

# Explanatory Statement

## LIQUOR AMENDMENT BILL 2026

### SERIAL NO.71

#### LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

#### MINISTER FOR TOURISM AND HOSPITALITY

### GENERAL OUTLINE

This Bill amends the *Liquor Act 2019*.

The purpose of this Bill is to:

- make targeted amendments to the *Liquor Act 2019* 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.

### NOTES ON CLAUSES

#### Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Liquor Amendment Act 2026*.

#### Clause 2. Commencement

This clause sets out how the amendment Act will be commenced. In this case this will be done by notice given by the Administrator in the Northern Territory Government Gazette. If for any reason a provision does not commence before 28 February 2027, it commences on that day.

#### Clause 3. Act amended

This clause provides that the *Liquor Act 2019* is amended.

#### Clause 4. Section 4 amended (Interpretation)

This clause amends section 4, which contains definitions used throughout the *Liquor Act 2019*. The amendments omit the existing definitions of 'community alcohol plan', 'General Restricted Area' and 'prohibited liquor' and replace them with updated definitions.

The clause also inserts new definitions of 'proposed transferee' and 'registered wholesaler'.

The definition of '*prohibited liquor*' is updated to clarify how liquor prohibitions are identified for General Restricted Areas and special restricted areas. The definition of '*forfeiture offence*' is also amended to correct a grammatical error.

#### **Clause 5. Section 16 amended (Appointment)**

This clause amends section 16 to provide that the Director of Liquor Licensing appoints liquor inspectors, rather than the responsible Minister. This places the appointment function with the statutory office responsible for administering the Act and supports timely, operational decision-making.

#### **Clause 6. Section 41A amended (Registration of BYO servers of liquor)**

This clause amends section 41A, which deals with the registration of BYO liquor servers. The amendments clarify that BYO liquor brought to a business by a customer may only be served by the business to that customer for consumption on the business premises, and only with food.

#### **Clause 7. Section 43 amended (Exceptions from licence requirement)**

This clause amends section 43(3)(c) to clarify that a registered wholesaler may sell liquor by wholesale to a licensee or to another registered wholesaler.

#### **Clause 8. Section 65 repealed**

This clause repeals section 65, which provides for the issue of duplicate licences, authorities and permits. The provision was outdated and is no longer required because licences, authorities and permits are now issued electronically.

#### **Clause 9. Section 66 amended (Surrender of licence or authority)**

This clause amends section 66, which deals with the surrender of a licence or authority. The amendments reflect the move away from physical licences and authorities to electronic records.

Clause 9(1) allows a licensee to apply to the Director, in the approved form, to surrender a licence or authority. This replaces the existing requirement to physically return the licence or authority.

Clause 9(2) updates the wording of the existing provision to reflect that the Director must approve the surrender, rather than accept the return of a physical document.

Clause 9(3) inserts new provisions requiring the Director to give the licensee written notice of the decision to approve the surrender. The notice must state when the surrender takes effect, which may be the date of the decision or a later date specified in the notice. This provides certainty about when the licensee's responsibilities under the licence or authority end.

Clause 9(4) updates subsection 66(4) to reflect that a licence is surrendered through the Director's approval process, rather than by returning a physical document.

### **Clause 10. Section 67 amended (Abandonment of licence)**

This clause amends section 67 to extend the period before licensed premises are taken to be abandoned from 6 months to 12 months. The amendment recognises that a licensee may require additional time to assess the future operation of the licence, including exploring sale options or making other operational arrangements.

### **Clause 11. Section 69 replaced**

This clause replaces section 69 to update the provisions dealing with fees for licences and authorities. The new section provides for regulations to prescribe fees for new licences, new authorities and annual licence fees, including any late payment fee.

The amendments allow annual licence fee arrangements to be set by regulation, including the relevant 12-month period and the date for payment. This supports a more flexible and manageable approach to licence fee administration.

The new section also provides that a licence is automatically suspended if the annual licence fee is not paid by the prescribed due date. The suspension continues until the annual licence fee and any applicable late payment fee are paid. This supports compliance with annual fee obligations while allowing licences to be reinstated once outstanding fees are satisfied.

