

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

## **PAAC**

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Hon. Oly Carlson MLA (Chair)  
Legislation Scrutiny Committee  
NT Legislative Assembly  
GPO Box 3721  
Darwin NT 0801

### **Submission on Liquor Legislation amendment (Fast Track Approvals) Bill 2026: Serial No. 62: Minister for Tourism and Hospitality**

#### **Introduction and background**

1. 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. We thank the Committee for the opportunity to comment on this Bill.
2. As part of its advocacy work, PAAC from time to time makes submissions on licence applications to the Liquor Commission, and has also sought to have the Liquor Commission make amendments to licence conditions where it believes these would be in the public interest.
3. PAAC also regularly makes submissions to government in relation to alcohol-related policy and legislative matters. In this instance, the time for response to the Fast Track Approvals Bill (the Bill) is extremely limited, with notice of the call for submissions having been received by email on 20<sup>th</sup> March, one week before the closing date. We believe this to be most unsatisfactory. Given the extreme importance of rigorous and thoughtful liquor regulation in the NT, with its unacceptably high levels of alcohol consumption and the inevitable consequences, and the potential ramifications of legislative change, it is our submission that more time should have been allowed, and provision made for thorough community consultation.
4. Whilst we note the proposed reform at 3.1.1 2. 2B of the 'Saying Yes to Business' report: <sup>i</sup> *Establish a risk-based framework for liquor licensing and exempt low-risk activities from public interest and community impact tests*, it is difficult to ascertain,

aside from any argument about their merit, what is so urgent about the proposed amendments that they need to be fast-tracked, and where the consideration of the public interest lies in this approach.

5. The primary purpose of the Liquor Act in s3(1) is of course: 'to minimise the harm associated with the consumption of liquor in a way that recognises the public's interest in the sale, supply, service, promotion and consumption of liquor.' The minimisation of harm should be at the forefront of legislators' minds.
  
6. As noted in the *Alcohol Policies and Legislation Review 2017* (the Riley Review), the then NT Government abolished the Licensing Commission in January 2015. The Licensing Commission was replaced by the new statutory office of Director-General of Licensing. The position of Director of Licensing was removed, with its powers and functions transferred to the Director-General of Licensing. The Riley Review went on to note the level of concern about a lack of transparency resulting in a lack of public confidence that followed. It further identified and discussed the obvious problem of a lack of differentiation between 'the body making the decisions about applications and enforcement on one hand, and the body that directs compliance activity and prosecutes complaints and disciplinary matters on the other.'<sup>ii</sup>

7. One of the Review's key recommendations was in fact:

'a return to a Liquor Commission regime to foster appropriate enforcement of, and compliance with, the provisions of the Liquor Act within a tiered framework which ensures appropriate separation between those making decisions and those undertaking enforcement and compliance activities.'<sup>iii</sup>

8. In our submission, the proposed amendments signify at least a partial return to the unsatisfactory regime of liquor legislation as described by the Riley Review in the years prior to the modernising overhaul of the *Liquor Act* and the establishment of the independent Liquor Commission as it exists today. There are amendments that are contrary to the public interest in that they would either dilute or remove some current functions of the Liquor Commission.

### **The proposed amendments**

9. Clause 5: Fit and proper person.

It is not clear why the Minister for Tourism and Hospitality (the Minister) seeks to amend provisions pertaining to the need for an applicant to be a fit and proper person by:

- 1) precluding applicants previously found guilty of an offence against *specified liquor legislation*; and then
- 2) allowing the Commission to exercise its discretion on this matter.

10. We query whether this was a specific request of business interests? If the Minister wishes to prescribe further the conditions for a successful licence application, as appears is the case, we would propose that the *Liquor Act* be amended to preclude not only persons found guilty of an offence against liquor legislation in the past ten years, but also so that a person found to have breached a condition of a liquor licence in any jurisdiction, simply be barred from holding a liquor licence in the NT. Also, we suggest that a person (or corporation) convicted of any offence relating to violence, fraud or dishonesty that attracts a prison term of three months or more similarly be barred.

11. The latter condition is a common reason for exclusion from boards and salaried positions. Such provisions would clarify the checks that must be done by the Director of Licensing upon receipt of an application. This would save time and resources by excluding at an early stage a person not fit and proper. It would also send a clear message that to obtain and hold a liquor licence is not a right, but a privilege. Notwithstanding this suggestion, the time allowed for comment on this Bill and the absence of a wide distribution for input weighs against its being passed.

