From: Samual Wilks
To: Legislative Scrutiny Committee
Subject: Submission on the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026
Date: Saturday, 21 March 2026 9:34:29 AM

21 March 2026

The Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

By email: LSC@nt.gov.au

Dear Secretary

Submission on the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026

I make this submission in response to the Legislative Scrutiny Committee's call for submissions on the Liquor Legislation Amendment (Fast Track Approvals) Bill 2026. I have reviewed the Bill and the accompanying Explanatory Statement.

My position is straightforward. The Assembly should amend the Bill before passing it.

The Bill will likely speed up some licensing decisions. That much is true. But it does not cleanly achieve the broader claim in the Explanatory Statement that regulatory efficiency will be improved while appropriate safeguards are maintained. In several important respects, the Bill improves speed by removing the very safeguards that distinguish a controlled liquor licensing system from an administrative rubber stamp.

The strongest concern is not that the Bill is trying to make the system work faster. The concern is that it does so by removing public interest scrutiny, reducing community impact obligations, exempting a class of applications from public notice, and shifting some decisions away from the Commission to the Director. Those changes create real room for misuse, misinterpretation and future lawfare. They also risk pushing the burden of weak front-end scrutiny onto residents, police, complainants and victims after the fact.

My general position

The Bill is not without merit. Some parts are aimed at genuine administrative delay and unnecessary duplication. A fast-track pathway for genuinely low-risk matters can be sensible in principle. A fit and proper person test can also be useful if it is part of a wider protective framework. The problem is that this Bill does not merely streamline process. It removes substantive checks for a prescribed class of applications and leaves too much of the real policy boundary to regulation.

In a field such as liquor licensing, the difference between a benign approval and a harmful one often turns on local context, cumulative impact, operating conditions and the character of the venue. That is precisely why public interest, community impact and public notice requirements exist. Once those checks are removed, the system becomes faster, but not necessarily better, fairer or safer. This is why my substantive experience in frontline service as a licenced crowd controller adds some merit to my submission.

Fast-track low risk applications

Clauses affected - Clauses 8 to 13, and Clauses 20 to 21.

What the Proposed Bill does -

The Bill creates a fast-track pathway for low risk applications. It allows the Commission to grant a licence or authority on a low risk application if the applicant is found to be fit and proper, without needing to be satisfied of the usual public interest and community impact matters. It also removes the normal onus on the applicant, exempts low risk applications from the information and consultation requirements in the community impact guidelines, and exempts them from public notice. The definition of what counts as low risk is left to regulation by reference to authorities classified as low risk or very low risk.

Does it fulfill the explanatory note?

Only in part. It plainly advances speed. It does not plainly preserve appropriate safeguards.

My Concern -

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

That is where foreseeable misuse begins. A fast-track process designed for convenience will become a shield against scrutiny. Applicants and advisers will naturally shape proposals to fall within the prescribed categories. (I would). The broader and more regulation-driven the category becomes, the greater the pressure to classify applications as low risk even where the real-world risk sits elsewhere.

The removal of public notice is especially troubling. Public notice is not just a bureaucratic ritual. It is the mechanism by which local residents, neighbouring businesses, police and councils become aware of an application and can raise concerns before harm occurs. Once that is removed, complaints do not disappear. They are merely delayed until after approval, when the burden has shifted to enforcement, review, complaint handling and, in most cases the victims. In essence after the horse has already bolted.

My Recommendation -

These clauses should be amended so that a fast-track application remains subject to a minimum statutory safeguard framework. At a minimum:

- the Act should retain a shortened public interest and local impact assessment for every fast-track application;
- police, local government and directly affected neighbouring premises should receive notice and a short opportunity to comment;
- the categories eligible for fast-track treatment should be set out in the Act, or in a schedule amendable only by the Assembly, rather than left solely to regulation; and
- the Director should be required to publish written reasons whenever an application is accepted for fast-track treatment in circumstances of potential local sensitivity.

