

# ***people's alcohol action coalition***

## ***PAAC***

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### **Submission on Serial 71 Liquor Amendment Bill 2026:** **Minister for Tourism and Hospitality**

1. PAAC appreciates the opportunity to make this submission to the Legislative Scrutiny Committee (the Committee). We hope the Committee will give due consideration to our comments and suggestions. In particular, we commend the amendments that relate to the conversion of Indigenous Alcohol Protected Areas (IAPAs) to General Restricted Areas (GRAs), and urge the Committee to take note of PAAC's suggestions on these legislative provisions, which we believe would be beneficial if implemented.
2. The People's Alcohol Action Coalition (PAAC), based in Alice Springs NT, is a community-based advocacy group which works towards reducing alcohol-related harm through a number of strategies. These include: developing and proposing constructive legislative and policy reforms to the sale of alcohol; advocating for controls on public consumption; advocating for the responsible service of alcohol; and promoting healthy lifestyles.

3. PAAC has standing as a ‘community-based organisation or body’ under s61(4)(h) of the *Liquor Act* (the *Act*). As part of its advocacy work, PAAC from time to time makes submissions to the Liquor Commission (the Commission), on licence applications or variation applications, and has also sought to have the Commission make amendments to licence conditions where PAAC believes these would be in the public interest. PAAC also regularly makes submissions to government in relation to alcohol-related policy and legislation. We provide the following comments and suggestions in relation to the proposed amendments in the order in which they appear, or potentially appear, in the *Act*.

**4. Sections 71 and 72 replaced and s73 amended.**

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. We also note that due to previous fast-tracked amendments passed earlier this year, an applicant who seeks a low risk licence, which includes community clubs, no longer needs to provide any information, or conduct any of the consultation required by the community impact guidelines: s51(2A).

Perhaps these changes have been suggested by liquor industry representatives. Whilst there is no specific request in either the ‘Saying Yes to Business’ report or its Supplementary Report,<sup>i</sup> the latter claims, without offering evidence, that the requirement to be a fit and proper person ‘has led to penalising and stopping younger and inexperienced applicants from entering the market.’<sup>ii</sup>

In short, under the proposed changes, applicants for a transfer will no longer be treated as though they are applying for a new licence. We do not believe this is satisfactory, given the high level of responsibility that comes with holding a liquor licence. 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 minimisation, and the well-documented problems associated with alcohol misuse in the NT.

In addition to the above amendments, seemingly designed to smooth the path for applicants for a transfer, it is proposed to amend s73 so that 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.

We also note that the 'Saying Yes to Business' Supplementary Report recommends introducing a list of disqualifying offences to increase certainty as to who may be fit and proper to hold a licence.<sup>iii</sup> This is a reasonable request and one which PAAC supports.

In a submission to the Scrutiny Committee on the Liquor Legislation amendment (Fast Track Approvals) Bill 2026: Serial No. 62 in March, PAAC proposed that the *Act* be amended to preclude not only anyone found guilty of an offence against

NT liquor legislation in the past ten years as already set out in s5D, but also that a person found guilty of an offence against liquor legislation in any jurisdiction in the past ten years be barred from holding a liquor licence in the NT. We also recommended that a person (or corporation) convicted of any offence relating to violence, fraud or dishonesty that attracted a prison term of three months or more should be so barred. The Liquor Regulations should be amended to include these classes of person or corporations, in order to exclude those not fit to hold a licence, to provide certainty, and to protect NT residents from undesirable elements in the liquor industry.

### **Recommendations**

- (i) Maintain the requirement for licence transfer applicants to show that their application is in the public interest and will not have an adverse effect on the community.
- (ii) Amend the proposed s72(6) so that the Director *must* investigate any applicant for a licence transfer so as to establish whether or not they are a fit and proper person to hold a liquor licence.
- (iii) Amend the Liquor Regulations 2019 to prevent from obtaining a liquor licence or authority, any person (or corporation) who has been convicted of any offence relating to violence, fraud or dishonesty that attracts a minimum prison term of three months, in any jurisdiction, whether they were sentenced to a term of imprisonment or not. This will save time, increase the efficient administration of the *Act*, and provide clarity for applicants as well as protection for residents of the NT.

### **5. Section 113 amended (Variation of conditions on Commission's initiative)**

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 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.

### **Recommendation**

- (i) Withdraw this amendment and leave the provision as it stands.