12. Clauses 6 and 7: Material alterations.

PAAC believes that the determination of applications for material alterations should not sit solely with the Director. Applications for material changes often involve major works. The Alice Springs Casino Operations Pty Ltd 2025 application demonstrates this point.<sup>iv</sup> The request for material alterations to these premises was significant, involving, amongst other things, new residential structures, new bar areas, a youth entertainment zone and a childcare centre, with the changes to be made over a number of years. The licensee was required to conduct consultation, and the Liquor Commission had to address the public interest and community impact concerns, as should be the case. It also conducted a hearing.

13. While there may be arguments on the part of licensees that such applications should be handled with greater efficacy, on balance we believe it is not acceptable to remove this function from the Liquor Commission. Such applications should be open to public scrutiny and also have the benefit of the experience of Liquor Commission members rather than be delegated to the Director. To do so would mean an inevitable reduction in transparency, and, most likely, in public confidence. In our submission the Minister should either withdraw this amendment or put a modest monetary cap, say \$50,000, on the value of alterations that the Director acting alone would be permitted to approve, with a provision that such alterations do not significantly change either the appearance or internal structural layout of the premises.

14. Clauses 8, 9, 10, 11, 12 and 13. Public interest and community impact; low-risk applications; public notice provisions.

The Riley Review recommended that in *all* decisions made under the *Liquor Act*, the public interest and community impact test should be applied, and further, that the onus at all times be upon the applicant to establish the case for the outcome being sought.<sup>v</sup> The proposed amendments, if passed, would remove significant requirements that currently apply to low risk and very low risk authorities as currently set out in Schedule 2 of the Liquor Regulations. Again, this goes to the need for transparency and public confidence in the application of the *Liquor Act*.

15. Alcohol is no ordinary commodity, and all types of authorities carry a risk. The recognition of these factors undoubtedly influenced the relevant Riley Review discussions and recommendations. The consequences of alcohol misuse, such as alcohol-related domestic violence, including homicides and other offending, health problems and economic cost in the NT are extensively documented, well-known to the Minister and all MLAs, and there is no need to repeat the details in this submission. We are unable to discern any valid reason or reasons as to why an application for an authority of the type in the low risk or very low risk category should be exempt. We would also see, under these proposed changes, the Director having the discretion to determine whether or not an application is to be dealt with as being low-risk. Once again, it is our position that important matters such as these should be left to the expertise of the Liquor Commission, not the Director, who is responsible for compliance.
16. The grant of any authority will allow a licensee to offer liquor for sale, and may therefore increase consumption. We therefore see no reason why any category should be exempt from scrutiny in relation to the public interest and community impact, again bearing in mind the purposes of the *Liquor Act*, in particular as set out in s3(1).
17. Under the proposed amendments, for example, there would be no onus on an applicant for a community club licence to satisfy the Liquor Commission that a licence would be in the public interest and would not have a significant adverse impact on the community. We believe it would be irresponsible in the extreme to permit applicants for such licences, whether in remote communities or in a town, to avoid the onus and other conditions in s51 of the *Liquor Act* that currently apply, for very good reason, to every applicant for a liquor licence. To allow this would be to ignore the Purposes in s3 of the *Liquor Act*. We cannot see any valid reason to exempt an applicant for a club licence to sell alcohol to avoid the reasonable requirements that other applicants who must meet.

18. The public interest and community impact requirements have been included in the *Liquor Act* as a means of trying to ensure that the community is not adversely affected by the granting or operation of an authority. If a low or very low risk authority is granted without the requirement to have regard to community impact (and, as proposed, without the consultation currently required) or the public interest, and also without public notice or the opportunity for objection, then:

- 1) how can the public be assured of transparency in any such decision? and
- 2) how will any effective monitoring of such authorities be managed if necessary, if there has been no requirement that it be shown to be in the public interest or not have an adverse community impact in the first place?

The granting of a licence to sell alcohol to members of the public at any venue is not to be taken lightly, and to pass this amendment would demonstrate a willingness on the part of the Legislative Assembly to disregard the interests of community members.

19. That said, we submit that at least some of the low risk or very low risk authorities are incorrectly scheduled, and their inclusion as such should be reviewed. In going through the list, it is difficult to see, for example, how an argument can be made that a community club, restaurant, producer or sporting event authority qualifies as low risk.

