, certain groups of people. FARE and LGANT noted that such groups are likely to include people experiencing alcohol use disorder, mental

⁷² Northern Territory Police Association, Submission No. 12, pp. 3-4.

⁷³ Association of Alcohol and Other Drug Agencies NT, Submission No. 1; Foundation for Alcohol Research and Education, Submission No. 3; Central Australian Aboriginal Congress, Submission No. 5; Alcohol and Drug Foundations and NAAJA, Submission No. 7; Local Government Association of the Northern Territory, Submission No. 9; People's Alcohol Action Coalition Alice Springs, Submission No. 11.

⁷⁴ Association of Alcohol and Other Drug Agencies NT, Submission No. 1, p. 1; Local Government Association of the Northern Territory, Submission No. 9, p. 5; People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 5.

⁷⁵ Aboriginal Medical Services Alliance Northern Territory, Submission No. 4, p. 2.

⁷⁶ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 2.

⁷⁷ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 5.

⁷⁸ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 3.

⁷⁹ NT Government, Department of the Chief Minister and Cabinet, *Three Year Review of the Liquor Act 2019*, (2023), <https://alcoholpolicy.nt.gov.au/media/documents/three-year-review-liquor-act-2019-report.PDF>, p. 27.

health conditions, poverty or homelessness given these groups are likely to be without secure housing and 'may have limited practical ability to avoid high risk areas'.⁸⁰ FARE and the joint submission from ADF and NAAJA also provided evidence that the majority of banning notices are made in respect of Aboriginal people. The ADF and NAAJA found that 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'.⁸¹

3.85 ADF and NAAJA additionally raised the potentially negative impact banning notices may have on young people stating:

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.⁸²

3.86 FARE raised that other jurisdictions' banning notice schemes are more limited in scope and effect than the NT's.⁸³

3.87 Regarding these concerns, submitters recommended to:

- retain 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 notices⁸⁴
- consider a shorter extension to the banning notice period⁸⁵
- provide for independent statutory review of the scheme in line with objectives determined in consultation with the community⁸⁶
- provide greater clarity regarding the operation and impacts of extended banning notices⁸⁷
- exclude young people from the operation of the scheme⁸⁸
- require consideration the potential of the notice to cause undue hardship to the banned person or a family member.⁸⁹

Reasons by which a banned person is not prevented from entering or remaining in a high risk

3.88 Various submissions raised their view that the reasons by which a banned person is not prevented from entering or remaining in a high risk area should be expanded,

⁸⁰ Foundation for Alcohol Research and Education, Submission No. 3, p. 3; and Local Government Association of the Northern Territory, Submission No. 9, p. 5.

⁸¹ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 3.

⁸² Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 4.

⁸³ Foundation for Alcohol Research and Education, Submission No. 3, p. 2.

⁸⁴ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

⁸⁵ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 6.

⁸⁶ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

⁸⁷ Local Government Association of the Northern Territory, Submission No. 9, p. 5.

⁸⁸ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

⁸⁹ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

noting the significant length of time a person may be banned and the impact a banning notice can have on individuals, particularly on remote residents who may have limited options outside of the high risk area to access goods and services.⁹⁰ Submitters recommended that the reasons a banned person may enter a high risk area should include:

- accessing food and grocery shopping⁹¹
- accessing other essential goods such as household necessities⁹²
- religious observance⁹³
- cultural obligations and connections including accessing Country and traditional lands⁹⁴
- education⁹⁵
- banking services⁹⁶
- community and social services⁹⁷
- transport⁹⁸
- public facilities⁹⁹
- local government services and facilities such as, libraries, community centres, recreational facilities, safe houses and other council-operated services¹⁰⁰
- youth-focused programs and activities including sport and recreation programs, school holiday activities, community events and programs¹⁰¹
- access to fulfil family or caring responsibilities¹⁰²

⁹⁰ Association of Alcohol and Other Drug Agencies NT, Submission No. 1; Alcohol and Drug Foundations and NAAJA, Submission No. 7; Local Government Association of the Northern Territory, Submission No. 9; People's Alcohol Action Coalition Alice Springs, Submission No. 11.