### **6. Section 215 amended (Effect of banning notice)**

This amendment appears to have been devised without due consideration. PAAC believes that a substantial extension from fourteen to ninety days would be harsh and unnecessary. It is not clear why this particular period has been put forward. In addition to this draconian measure, and even with the proposed additions to the existing s215 (3)(a) and (b) exemptions, which would allow a banned person to receive medical treatment, attend a health care facility or have access to a government service, the amendment is flawed. It does not permit, for example, an exemption in order to attend an educational facility or a businesses or businesses for the purpose of food shopping. This could result in extreme unfairness in the case of a declaration of a high-risk area, especially in a small town.

## **Recommendation**

- (i) Withdraw this amendment and consider a shorter extension, for example thirty days, but with additional exemptions that will allow banned persons to otherwise carry out their normal daily activities.

### **7. Section 258 amended (Police power to suspend licence or authority)**

This amendment would allow the Police Commissioner to suspend a licence only if they believe on *reasonable grounds* (an amendment to the current provision) that the following is occurring or likely to occur in or on licensed premises or in the vicinity:

- an emergency or a natural disaster;
- riotous conduct;
- a breach of the peace; or
- a threat to public safety.

It also then adds the significant proviso that the licensee must have had a reasonable opportunity to prevent the conduct in question from continuing, and refused or failed to take reasonable steps to prevent it from continuing. The Explanatory Statement offers no reason for the need for the proposed amendments to s258.

We do not object to the need for reasonable grounds to be explicitly required, although this is arguably already implied. We do not, however, believe it is either necessary or desirable for police powers to be fettered by having to consult a licensee in the prescribed circumstances. PAAC is aware that some licensees do not like the provision at it stands. We have, however, seen what happens, at least in Alice Springs. Intoxicated patrons, who have somehow been allowed to purchase and or consume alcohol on premises often to the point of serious intoxication in spite of Responsible Service of Alcohol (RSA) requirements, leave premises en masse, especially but not only on days when bottle shops open at

3pm. There have been numerous instances of drunken arguments, fights and 'riotous behaviour' in the town, including in the vicinity of licensed premises. These do not only occur during the day. The Commission has attempted to address drunken anti-social behaviour in the town, most recently by conducting investigations during a recent own initiative inquiry under s113.

In its decision in February 2026, which, unfortunately, is currently stayed whilst under reconsideration by the Commission after licensees applied to the Northern Territory Civil and Administrative Tribunal (NTCAT), the Commission found, among other things, that 'much of this anti-social behaviour is directly associated with drinking at CBD venues.'<sup>iv</sup> The Commission also decided that the licences of the Todd Tavern, The NT Rock Bar, Bojangles Saloon and Dining Room, Uncles Tavern and Lasseters Casino should be subject to the following condition:

#### **Practices relating to disturbances**

The licensee must take reasonable steps –

(a) to prevent undue offence, annoyance, disturbance, noise or inconvenience to people who reside, work, study, worship or attend facilities that provide goods or services in the vicinity of the licensed premises, resulting from entertainment or activities on the licensed premises or the conduct of people making their way to or from the licensed premises; and

(b) to ensure public order and safety.<sup>v</sup>

This requirement is also being challenged by the affected licensees. We believe this sends a clear message that there is a reluctance on the part of licensees to take even fairly minimal responsibility for what happens at or near their premises. In our submission, this very reasonable condition, which applies in South Australia, and which NT Police also support, should apply to all NT liquor licences. Licensees need to take more, not less responsibility for what happens at or near their venues, and in our opinion the fact that licensees have challenged this part of the decision demonstrates an unwillingness to do so.

The power of the police to deal with emergencies, riots, breaches of the peace or threats to public safety is an important one which at times may need to be exercised expeditiously. We see no valid reason why police should be required first to ask a licensee to bring matters under control, and then wait to see whether or not their efforts succeed. The events and circumstances set out in the provisions are potentially dangerous ones that need to be assessed by those who are properly trained to do so, without unnecessary or convoluted additional steps. There appears to us no logical reason why police should have to consult licensees before taking reasonable action in what can at times be violent, disturbing and dangerous circumstances.

Section 114 of the *Liquor Control Act* 1988 (WA) has a similar provision to s258. It does not require police to allow licensees the opportunity to quell disturbances before they act. In its submission to the Riley Review, PAAC argued for the inclusion of a similar provision, which is now s258. The primary purpose of the *Act* is of course the prevention of harm associated with the consumption of liquor. Those who have the privilege of holding a liquor licence need to take seriously the provisions of the *Act*, and accept that when situations such as those prescribed arise, it is the job of police to exercise their judgement without delay and without additional requirements for consultation being placed upon them. It is difficult to imagine that those whose businesses rely on tourist visitation to the NT, including its major towns, could support such a change, as centres such as Alice Springs attempt to recover from reputational damage caused at least in part by alcohol-fuelled anti-social behaviour and worse.