Reclassification, review rights and drafting uncertainty

Clauses affected - Clauses 11 and 23.

What the Proposed Bill does -

The Bill allows the Director, within 14 days of lodgement, to determine that a low risk application is not to be dealt with as a low risk application if the Director considers that to be in the public interest. New section 52A(5) states that such a determination is not reviewable by the Commission or NTCAT. Clause 23 then amends section 29 of the

Liquor Commission Act 2018.

Does it fulfill the explanatory note?

Not cleanly. This part of the Bill contains real drafting problems.

My Concern -

The Explanatory Statement says clause 23 updates the review provisions to include determinations made under section 52A(2). Yet the Bill text inserts section 52A(2) into the exception in section 29(1)(a), which has the opposite effect. Read together with section 52A(5), the Bill appears to confirm that a reclassification decision is not reviewable. That contradiction is not a small technicality. It is the kind of drafting ambiguity that invites threshold litigation and interpretive dispute. After decades of interpreting legislation etc, it makes me consider if this was by design.

A statute that is meant to streamline approvals should not create uncertainty about whether an important procedural decision is reviewable. If the policy intention is that the decision is not reviewable, that should be stated consistently in both the Bill and the Explanatory Statement. If the intention is that review should remain available, then the Bill is wrongly drafted. Either way, the present wording is untidy and will create unnecessary argument.

My Recommendation -

The Bill and the Explanatory Statement should be corrected so they say the same thing. The Committee should require the Government to choose one position and express it clearly. If the decision remains non-reviewable, the reasons for that should be justified expressly. If review is intended, clause 23 should be redrafted accordingly.

Transfer of material alteration decisions from the Commission to the Director

Clauses affected - Clauses 6, 7 and 18.

What the Proposed Bill does -

The Bill transfers responsibility for approving material alterations to licensed premises from the Liquor Commission to the Director and makes consequential amendments throughout the Act.

Does it fulfill the explanatory note?

Yes, in a narrow administrative sense. It does what the Explanatory Statement says. The question is whether it should.

My Concern -

A material alteration is not always a minor administrative matter. Changes to layout, patron flow, service areas, entry and exit points, external drinking areas, surveillance lines, crowd control arrangements and amenity impacts will materially alter the risk profile of licensed premises. In many cases, those are precisely the kinds of decisions that should remain with a more independent decision-maker rather than be absorbed into a more internal administrative process.

The foreseeable misuse here is not necessarily bad faith. It is downgrade by routine. Decisions that deserve careful scrutiny will begin to be treated as file processing exercises. That may improve speed, but it will foreseeably reduce accountability and narrow the range of perspectives brought to the decision.

My Recommendation -

The Bill should distinguish between genuinely minor alterations and materially risk-altering changes. Only the former should be decided by the Director alone. Alterations affecting patron capacity, service areas, external drinking, crowd movement, security

design, surveillance coverage or likely amenity impacts should remain subject to Commission approval or, at minimum, to a referral power that must be exercised where those issues arise.

Fit and proper person test

Clause affected - Clause 5.

What the Proposed Bill does -

The Bill inserts a fit and proper person framework under new section 5D. It requires the Commission to have regard to specified liquor offences within the previous 10 years, any matters prescribed by regulation, and any other information the Commission considers relevant.

Does it fulfill the explanatory note?

Yes, but only as a framework. The problem lies in what work that framework is then asked to do.

My Concern -

For ordinary applications, a fit and proper assessment sits alongside public interest and community impact. For fast-track applications, however, it becomes the main statutory hurdle. That is too thin. A person may have no recent liquor conviction and still present obvious risk through violence, coercive conduct, dishonesty, nominee arrangements, organised criminal association or repeated regulatory evasion. A fit and proper test is useful, but it is not a substitute for community impact scrutiny. I am a licensed Real estate Principal and a Security license holder, it seems ridiculous that it might be easier to attain a liquor license than an occupational license.