⁹¹ Association of Alcohol and Other Drug Agencies NT, Submission No. 1; Foundation for Alcohol Research and Education, Submission No. 3; Aboriginal Medical Services Alliance Northern Territory, Submission No. 4; Submission No. 7; Local Government Association of the Northern Territory, Submission No. 9; People's Alcohol Action Coalition Alice Springs, Submission No. 11.

⁹² Association of Alcohol and Other Drug Agencies NT, Submission No. 1; Foundation for Alcohol Research and Education, Submission No. 3; Alcohol and Drug Foundations and NAAJA, Submission No. 7; Local Government Association of the Northern Territory, Submission No. 9,

⁹³ Foundation for Alcohol Research and Education, Submission No. 3, p. 2.

⁹⁴ Foundation for Alcohol Research and Education, Submission No. 3; Aboriginal Medical Services Alliance Northern Territory, Submission No. 4; Alcohol and Drug Foundations and NAAJA, Submission No. 7.

⁹⁵ Foundation for Alcohol Research and Education, Submission No. 3; Aboriginal Medical Services Alliance Northern Territory, Submission No. 4; Alcohol and Drug Foundations and NAAJA, Submission No. 7; People's Alcohol Action Coalition Alice Springs, Submission No. 11.

⁹⁶ Aboriginal Medical Services Alliance Northern Territory, Submission No. 4, p. 2.

⁹⁷ Aboriginal Medical Services Alliance Northern Territory, Submission No. 4, p. 2; Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 4.

⁹⁸ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 4.

⁹⁹ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 4.

¹⁰⁰ Local Government Association of the Northern Territory, Submission No. 9, p. 5.

¹⁰¹ Local Government Association of the Northern Territory, Submission No. 9, p. 5.

¹⁰² Foundation for Alcohol Research and Education, Submission No. 3, p. 2.

- access to supports for domestic, family and sexual violence victim-survivors or moving through a high risk area to be safe from domestic, family and sexual violence.¹⁰³

3.89 ADF and NAAJA further expressed concerns that the banning notice framework ‘may exacerbate difficulties in accessing services and entrench and/or drive homelessness and service demand by excluding people from supports and compounding existing issues’.¹⁰⁴ LGANT found that such exclusion could ‘result in the displacement of vulnerable individuals to other locations or communities that are equally, or less, equipped to provide appropriate support’.¹⁰⁵

Police discretion to issue banning notice

3.90 ADF and NAAJA additionally took issue with the ability of police to issue a banning notice if the officer ‘believes on reasonable grounds’ that a person ‘is committing or has committed a banning offence’ as this does not require an offence to have been committed in order for a banning notice to be given:

Existing provisions and proposed amendments...do not require commission of an offence, or evidence of intoxication...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...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.¹⁰⁶

3.91 FARE recommended that clear criteria be included in the Bill of what constitutes ‘reasonable belief’:

Where powers are discretionary, with police able to issue notices based on “reasonable belief”, there is a greater need for clear statutory criteria and transparent review mechanisms to ensure that notices are being used without discrimination and only where they are necessary and proportionate.¹⁰⁷

3.92 The Committee notes that section 212(2) of the Act provides the factors to be considered by police in forming a reasonable belief, including the apparent state of health of the person, whether the person is capable of comprehending the nature and effect of the notice and any other matter the officer considers relevant.

Committee’s Comments

3.93 The Committee notes that operationalising and monitoring the banning notice scheme within the police is a matter for the NT Police Force.

3.94 The Committee notes that some high risk areas cover a large portion of CBDs across the NT. The Committee acknowledges that access to goods and services outside of the remote high risk areas could be limited. Given this, the Committee finds that the significant length of time a person may be banned under the proposed amendments could impact a person’s ability to access essential services and to access other

¹⁰³ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 3.

¹⁰⁴ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 4.

¹⁰⁵ Local Government Association of the Northern Territory, Submission No. 9, p. 5.