### **Clause 12. Sections 71 and 72 replaced**

This clause replaces sections 71 and 72 to update the process for transferring a liquor licence.

New section 71 provides that a licence may be transferred from the licensee to another person, known as the proposed transferee, with the approval of the Commission.

New section 72 sets out the application process. The proposed transferee may apply for approval to transfer the licence and must lodge the application with the Director in the approved form, together with the prescribed application fee and an affidavit that complies with section 54. If the proposed transferee is a body corporate, it must also designate an individual to be its nominee under the licence.

The Director must accept the application if it complies with the application requirements or otherwise refuse to accept it. If the application is accepted, the Director must refer it to the Commission for consideration. Before referring the application, the Director may conduct an investigation into the application and whether the proposed transferee is a fit and proper person.

The amendments distinguish a licence transfer from an application for a new licence. They 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.

### **Clause 13. Section 73 amended (Decision on transfer)**

This clause amends section 73, which deals with decisions on applications to transfer liquor licences. Clause 13(1) replaces references to the Commission '*authorising*' a transfer with references to the Commission '*approving*' a transfer. This aligns the terminology with the updated transfer process in sections 71 and 72.

Clause 13(2) inserts new provisions to support the assessment of a proposed transferee. 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 also require the proposed transferee to provide additional documents or information it considers necessary to properly consider and decide the application.

**Clause 14. Section 74 amended (Certificate of transfer)**

This clause amends section 74 to replace references to the Commission '*authorising*' a licence transfer with references to the Commission '*approving*' the transfer. This is consistent with the updated terminology used in sections 71 to 73.

**Clause 15. Section 76 amended (Acting licensee)**

This clause amends section 76 to align remaining references to the acting licensee period with the 90-day period that applies under subsection 76(2). The amendment promotes consistency within the section and avoids uncertainty about the period for which an acting licensee may act without a further determination by the Director.

**Clause 16. Section 113 amended (Variation of conditions on Commission's initiative)**

This clause amends section 113, which deals with the Commission's power to vary licence or authority conditions on its own initiative. The 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.

Before varying conditions, the Commission may request the Director to investigate the licence or authority. The Commission must also give the licensee written notice of the proposed variation, the reasons for the proposed variation and an opportunity to respond within 28 days.

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.

After considering those matters, the Commission may vary the conditions in the manner proposed in the notice or in a different manner if the Commission considers it appropriate. Consequential amendments are also made to reflect the updated structure of section 113.

**Clause 17. Section 113A inserted**

This clause inserts new section 113A to allow the Commission to vary licence or authority conditions to make administrative amendments. This may include correcting clerical mistakes, accidental slips or omissions, calculation errors, or errors in the description of a person, place, thing or other matter. It may also include removing duplicated or conflicting material or clarifying a matter without altering the substance of the conditions.

If the Commission proposes to make an administrative amendment on its own initiative, it must give the licensee written notice of the proposed variation and invite the licensee to respond or raise any objection within the period specified in the notice. After making the variation, the Commission must give the licensee written notice that the variation has been made.

### **Clause 18. Part 8, Division 1 repealed (Interim Alcohol Protected Areas)**

This clause repeals Part 8, Division 1, which contains the Interim Alcohol Protected Area provisions. Transitional provisions in Part 19 provide for existing Interim Alcohol Protected Areas to be converted into General Restricted Areas on commencement.

Under the transitional arrangements, each former Interim Alcohol Protected Area is taken to have been declared as a General Restricted Area under section 172. The existing boundaries of the area continue to apply, and all liquor is taken to be prohibited liquor in the area on commencement. Permits that were in effect immediately before commencement continue as if they had been granted under section 201.

The converted General Restricted Areas may subsequently be varied or revoked under the General Restricted Area framework in Part 8, Division 3.

This amendment preserves community alcohol protections while providing a clear transition to the General Restricted Area framework.

### **Clause 19. Section 172 amended (Power to declare General Restricted Area)**

This clause amends section 172, which deals with the Commission's power to declare a General Restricted Area. The amendments require a declaration to identify the liquor that is prohibited in the General Restricted Area.