20. By way of example, the Alice Springs Brewing Co. holds a producer's authority as well as a public bar authority. It is, under the producer's authority, permitted to sell its products as take-away. This is currently allowed during the following hours:

Sunday 12:00 to 19:00  
Monday 15:00 to 19:00  
Tuesday 15:00 to 19:00  
Wednesday 15:00 to 19:00  
Thursday 15:00 to 19:00  
Friday 15:00 to 19:00  
Saturday 11:00 to 20:00

21. No other local outlet is currently permitted to sell take-away liquor on a Monday or Tuesday. The licensee undertook some time ago to install a Banned Drinker Register scanner at the request of Licensing, but there are no PALIs present, which means persons who are otherwise prohibited from purchasing take-away liquor elsewhere due to their residential status, may do so at the Brewing Co. This is an anomalous situation that we believe is contributing to alcohol-related harm and the authority in question should certainly not be considered 'low risk,'<sup>vi</sup> and nor should any producer's or other licence that permits take-away sales. This particular type of

licence needs to be comprehensively re-examined with a view to limiting the amount of 'sample' product that visitors to a distillery or brewery may purchase, and the conditions under which they may make such purchases.

22. Clause 16: RSA certificate required every five years, not every three years.

There is no reason offered for this proposed change. Given the importance of responsible service, we fail to see why an RSA certificate should not be renewed every three years. Persons engaged to serve alcohol to the public need to be very much aware of their responsibilities and potential liability, and in our view, it is desirable and not onerous to expect them to renew at least every three years. There is no need to amend this provision.

### **Summary**

The proposed amendments appear to have the aim of expediting some licence applications and amending parts of the *Liquor Act* in order to satisfy business interests, without due consideration for the remainder of the community. Again, we fail to see why these changes should be made at all, and further, why they should be fast-tracked with just one week allowed for comment. The Northern Territory is a jurisdiction where, sadly and undeniably, alcohol misuse contributes to a great deal of social dysfunction, poor health, criminal matters including extremely high rates of domestic violence, and massive economic cost. The NT Government's own data shows this to be the case, as does a plethora of other research. In recent years, some inroads have been made, particularly in the areas of supply reduction through restrictions and other measures, and particularly in regional areas. The rewriting of the *Liquor Act* following the Riley Review has also contributed to better transparency, in particular in relation to decision-making with the establishment of the Liquor Commission. There was extensive discussion and consultation on the changes to the *Liquor Act*. This is not the case with these proposed fast-track amendments, the introduction, and in most instances, the content of which, demonstrates little regard for the public interest.

### **Recommendations**

1. Withdraw the Liquor Legislation amendment (Fast Track Approvals) Bill 2026 and allow time for proper public consultation on any future proposed changes to the *Liquor Act* 2019.
2. In considering any criteria of a 'fit and proper person' apply a wider definition so as to catch persons with liquor licence breaches in any jurisdiction and persons with convictions for violence, fraud or dishonesty that attracts a prison term of three months or more.

3. Maintain the role of the Liquor Commission in relation to applications for material alterations, with the possible exception of allowing the Director to determine applications for minor works that do not exceed \$50,000 in cost and do not significantly alter the layout or appearance of a premises.
4. Maintain the public interest and community impact provisions for all types of authorities so as to ensure transparency and fairness, and also compliance with the stated Purposes in s3 of the *Liquor Act*.
5. Do not allow the Director of Licensing to determine whether or not an application is low risk and do not exempt low risk or very low risk applications from public notice, consultation, community impact or any other current requirement under the *Liquor Act*.
6. Conduct an independent review of Schedule 2: Risk classification for authorities in the Regulations, in order to reassess the correct level of risk associated with such authorities, including but not only any producer's authority that permits take-away sales.

Contact:

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<sup>i</sup> <https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf> at p11.

<sup>ii</sup> <https://dth.nt.gov.au/media/docs/publications/racing-gaming-and-licensing/alcohol-reform/alcohol-policies-and-legislation-review-final-report.pdf> at p37.

<sup>iii</sup> <https://dth.nt.gov.au/media/docs/publications/racing-gaming-and-licensing/alcohol-reform/alcohol-policies-and-legislation-review-final-report.pdf> at p9.

<sup>iv</sup> <https://agd.nt.gov.au/media/docs/liquor-commission/decisions/2025/application-for-material-alteration-laseters-hotel-casino-2025-ntliqcomm-17.pdf>

<sup>v</sup> <https://dth.nt.gov.au/media/docs/publications/racing-gaming-and-licensing/alcohol-reform/alcohol-policies-and-legislation-review-final-report.pdf> Recs. 2.1.6 and 2.1.7

<sup>vi</sup> PAAC has written to the Minister about this matter in her capacity as Attorney-General, but we are yet to receive a substantive reply.