¹⁰⁶ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

¹⁰⁷ Foundation for Alcohol Research and Education, Submission No. 3, p. 3.

places in appropriate circumstances, such as those places and circumstances raised by submitters.

- 3.95 The Committee therefore recommends that the Bill be amended so that a banned person may enter a high risk area to access essential services or attend another place in appropriate circumstances as determined by the police. Alongside this recommendation, the Committee finds that inclusion of examples in the Bill of ‘another place in appropriate circumstances’, such as those places and circumstances suggested in the submissions, would be beneficial to clarifying how the provision should be applied in practice
- 3.96 The Committee acknowledges stakeholder concerns regarding the operation of the banning notice scheme and therefore recommends that the operation of the scheme be reviewed within 3 years of commencement.
- 3.97 The Committee notes that the Explanatory Statement states that a purpose of clause 25 is to clarify that a banning notice does not prevent a person from entering or remaining in a high risk area for specified essential purposes. However, the Committee finds that the Bill does not clarify the provision but rather provides additional circumstances in which a banning notice does not prevent a person from entering a high risk area (i.e., for attending a health care facility, receiving medical treatment or accessing a government service).
- 3.98 The Committee finds that the discretion provided to police to issue a banning notice is appropriate as drafted.

Recommendation 3

The Committee recommends that proposed section 215(3)(c) be amended so that a banned person may also enter or remain in a high risk area for the purpose of:

- **accessing essential services; or**
- **attending another place in appropriate circumstances as determined by the police.**

Recommendation 4

The Committee recommends that, subject to the adoption of Recommendation 4, examples be included in proposed section 215(3)(c) of ‘another place in appropriate circumstances’.

Recommendation 5

The Committee recommends the Department review the operation of the banning notice scheme within 3 years after commencement.

Clause 23 – Applicable offences

- 3.99 Clause 23 seeks to amend section 209 to add additional offences by which a police officer may give a banning notice or exclusion order, including offences against:
- sections 143 and 144 of the Act

- sections 69, 174F, 174FA, 174FB, 180A, 186AA, 196, 208HC, 217, 218, 224, 227 and 241A of the Criminal Code
- section 120 of the *Domestic and Family Violence Act 2007*
- section 6(e) of the *Weapons Control Act 2001*.

3.100 The Explanatory Statement outlines that the intention of these amendments is to 'ensure that banning notice and exclusion order powers can be exercised in response to a broader range of conduct associated with risks to community safety, alcohol-related harm and public disorder'.¹⁰⁸

3.101 SDA NT supported this clause, finding that it puts a focus on worker and community safety:

This ensures that banning notice and exclusion order powers can respond to the range of conduct that actually threatens worker and community safety, rather than a narrower subset of it. Particularly notable and welcome additions in the retail setting are the inclusion of the offences in sections 224 and 227 of the Criminal Code—damaging or interfering with property as a trespasser and shoplifting, respectively.¹⁰⁹

3.102 NTPA also supported this clause and recommended that operational guidance be developed for police:

Operational experience demonstrates that alcohol-related harm is not confined to offences contained within the Liquor Act. The proposed expansion better reflects the range of offending routinely encountered by police and provides greater flexibility when responding to escalating behaviour. The NTPA considers this amendment likely to improve preventative policing by allowing intervention before further violence or disorder occurs.

The NTPA recommends that accompanying operational guidance clearly identify the circumstances in which each offence should appropriately trigger a banning notice to promote consistent Territory-wide application.¹¹⁰

3.103 The joint submission from ADF and NAAJA did not support these amendments, submitting that the expansion of applicable offences creates 'a potentially wide reach of discretionary powers' which 'is likely to create additional demand on criminal justice services which would not otherwise arise' given that breach of a banning notice is an offence.¹¹¹

Committee's Comments

3.104 The Committee notes that guidance for police officers on the operation of this clause is a matter for the NT Police Force to consider.

3.105 The Committee finds that the discretion provided to police to issue a banning notice is appropriate and the Committee considers that the clause is appropriate as drafted.