The clause also removes the requirement for a declaration to specify an expiry date. This means a declaration will continue in effect until it is varied or revoked by the Commission, providing greater certainty that liquor restrictions will not lapse by default.

The amendments further clarify that the prohibited liquor may be all liquor, one or more specified types of liquor, or all liquor except one or more specified types of liquor.

### **Clause 20. Section 175 amended (Consultation and notice of restriction)**

This clause amends section 175, which sets out the consultation and notice requirements for a proposed General Restricted Area. The amendments require notice 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, relevant local councils and any prescribed persons or bodies.

The clause also allows the Director to give notice of the proposed General Restricted Area to any other person or body if the Director considers it appropriate. This provides flexibility to ensure relevant persons and bodies can be consulted before a declaration is made.

### **Clause 21. Section 178 replaced**

This clause replaces section 178, which deals with publication of information about General Restricted Areas. The new section requires the Commission to publish specified information about each General Restricted Area on the Commission's website.

The information to be published includes the boundaries of the area, the liquor that is prohibited in the area, the date the declaration takes effect and, if the declaration is varied, the date the variation takes effect. The Commission may also publish any other information it considers appropriate.

The amendments support transparency and accessibility by ensuring current information about General Restricted Areas is available in a single public location.

## **Clause 22. Section 180 replaced**

This clause replaces section 180 and establishes a new framework for varying or revoking a declaration of a General Restricted Area. The Commission may vary or revoke a declaration by Gazette notice, either on application or on its own initiative.

A variation may change the boundaries of the General Restricted Area or the liquor that is prohibited in the area. A Gazette notice must state when the variation or revocation takes effect and include any relevant details about the varied boundaries or prohibited liquor.

New section 180A provides that any person may apply to the Commission to vary or revoke a declaration. The application must be lodged with the Director in the approved form. An application to revoke a declaration must include reasons for the proposed revocation and be accompanied by a community alcohol plan. An application to vary a declaration must include an explanation of the proposed variation and reasons for the proposal. A community alcohol plan is required for certain variation applications, including where the proposed variation would remove a prohibition on a type of liquor, where the application is of a prescribed kind, or where the Director requests one. A community alcohol plan must accompany all applications to revoke a declaration.

Community alcohol plans are intended to support local alcohol management arrangements that limit access to alcohol, maintain low demand for alcohol, and reduce the risk of alcohol-related harm. They are developed with community input and appropriate consultation with NT Police, health agencies, health service providers and residents of the area.

New section 180B sets out the requirements for community alcohol plans. A plan must be in writing, be consistent with the Act and Regulations, and include any matters prescribed by regulation. Regulations may also prescribe requirements for consultation and community support.

New section 180C provides for the Director to accept or reject an application. The Director may reject an application if it does not meet the requirements of section 180A(3) or (7), if a required community alcohol plan has not been provided, or if the application is frivolous or vexatious. The Director may also require additional information or documents to decide whether to accept the application.

New section 180D sets out the consultation and notice requirements for an application to vary or revoke a declaration. The Director must notify specified persons and bodies and may notify any other person or body the Director considers appropriate. Submissions must be lodged with the Director within 28 days after notice is given.

New section 180E sets out how the Commission must decide an application. The Commission must consider any submissions and, if provided, the community alcohol plan. The Commission may vary or revoke the declaration only if satisfied that the variation or revocation is in the public interest and is not likely to have a significant adverse impact on the community.

If an application is supported by a community alcohol plan, the Commission may decide to vary or revoke the declaration subject to conditions relating to the implementation of the plan. The Commission may require all or part of the community alcohol plan to be implemented before the variation or revocation takes effect. Once those conditions have been satisfied, the Commission must take action to give effect to its decision. The Commission must provide a decision notice to the applicant and to each person or body who made a submission.

New sections 180F and 180G set out the process for a Commission initiated variation or revocation. Before making a decision, the Commission must request the Director to notify and consult relevant persons and bodies, including residents of the General Restricted Area and any local council in the area. The Commission must consider any submissions, opinions and advice reported by the Director before deciding whether to vary or revoke the declaration.