My Recommendation -

If fast-track approvals are to remain, the Act should make clear that the fit and proper assessment must include integrity, beneficial ownership transparency, serious violence, serious dishonesty and repeated regulatory non-compliance, not merely prior liquor offending. That would not cure the whole problem, but it would at least narrow the gap.

Responsible service certificate refresher period

Clause affected - Clause 16.

What the Proposed Bill does -

The Bill extends the responsible service certificate refresher period from 3 years to 5 years.

Does it fulfill the explanatory note?

Yes. It does exactly what the note says. Whether that is wise is a separate question.

My Concern -

This amendment moves in the wrong direction. In a Bill already reducing some of the front-end checks in licensing, lengthening the refresher period weakens one of the recurring competency requirements tied to harm minimisation and responsible service. It may look minor in isolation, but in combination with the other amendments it contributes to a broader pattern of lighter scrutiny. I taught the RSA, and work in the frontline training field, with over 1,000 frontline personnel trained. We are trying to improve the standards in industry, not lower them.

My Recommendation -

The current 3-year refresher period should be retained. If the Government wants to reduce

training burden, a shorter interim online refresher would be a better answer than simply extending the cycle by two more years. I get it, we didn't even have time frames a decade ago, that's not something to be proud of. The very real harm experienced by the reduction in standards had and has real world effects.

Will the Bill increase lawfare, reduce accountability, or burden victims of crime?

In my view, yes, in part.

Not every clause does so. Some parts are administrative and some may be workable with amendment. But as a package, the Bill contains enough ambiguity and enough reduction of front-end safeguards to create real downstream problems. Problems in an industry I am a frontline member of.

Where public notice is removed, objections are not prevented; they are deferred. Where community impact evidence is not required, local risks are not eliminated; they are left undisclosed until after approval. Where the review provisions are unclear, lawyers are given more room to argue about process rather than substance. Where decisions are moved from a broader body to a single administrative office, the chance of institutional tunnel vision increases.

Victims and complainants carry the cost of that weakness later. They carry it through nuisance, disorder, avoidable harm, delayed enforcement, contested complaints and procedural litigation that should never have been necessary. A licensing system should aim to stop foreseeable trouble early, not merely tidy up after it.

Let me be clear, the security industry have been relied upon to clean up your mistakes for decades, we would much rather you stop making them.

Rights and liberties of individuals and regard for the institution of Parliament

The Committee is specifically required to consider whether the Bill has sufficient regard to the rights and liberties of individuals and to the institution of Parliament. In my view, many of those concerns are engaged here.

The rights and liberties issue arises because directly affected residents, neighbouring occupiers and community stakeholders lose meaningful opportunities to know about and respond to a class of applications that may still affect safety, amenity and local conditions. The Bill narrows their practical ability to be heard.

The institutional concern arises because the real scope of the fast-track regime is left largely to regulation. That means the line between ordinary scrutiny and reduced scrutiny can be expanded later through subordinate legislation rather than fixed by the Assembly in the Act itself. For a reform that removes notice, consultation and parts of the public interest test, that is too much policy left outside the primary legislation.

My Conclusion

The Bill should not be rejected in full. It contains a policy objective that are legitimate in principle: reducing unnecessary delay in low-risk matters. But the Bill should not be passed in its current form.

It fulfills the explanatory statement only in the narrow sense that it will make some approvals easier and faster. It does not fulfill the more important promise that this can be done while maintaining appropriate safeguards. As drafted, it creates real opportunities for misuse, misclassification, interpretive dispute and reduced accountability. This is a safety and security issue.

For those reasons, I respectfully submit that the Assembly should amend the Bill before passing it.

Thank you for considering this submission.

Kind Regards,

Sam Wilks
DIP SRM, DIP WHS, ADIP GOV, CIVSM, CIVTAE, CIVRE
[redacted]

"Safety and Security for your assets"