¹⁰⁸ Explanatory Statement, Liquor Amendment Bill 2026 (Serial 71), https://parliament.nt.gov.au/_data/assets/pdf_file/0010/1624861/Explanatory-Statement-Liquor-Amendment-Bill-2026.pdf, p. 7.

¹⁰⁹ Shop, Distributive and Allied Employees' Association, Submission No. 6, p. 4.

¹¹⁰ Northern Territory Police Association, Submission No. 12, p. 3.

¹¹¹ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 5.

Clause 26 – Police powers to suspend liquor licence or authority

3.106 Clause 26 seeks to amend section 258(1) and insert section 258(2) which deal with the Commissioner of Police's power to suspend a licence or authority. The clause changes the point at which the Commissioner of Police may suspend a licence or authority. Under the current Act the Commissioner may give a suspension if a prescribed circumstance occurs or is likely to occur.¹¹² Proposed section 258(1) seeks to change this to if the Commissioner of Police 'believes on reasonable grounds' that the prescribed circumstance 'is occurring'.¹¹³

3.107 Amended section 258(1) gives the Commissioner of Police power to suspend a licence or authority if there is alcohol related violence occurring on or in the licensed premises, or in the vicinity of the premises and removes the Commissioner of Police's power to suspend a licence if there is an emergency or natural disaster.

3.108 Additionally, the clause amends and adds to the conditions that must be met by the Commissioner of Police in order to suspend a licence or authority, enabling the Commissioner of Police only to suspend a licence or authority if they:

- per proposed section 258(2)(a), are satisfied that the licensee has been provided with a reasonable opportunity to take steps to prevent the conduct from continuing to occur and are satisfied that the licensee has refused or failed to take reasonable steps to prevent that conduct from continuing to occur; or
- per proposed section 258(2)(b), believe on reasonable grounds that the conduct poses an imminent threat or risk to public safety and are satisfied that the suspension of the licence or authority is reasonably necessary to prevent that conduct from continuing to occur in order to avoid or reduce the threat or risk to public safety.

3.109 Existing section 258(4) provides that a suspension lasts for a maximum of 48 hours.

3.110 This clause was supported by SDA NT and NTPA. SDA NT found that 'the power is appropriately constrained' and the clause is 'significant from a worker-safety perspective' as it places 'responsibility on the licensee rather than workers on shift and create[s] a direct incentive for licensees to provide adequate security, staffing and safe closing procedures'.¹¹⁴

3.111 NTPA stated that the clause 'appropriately balances regulatory fairness with operational necessity' and recommended that:

Implementation guidance should include practical examples illustrating:

- what constitutes "reasonable opportunity";
- examples of reasonable preventative measures;

¹¹² Per *Liquor Act 2019* (NT) section 258(1), the prescribed circumstances are an emergency or a natural disaster, riotous conduct, a breach of the peace or a threat to public safety.

¹¹³ Under proposed section 258(1), the prescribed circumstances are a riotous conduct, a breach of the peace or alcohol related violence, with a threat to public safety now included in 258(2)(b).

¹¹⁴ Shop, Distributive and Allied Employees' Association, Submission No. 6, p. 5.

- circumstances amounting to an imminent threat to public safety.¹¹⁵

Steps licensees are required to take to prevent conduct

3.112 The PAAC objected to the proposed addition of section 258(2)(a) which provides that the Commissioner of Police must be satisfied that ‘the licensee has been provided with a reasonable opportunity to take steps to prevent the conduct from continuing to occur and are satisfied that the licensee has refused or failed to take reasonable steps to prevent that conduct from continuing to occur’. The PAAC found this section is not:

necessary or desirable for police powers to be fettered by having to consult a licensee in the prescribed circumstances per section 258(2)(a). The circumstances [at 258(1)(a)-(c)] are potentially dangerous ones that need to be assessed, without unnecessary or convoluted additional steps.¹¹⁶

3.113 The Committee notes proposed section 258(2)(b) enables immediate suspension of a licence or authority if conduct at or near the premises poses an imminent threat or risk to public safety and the suspension is reasonably necessary to prevent that conduct from continuing to occur.