New section 180H provides that a variation or revocation takes effect on the later of the date the Gazette notice is published or the date specified in the notice.

#### **Clause 23. Section 209 amended (Applicable offences)**

This clause amends section 209 to expand the list of offences that may constitute an applicable offence for the purposes of Part 10. The additional offences include certain liquor-related, violence-related and public safety offences, including specified offences under the *Criminal Code* and the *Domestic and Family Violence Act 2007*. The amendments 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.

#### **Clause 24. Section 213 amended (Requirements before giving banning notice)**

This clause amends section 213 to clarify the identification requirement that applies before a police officer gives a banning notice. A police officer must produce their police identification unless the officer is in uniform.

#### **Clause 25. Section 215 amended (Effect of banning notice)**

This clause amends section 215 to extend the maximum period of a banning notice from 14 days to 90 days. The amendment is intended to strengthen the effectiveness of banning notices in preventing a person from entering or remaining in a high-risk area or licensed premises while the notice is in effect.

The clause also clarifies that a banning notice does not prevent a person from entering or remaining in a high-risk area for specified essential purposes. These include attending work, attending a health care facility, receiving medical treatment or accessing a government service.

### **Clause 26. Section 258 amended (Police power to suspend licence or authority)**

This clause amends section 258, which deals with the Commissioner of Police's power to suspend a licence or authority. 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 on or in the licensed premises or in the vicinity of the licensed premises.

The Commissioner may only exercise the suspension power if satisfied that the licensee has been given a reasonable opportunity to take steps to prevent the conduct from continuing and has refused or failed to take reasonable steps, or if the conduct poses an imminent threat to public safety and suspension is reasonably necessary to prevent or reduce that threat.

The amendments also clarify the procedural requirements and public safety considerations that apply before the suspension power may be exercised.

### **Clause 27. Part 19 inserted**

This clause inserts new Part 19 to provide transitional arrangements for the amendments made by the Bill. The new Part deals with the conversion of Interim Alcohol Protected Areas into General Restricted Areas, the continuation of proceedings for offences committed before commencement, the treatment of existing General Restricted Area declarations, the review of previously converted licences and authorities, and pending licence transfer applications.

Division 1 defines '*amending Act*' and '*commencement*' for the purposes of the new Part.

Division 2 provides for existing Interim Alcohol Protected Areas to be taken, on commencement, to have been declared as General Restricted Areas under section 172. The existing boundaries continue to apply; all liquor is taken to be prohibited liquor for each converted area and permits in effect immediately before commencement continue as if they had been granted under section 201.

The Commission may later vary or revoke a converted General Restricted Area under the General Restricted Area framework. The Commission must publish the required information about each converted area but is not required to post warning notices under section 181 for those areas.

Division 2 also preserves the ability to continue or commence proceedings for an offence against repealed section 170B if the offence was committed before commencement. This ensures that liability for pre-commencement conduct is not affected by the repeal.

Existing General Restricted Area declarations that included an expiry date will continue in effect despite that date. They may still be varied or revoked under the Act.

Division 3 allows a licensee who holds a previously converted licence to apply to the Director for review of a converted authority within 2 years after commencement. The Director may substitute the converted authority with another authority if satisfied that the substitute authority is equivalent to the expired licence and more consistent with the nature of that licence.

Division 4 provides that licence transfer applications made before commencement, but not decided before commencement, continue to be dealt with under the Act as in force before the relevant amendments commenced. This provides certainty for applicants and avoids the need to relodge existing applications.

**Clause 28. Act further amended**

This clause provides that the Schedule has effect.

**Clause 29. Regulations amended**

This clause provides that this part amends the *Alcohol Harm Reduction Regulations 2017*.

**Clause 30. Regulation 4 repealed (Prescribed provision)**

This clause repeals regulation 4 of the *Alcohol Harm Reduction Regulations 2017*.

**Clause 31. Repeal of Act**

This is a standard clause providing for the repeal of the amending Act on the day after it commences.

**Schedule**

This Schedule makes consequential amendments to the Act, including amendments relating to registered wholesalers and updates to other provisions affected by the Bill.