

Monday 2nd March 2020

Committee Secretary
Legislation Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

Via email: LSC@nt.gov.au

Dear Scrutiny Committee,

Re: Liquor Amendment Bill 2020

Hospitality NT would like to make the following submission on the *Liquor Amendment Bill 2020*.

The Tourism and Hospitality sector is the second largest private sector in the NT following mining. We employ approximately 17,000 people a year. We are a significant pathway employer for rural, regional and students from low socio-economic backgrounds.

The Australia Hotels Association (NT Branch) was established in 1979 and is the leading Territory hospitality industry association. We currently have over 230 members, associates and sponsors ranging from small country establishments to 5-star hotels, breweries, beverage suppliers, furnishings and many other diverse complimentary businesses.

To better acknowledge this broad and diverse membership in 2018 we rebranded and became 'Hospitality NT'.

At the outset we would like to make clear our support for sending this important amendment through the Scrutiny Committee process. This allows the public and all interested parties the opportunity to provide submissions on the Bill and we have seen numerous times that this assists in the overall quality of the legislation being enacted.

Not all of the changes made to the Liquor Act by this Parliament have benefited from the Scrutiny Committee process and there remain examples of legislative amendment on the books that we believe could have benefitted from a more thorough and public ventilation.

The Liquor Amendment Bill 2020 seeks to amend the Liquor Act 2019 to clarify that the Liquor Commission may approve substitution of premises despite where the proposed premises are

yet to be constructed or are still under constructions, amends the Liquor Act 2019 to remove the 'like for like' requirement for a substitution of premises application, and clarifies that the Liquor Commission may impose conditions on the grant of approval of a substitution of premises application. We propose to deal with each of these three important areas consecutively.

Not yet built

Hospitality NT supports the ability for the Liquor Commission to consider applications for substitution of premises where the proposed premises are yet to be constructed or are still under construction.

We believe this will provide investment certainty as a key determinant in the decision to invest and develop new facilities and infrastructure is whether the relevant liquor licencing framework will support the proposed activity.

We believe that allowing the Liquor Commission to determine substitution applications for prospective not yet built facilities removes a strong impediment on future growth and development.

Removal of 'Like for Like'

Committee members would be aware that the re-introduction of the takeaway moratorium was a key recommendation emanating from the *Alcohol Policies and Legislation Review: Final Report October 2017* (hereafter "the Riley Review") as the review found takeaway licences had reached 'saturation point'.¹

In recommending a reintroduction of a takeaway moratorium the Riley Review was mindful to protect its integrity through restricting substitution applications in the following manner:

1. All substitution applications would need to be treated as 'new applications' and thereby all takeaway substitution applications would be caught by the moratorium.²
2. There be discretion to authorise substitutions within needing a 'new application' process where the new premise was in close proximity to the original location and there is 'no significant change in the nature of the business.'³

It was this protection that the Riley Review envisaged was necessary to protect the integrity of the moratorium that became section 75 of the *Liquor Act 2019*:

75 Substitution of premises

(1) If a licensee wishes to substitute other premises for the licensed premises, the licensee must apply for a new licence for those new premises.

¹ Riley Review recommendation 2.5.20

² Riley Review recommendation 2.5.24

³ Riley Review recommendation 2.5.25

(2) Despite subsection (1), instead of issuing a new licence the Commission may, on application by the licensee, amend a licence to substitute other premises for the licensed premises if satisfied that:

- (a) no significant change in the operation of the business will occur as a result of the substitution; and
- (b) the substitution satisfies the public interest and community impact requirements.

(3) An application to substitute premises is to be made in the same manner as an application to vary conditions of the licence under

We believe that allowing the moratorium to be easily circumvented through the substitution pathway will mean the policy objective of decreasing the volume of alcohol in the community will be more difficult to achieve.

Imposes conditions on substituted applications

Hospitality NT supports the clarification and confirmation that the Liquor Commission may impose conditions on the grant of a substitution application approval as they see fit. This is in keeping with their broad powers to amend and vary licence conditions across the Territory and is consistent with their role as primary rule maker for licensed premises.

Concluding remarks

Hospitality NT welcomes the opportunity to provide a submission on this legislative amendment. The Liquor Act is the most amended piece of legislation in the Northern Territory and has been amended almost twice as often as any other act of parliament.

We acknowledge the importance of the topics contained in our liquor legislation to the community, stakeholders and industry and can see the need strike the right balance in its composition.

We do query if all the constant chopping and changing ultimately is part of the problem rather than the solution it purports to be at during every parliamentary debate. Going forward we hope the Liquor Act and the rules that govern our industry can become more settled to help create certainty and conditions conducive to investment and job creation in our industry.

Yours sincerely,



Alex Bruce
Chief Executive Officer