3.114 Congress also did not support this amendment, stating:

It is the licensees responsibility to prevent such conduct (especially through the Responsible Serving of Alcohol) and the consequences for failing to comply with those responsibilities need to be severe enough to produce compliance.¹¹⁷

3.115 Hospitality NT supported the addition of section 258(2)(a) however, took issue with not further extending similar considerations to section 258(3). Section 258(3) outlines:

(3) The Commissioner of Police may also suspend a licence or an authority if:

- (a) the licensee, or the licensee's employee or agent, is being investigated for an offence against this Act; and
- (b) a police officer investigating the offence believes on reasonable grounds that the offence is likely to continue

3.116 Hospitality NT stated section 258(3):

effectively allows a suspension to be used as a punitive tool before any finding of wrongdoing. It subverts the presumption of innocence and allows police to effectively punish a business while their investigation is ongoing...a licence should only be suspended following a finding of a breach.¹¹⁸

In the vicinity of the licensed premises

3.117 Hospitality NT and Retail Drinks Australia raised concern with the term ‘in the vicinity of the licensed premises’ in section 258(1). Section 258(1) states that the Commissioner of Police may suspend a licence or an authority if the Commissioner

¹¹⁵ Northern Territory Police Association, Submission No. 12, p. 4.

¹¹⁶ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 6

¹¹⁷ Central Australian Aboriginal Congress, Submission No. 5, p. 2.

¹¹⁸ Hospitality NT, Submission No. 2, p. 2.

believes on reasonable grounds that alcohol-related violence, riotous conduct or a breach of the peace is occurring on or in the licensed premises or in the vicinity of the licensed premises.

- 3.118 Both submitters stated that this phrase is too 'broad' and could result in incidents that are not connected to the premises as the basis for a licence being suspended.¹¹⁹ Retail Drinks Australia recommended that section 258:

require the Commissioner to be satisfied that the relevant conduct is sufficiently connected to the operation of the licensed premises, that the licensee had a reasonable capacity to influence or prevent it, and that suspension is proportionate and the least restrictive reasonably available response. In making that assessment, regard should be had to matters such as whether the persons involved were patrons, the proximity and timing of the conduct, the steps taken by the licensee, any requests for police assistance, and whether the conduct continued after the premises ceased trading. Written reasons and a prompt review pathway should also be available.¹²⁰

- 3.119 The Committee notes the phrase 'in the vicinity of the licensed premises' is an existing phrase in the Act and is not amended by the Bill. Further, the Committee notes that proposed section 258(2)(a) requires the steps taken by the licensee to prevent the conduct from continuing to occur to be taken into account in the assessment of whether to suspend the licence or authority.

Committee's Comments

- 3.120 The Committee considers that implementation guidance on what constitutes a reasonable opportunity, examples of reasonable preventative measures and circumstances amounting to an imminent threat to public safety is a matter for the Department to consider.
- 3.121 The Committee is of the view that section 258(2)(a) and (b) appropriately balances procedural fairness for licensees with the ability to immediately suspend a licence or authority when required.
- 3.122 The Committee finds that the powers of the police as currently set out in in section 258(3) are appropriate. The Committee similarly considers that the discretion of the police to reasonably determine that alcohol-related violence, riotous conduct or a breach of the peace is occurring on or in the licensed premises, or in the vicinity of the licensed premises, is appropriate.
- 3.123 The Committee notes that the Explanatory Statement states 'The amendments clarify that the Commissioner may suspend a licence or authority if the Commissioner believes on reasonable grounds that alcohol-related violence, riotous conduct or a breach of the peace is occurring'. However, the Committee notes the amendment adds 'alcohol related violence' to the section as a reason for which the police may suspend a licence or authority and removes the reason of 'an emergency or natural disaster'. These additions and omissions do not appear to be for clarification purposes, or otherwise the Explanatory Statement does not explain how this is the

¹¹⁹ Hospitality NT, Submission No. 2, p. 2; Retail Drinks Australia, Submission No. 8, p. 4.