### **Recommendations**

- (i) Accept the amendment to require the Commissioner to have reasonable grounds for the relevant belief.
- (ii) Reject the amendment requiring the Commissioner to be satisfied that the licensee has been given the opportunity to prevent the conduct from continuing and has refused or failed to take reasonable steps to do so.

**8. Section 342: Interim alcohol protected areas converted to general restricted areas on commencement.**

We welcome the decision to convert IAPAs to GRAs. The disastrous and entirely predictable and avoidable consequences of the lapse of the Commonwealth *Stronger Futures* provision are well known and there is no need to go over them in detail in this submission. Suffice to say that between the time the provision lapsed in July 2022 until similar NT provisions were introduced several months later, the consequences were horrific.

It is worth keeping in mind that the High Court established in 2013 that alcohol restrictions that are otherwise discriminatory may be valid as ‘special measures’ that are designed to protect a community from alcohol abuse and violence.<sup>vi</sup>

We also note that GRAs will not have an expiry date, but will continue unless revoked or varied, in order to avoid any lapse by default. This is a welcome inclusion.

**9. Section 180B – s180F: community alcohol plans.**

We note that applications for community alcohol plans (CAPs) are to be submitted to the Director in writing, and if the Director accepts an application, notice must be given to certain parties under s180D(1), with discretion to give notice to other parties: s180D(2).

PAAC believes that the Regulations should include parties additional to those listed in s180D(2) for notice of CAP applications. We suggest that the following be added:

- the main health services providers for residents of the area;
- educational service providers of the area, whether for children, youth or adults;
- providers of youth services for the area;
- aged care and disability service providers for the area

- specific women's services including but not only domestic violence service providers for the area;
- job service providers for the area; and
- community arts centres for the area

We note s180E2(b) and also submit, as we did in response to a previous government's Liquor Amendment Bill in February 2023, that there should be evidence that any CAP is supported by a clear majority. We propose a required majority of at least two thirds of persons aged twelve and over who reside in the area; also, that a secret ballot should be conducted; and that the NT Electoral Commission should provide a declaration that all persons who have voted or otherwise participated in any ballot on a CAP have participated freely in any such poll, howsoever named.

It is extremely important that community views are properly ascertained, without pressure, especially where a CAP application seeks a variation or revocation that would allow liquor to be brought in, sold or consumed. Consultation with community members and service providers should be done by an independent party, with men, women and young people separately consulted and the proposal clearly explained.

### **Recommendations**

- (i) Broaden the number of parties to whom notice of an application for a CAP is to be given in s180D(2).
- (ii) That a secret ballot be conducted to decide whether or not to accept CAP application, with a two-thirds majority in favour required.
- (iii) The NT Electoral Commission to provide a declaration of a free and fair ballot.
- (iv) Independent consultations be conducted on any CAP application, with separate consultations for men, women and young people.

## Conclusion

The amendments to the IAPA provisions demonstrate a common sense approach. The NT cannot afford to go backwards in addressing its problems with excessive alcohol consumption and its deleterious effects on both problem drinkers, their families, and the broader community. We know the costs are unacceptable whether in the areas of health, criminal justice, community amenity, and of course the heavy economic burden. Other proposed amendments, as we have argued, lean too far in favour of licensees. The banning notice proposal, as indicated, is ill-considered and heavy-handed. It needs to be withdrawn or significantly altered. While there must always be a balancing of interests when dealing with alcohol availability and commercial aspirations, we do not want to see the erosion of the *Act* in a way that moves that balance away from harm minimisation and therefore the well-being of the NT community as a whole.

Again, we thank the Committee for the opportunity to make this submission, and hope that our contribution may be of assistance. Please do not hesitate to contact PAAC if any questions should arise.

31<sup>st</sup> July 2026

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<sup>i</sup> <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-report.pdf>

<https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf>

<sup>ii</sup> <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf> at cl. 10I, p34.

<sup>iii</sup> Ibid.

<sup>iv</sup> [https://agd.nt.gov.au/\\_data/assets/pdf\\_file/0008/1592855/alice-springs-liquor-licences-2026-ntliqcomm-5.pdf](https://agd.nt.gov.au/_data/assets/pdf_file/0008/1592855/alice-springs-liquor-licences-2026-ntliqcomm-5.pdf) at paragraph 7(c) (ii).

<sup>v</sup> Id, at paragraph 4(a).

<sup>vi</sup> <https://www.hcourt.gov.au/cases-and-judgments/cases/decided/case-b572012>