

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Lambley to the Minister for Police, Fire and Emergency Services:

Police Commissioner's "emergency powers" to suspend trading of liquor outlets

1. When was the NT Police Commissioner first granted "emergency powers" to suspend trading of liquor outlets?
2. How many liquor outlets have had their trading suspended by the Police Commissioner, using his new "emergency powers" since this came into effect?
3. Please provide all details of which liquor outlets have had their trading suspended, where the outlets are located, reasons for the suspension and how long the trade was suspended?
4. Why have all the suspensions of trading of liquor outlets by the Police Commissioner been south of Darwin and Palmerston – in Katherine, Tennant Creek and Alice Springs?
5. Why has there been no suspensions of trading of liquor outlets by the Police Commissioner in Darwin or Palmerston?
6. Is the Police Commissioner targeting liquor outlets outside of Darwin?
7. If so, why?
8. How does the Police Commissioner assess and determine which Liquor outlets will be targeted under these "emergency powers"?
9. What accountability does the Police Commissioner have to the Minister for Police in the suspensions of trading of liquor outlets?
10. What reporting does the Police Commissioner have to the Minister for Police in the suspension of trading of liquor outlets?
11. Is there any right of appeal for liquor outlets that have their trading suspended by the Police Commissioner?
12. How can Territorians be assured that the "emergency powers" of the Police Commissioner to suspend trading of liquor outlets is being used fairly across the NT?

ANSWERS:

1. Section 48B was introduced through the *Liquor Amendment (Point of Sale Intervention) Act 2018* (Act No. 9, 2018). The date of assent was 23 May 2018 and the section commenced on 6 June 2018.
2. Four.
3. The four are Pigglys Supermarket Alice Springs, Tennant Creek Hotel, Katherine Hotel and Bojangles Saloon Alice Springs (x2). All premises were closed for 48 hours relating to section 48B due to breaches of the peace or threats to public safety.
4. All suspensions were a result of issues relating to public safety and failure to abide by liquor licence conditions.
5. While no Section 48B closures have occurred in the greater Darwin area, the new Alcohol Policing Unit (which began operations in Darwin on 15 October) has detected a number of breaches of license conditions in the Greater Darwin area. This has resulted in four matters currently being before the courts. If there is sufficient evidence under section 48B of the *Liquor Act* to close a licensed venue in Darwin or Palmerston, the premises will be closed for 48 hours, as is the case anywhere in the Territory.
6. No.
7. See answer 6.
8. The Commissioner of Police, or his delegate, makes all decisions relating to the use of section 48B on a case-by-case basis, relying on all available evidence. This includes assessment of reported alcohol related incidents in and around the subject premises, assessment of intelligence, alleged breaches of the Act and observations by local police.
9. Section 48B requires the Commissioner of Police to immediately notify the NT Minister for Police, Fire and Emergency Services (NTPFES), the Chairperson of the Liquor Commission and the Director-General of Licensing NT in writing of any suspension, including the reasons for the suspension.
10. See answer 9. Additionally, under the Act, within three months of the end of each financial year the Commissioner of Police must submit a report to the NTPFES Minister detailing the number of suspensions imposed, the licenses suspended and the period of each suspension.
11. There is no right of appeal granted by statute.

12. The use of section 48B of the Act is specific in nature and its use is monitored closely to ensure all effort is taken to first engage with licensees regarding any identified issues at their premises, assist in implementing improved management, responsible service of alcohol and recommend improvements to security and amenity of the premises.

NTPF operate from a decision making framework that is intelligence-informed, evidence-based and values-led, to maintain a safer NT.