¹²⁰ Retail Drinks Australia, Submission No. 8, pp. 4-5.

case. Additionally, it is not mentioned in the Explanatory Statement that the amendment changes the threshold and conditions that must be met by the Commissioner of Police in order to suspend a licence or authority. Recommendation 6 of this report proposes that these issues be addressed through a supplementary Explanatory Statement

Clause 30 – Regulation 4 of the Alcohol Harm Reduction Regulations 201

3.124 Clause 30 repeals regulation 4 which provides:

- (1) For section 4 of the [*Alcohol Harm Reduction Act 2017*], definition alcohol-related infringement notice, paragraph (d), section 170B(1) of the *Liquor Act 2019* is prescribed.
- (2) This regulation is repealed immediately after the repeal of section 170B of the *Liquor Act 2019* by section 170D of that Act.

3.125 The Committee notes that the repeal is required as section 4(d) of the *Alcohol Harm Reduction Act 2017* states that:

alcohol-related infringement notice means an infringement notice in relation to an offence against a provision prescribed by the Alcohol Harm Reduction Regulations. Currently the Alcohol Harm Reduction Regulations refer to section 170B of the Liquor Act to define 'alcohol-related infringement notice.

3.126 This requires regulation 4 to be repealed as section 170B of the Act is repealed by clause 18 of the Bill, thereby making regulation 4 redundant.

Committee comment

3.127 The Committee notes that the Explanatory Statement does not explain why regulation 4 is repealed and does not state in the general outline that the Alcohol Harm Reduction Regulations 2017 are amended by the Bill. Recommendation 6 of this report proposes that these issues be addressed through a supplementary Explanatory Statement

Explanatory Statement

3.128 The *NT Legislation Handbook* provides guidance on the drafting of Explanatory Statements, noting that they are designed to assist Members of the Legislative Assembly and the courts 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.¹²¹

3.129 The Committee notes that one submitter raised issues regarding the comprehensiveness of parts of the Explanatory Statement.¹²²

Committee's Comments

3.130 The Committee emphasises the importance of a clear and comprehensive explanatory statement, noting that, besides being relied on by Parliament and the courts, it is relied on by the broader public, including submitters to Committee inquiries, to understand proposed and in force legislation.

3.131 The Committee notes that, in order to understand this Bill, comparison and analysis of interrelated, varied and complex provisions of the Act, the Bill and the relevant regulations is required. The Committee considers that an explanatory statement should make this comparison and analysis clearer, simpler and more accessible.

3.132 The Committee finds that the Bill's Explanatory Statement would benefit from amendment to improve its clarity and comprehensiveness. The Committee therefore recommends that a supplementary Explanatory Statement be tabled which addresses the issues outlined throughout this report.

Recommendation 6

The Committee recommends that a supplementary Explanatory Statement be tabled which addresses the issues raised throughout this report.

Issues beyond the scope of the inquiry

3.133 The Committee notes that submissions raised a number of matters that are out of scope of the Committee's inquiry including consultation timeframes on the Bill and the inquiry,¹²³ the moratorium on takeaway authorities,¹²⁴ the license and authority fee structure and risk classifications set out in the Liquor Regulations,¹²⁵ the grocery store authority liquor sales cap,¹²⁶ development and planning considerations,¹²⁷ and liquor offences included in the fit and proper person test.¹²⁸

¹²¹ Northern Territory Government, Department of the Chief Minister and Cabinet, 'Northern Territory Government Legislation Handbook' (2024), https://ntgcentral.nt.gov.au/data/assets/pdf_file/0014/323105/legislation-handbook.pdf, pp. 14-15.

¹²² People's Alcohol Action Coalition Alice Springs, Submission No. 11, pp. 2, 5 and 6.

¹²³ Alcohol and Drug Foundations and NAAJA, Submission No. 7, p. 1; Local Government Association of the Northern Territory, Submission No. 9, p. 3.

¹²⁴ Retail Drinks Australia, Submission No. 8, p. 2.

¹²⁵ Hospitality NT, Submission No. 2, p. 3; Retail Drinks Australia, Submission No. 8, p. 3.

¹²⁶ Retail Drinks Australia, Submission No. 8, p. 5.

¹²⁷ Litchfield Council, Submission No. 10.

¹²⁸ People's Alcohol Action Coalition Alice Springs, Submission No. 11, p. 3.

Appendix 1: Submissions Received

Submissions Received

1. Association of Alcohol and Other Drug Agencies NT
2. Hospitality NT
3. Foundation for Alcohol Research and Education
4. Aboriginal Medical Services Alliance Northern Territory
5. Central Australian Aboriginal Congress
6. Shop, Distributive and Allied Employees' Association
7. Alcohol and Drug Foundations and NAAJA
8. Retail Drinks Australia
9. Local Government Association of the Northern Territory
10. Litchfield Council
11. People's Alcohol Action Coalition Alice Springs
12. Northern Territory Police Association
13. Endeavour Group

Note: Copies of submissions are available at:

<https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/71-2026>

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Dissenting Report: Justine Davis MLA

Justine Davis MLA

Independent Member for Johnston

Alawa - Jingili - Millner - Moil

integrity | action | community



17 August 2026

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Inquiry into the Liquor Amendment Bill 2026 (Serial 71)

I thank the Chair and my fellow Committee members for their work on this inquiry. I also thank the organisations that took the time to make submissions within an unreasonably short timeframe - as noted in several submissions.

I support the Committee's recommendation that the Liquor Amendment Bill 2026 (Serial 71) proceed, subject to the amendments recommended by the Committee.

However, two significant issues raised during the inquiry have not been adequately addressed in the majority report. I provide this additional report to ensure those concerns are placed before the Assembly as it considers the Bill, consistent with my responsibilities as a member of the Legislative Scrutiny Committee.

In relation to both provisions discussed in this report, organisations with substantial experience responding to alcohol-related harm in the Northern Territory raised clear and substantive concerns. In my view, those concerns have not been adequately addressed.

The 90 days banning notice

Clause 25 extends the maximum banning notice period from 14 days to 90 days.

I support the Committee's recommendation that the Bill be amended to allow a person subject to a banning notice to enter a high-risk area to access essential services, and to attend another place in appropriate circumstances as determined by police, with examples included in the legislation to provide greater clarity.

I also support the Committee's recommendation for a review of the banning notice scheme within three years. However, these safeguards do not address the fundamental question: why is a six-fold increase in the maximum banning period necessary?

The three-year review of the Liquor Act recommended extending the maximum period following advice from the former NT Police, Fire and Emergency Services. That is advice. It is not evidence that a 90-day banning notice will improve community safety, reduce alcohol-related offending or reduce reoffending.

The Committee was not provided with evidence demonstrating that a 90-day exclusion period is necessary or that extending the maximum period from 14 days to 90 days will produce better outcomes.



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Submissions to the Committee highlighted this concern. They pointed to publicly available information showing that the current scheme appears to be operating as intended, with very few people receiving more than one banning notice.

The Bill and Explanatory Statement do not demonstrate why the existing 14-day maximum is inadequate, nor why 90 days is the appropriate response.

There is also an important issue that has not received sufficient attention: a banning notice can be issued without a person being charged with, or convicted of, an offence. It can be imposed where police have a reasonable belief that relevant conduct is occurring. There is no requirement that a person has been charged with an offence before a banning notice can be imposed for the longer period, nor that the conduct is demonstrated to be alcohol-related.

A 90-day banning notice should not be treated as simply a longer version of a 14-day notice. It is a substantially greater restriction on a person's movement and liberty and should therefore attract substantially stronger safeguards. Even with the amendments proposed by the majority committee, the potential impact on this in regional and remote NT was made very clear in submissions.

One of the terms of Reference of the LSC is to examine whether the law pays due respect to the rights and liberties of Aboriginal peoples. The evidence before the Committee is stark: 87 per cent of banning notices issued in 2024–25 were issued to Aboriginal people.

This means that extending the maximum operation of this coercive power from 14 days to 90 days will have a foreseeable and disproportionate impact on Aboriginal Territorians.

Where Parliament creates or significantly expands a coercive power that is overwhelmingly exercised against one group, there must be a clear and evidence-based justification for doing so. Parliament should also be satisfied that adequate safeguards are in place to prevent the expanded power from exacerbating existing disadvantage.

The Bill does not provide that justification and the Committee has not adequately examined why this disparity exists or what safeguards are necessary to prevent the extended power from compounding it. Where Parliament creates or significantly expands a coercive power that is overwhelmingly exercised against one group, there must be a clear and evidence-based justification for doing so. Parliament should also be satisfied that adequate safeguards are in place to prevent the expanded power from exacerbating existing disadvantage.

The Bill does not provide that justification. I therefore make the following recommendations:



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Recommendation A

That clause 25 be amended so that a banning notice may only exceed 14 days where:

- 1. a charge has been laid in relation to the relevant offence; and**
- 2. there is evidence that the offending was alcohol-related.**

I further recommend that the three-year review required by Recommendation 5 report specifically on:

- the use of banning notices of more than 14 days;**
- the impact of those notices on Aboriginal Territorians;**
- the extent to which longer banning notices reduce reoffending; and**
- whether the longer period is demonstrably improving community safety.**
- the extent to which longer banning notices reduce reoffending;**
- contravention rates;**
- impact on police workload and application of the provision (to assess whether officers have been provided with the appropriate operational guidance); and**
- whether the longer period is demonstrably reducing alcohol harms and improving community safety consistent with the primary and secondary purposes of the Act).**

Licence transfers

Clauses 12 and 13 change the way licence transfers are assessed.

Under the proposed amendments, a transfer would no longer be assessed as though the transferee were applying for a new liquor licence. Instead, an existing licensee would be presumed to be a fit and proper person unless there is evidence to the contrary.

Importantly, the amended provisions do not require the Director to actively investigate whether the transferee remains a fit and proper person. The Committee found this 'appropriate as drafted' and limited its concern to the adequacy of the Explanatory Statement. If the Director is not required to assess whether a transferee is fit and proper, how will evidence that they are not fit and proper come to light?

A person may have been fit and proper when they were first granted a licence but no longer meet that standard years later. Under the proposed system, there is no requirement for that to be tested when the licence changes hands unless relevant information happens to already be known to the regulator.

That risks creating a situation where a person taking over an existing liquor licence is subject to less scrutiny than someone applying for a new licence. A liquor licence is not simply a

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commercial asset. It carries significant responsibilities because alcohol can cause harm to individuals, families and communities.

The public interest and community impact tests applied to new liquor licence applications exist for a reason. They recognise that liquor licensing decisions affect far more than the applicant or the business. They affect workers, families, neighbouring businesses and the wider community.

A change in ownership does not change those potential impacts.

In fact, the transfer of a licence provides an important opportunity for the regulator to establish that the person taking responsibility for the licence understands those responsibilities and is capable of meeting them.

The Bill should not weaken that safeguard without clear evidence that doing so is safe, necessary and in the public interest.

Recommendation B

That clauses 12 and 13 be amended to require the Director to conduct a fit and proper person assessment for every licence transfer, and that the public interest and community impact tests currently applied to new licence applications continue to apply to transfer applications.

Conclusion

I support the Bill with the amendments recommended by the Committee. However, I remain concerned that two significant changes - the six-fold increase in the maximum banning notice period and the reduced scrutiny of liquor licence transfers - have not been adequately justified by the evidence before the Committee. The organisations raising concerns about these provisions are organisations with extensive experience responding to alcohol-related harm in Northern Territory communities.

Good law should be proportionate, evidence-based and properly safeguarded. Where Parliament is being asked to significantly expand a coercive power, it must be satisfied that the power is necessary and proportionate. Where Parliament is being asked to reduce regulatory oversight of liquor licences, it must be satisfied that the change will not weaken protections for the community.

In these two areas, I am not satisfied that the evidence before the Committee meets that threshold. I therefore commend Recommendations A and B to the Assembly.

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