

**LIQUOR AMENDMENT BILL
Serial 71**

Consideration in detail

Mr DEPUTY SPEAKER: The Assembly will consider the Liquor Amendment Bill 2026, serial 71, together with amendment schedule 71OPP, circulated by the Member for Nightcliff, and amendment schedule 71IND, circulated by the Member for Johnston.

Clauses 1 to 10, by leave, taken together and agreed to.

Clause 11:

J DAVIS: Is it correct to say that the requirement for the director to send an invoice before a licensee is suspended for unpaid fees has been removed?

Ms BOOTHBY: The expansion of the automatic suspension reflects the penalty now provided for non-payment of the fee creating a clear and persistent consequence for non-payment while allowing the licence to resume once the annual licence fee, and any late payment fee, are paid. This encourages timely compliance and avoids more complex enforcement action for routine fee matters.

J DAVIS: Does that mean that a venue that misses a fee deadline by one day could be suspended with no warning?

Ms BOOTHBY: Yes.

J DAVIS: How will a small business avoid being shut down by a bounced email or a late bank transfer?

Ms BOOTHBY: They have to pay their fee.

J DAVIS: If it was no fault of their own and there are unpaid fees their licence will be cancelled?

Ms BOOTHBY: Yes. Once they pay it, they can then reopen.

Clause 11 agreed to.

Clause 12:

J DAVIS: In the explanatory statement it is not clear why the fit and proper person check has become optional. Why is that that now optional?

Ms BOOTHBY: The reason is an existing licensee has already undergone assessment under the Act and the presumption reduces the duplication, but it is not absolute. It may be displaced by contrary evidence and further information may still be required.

J DAVIS: Cheques are not required for every transfer, but they may be for some. Am I understanding that correct?

Ms BOOTHBY: It is only for existing licensees. New ones still have to go through the full process.

J DAVIS: Sorry, can you say that again?

Ms BOOTHBY: It is only existing licensees. New ones still have to go through the full process.

J DAVIS: I move amendment one, clause 12 proposed section 72(7) to admit 'may' and insert 'must'. It is a one word change. A liquor licence is a privilege that carries real responsibility and every incoming owner or change should be checked. It should not depend on discretion. I move the motion.

Amendment not agreed to.

Clause 12 agreed to.

Clause 13:

J DAVIS: Clause 13 removes the public interest in community impact test for transfers. Once again, the explanatory statement gives no reason for lowering the bar. What is the basis for removing the public interest and community impact test for transfers?

Ms BOOTHBY: It is already an existing licence. Only new licences have to go through that process.

J DAVIS: If a licence is transferred, there is no check for the new licensee, who it has been transferred to?

Ms BOOTHBY: The process has already been through with the new application and it is just a transfer from one location to the next.

J DAVIS: If someone was transferring from a quiet hotel to a nightclub, there would be no public interest in community impact tests?

Ms BOOTHBY: It still has to go to the commission. The director does the application, it still goes to the commission and then it is awarded or not based on that.

Clause 13 agreed to.

Clauses 14 and 15, by leave, taken together and agreed to.

Clause 16:

J DAVIS: The explanatory statement says that clause 16 clarifies the commission's power to vary licence conditions. The scrutiny committee heard that it narrows the list that the commission must consider from the community impact requirements down to risk of harm. What is the basis for narrowing the test from community impact requirements to risk of harm?

Ms BOOTHBY: The amendments allow the commission to respond to community harm and public interest issues while strengthening procedural fairness for licensees. Written notice, reasons and an option to respond ensure decisions are transparent, evidence informed and balanced.

J DAVIS: I just note for the Chamber, and for my fellow committee members who may also want to speak to this, that the committee recommended that clause 16 of the Bill be amended so that the commission may vary the conditions of a licence or authority only if the commission, considering the community impact and public interest requirements, is satisfied that the variation is necessary to prevent or minimise the risk of harm to the community or in the public interest. Has the minister considered that recommendation from the committee?

Ms BOOTHBY: I have, and I have not accepted it.

J DAVIS: Can you explain why?

Ms BOOTHBY: Throughout the debate we heard that this is about balance. We have to balance what licensees are required to do as well as community impact. Like I said, the commission can respond to community harm and public interest issues while strengthening procedural fairness for licensees.

Clause 16 agreed to.

Clauses 17 to 21, by leave, taken together and agreed to.

Clause 22:

J DAVIS: This clause removes the 60% community support threshold from the Act. We heard a lot of evidence about this in the committee—the question and concerns on both sides. What will be the process to ensure that community alcohol plans are accepted by and are appropriate for the whole community? How will you ensure that the people most impacted by alcohol harm—women, older people and children—are part of this decision-making?

Ms BOOTHBY: That will be prescribed under the regulations, and it is a body of work that we are doing with the Department of Health.

J DAVIS: I note that, and I think we talked about this in the scrutiny committee, there is good work done on the ground already. It is not a criticism of that; I just want to make sure that there is a robust system in place to ensure that people who are most vulnerable are included.

Ms BOOTHBY: We agree.

Clause 22 agreed to.

Clauses 23 and 24, by leave, taken together and agreed to.

Clause 25:

Mr SMELT: Clause 25 inserts the specific locations into the Act regarding a healthcare facility and access to government services. I am keen to understand why this section of the Act was not inverted to say where people could not attend rather than having to explain where they can attend?

Ms BOOTHBY: I understand where you are coming from. Section 218 of the *Liquor Act 2019* provides that it is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse. This provision allows individual circumstances to be considered when determining whether a person had a reasonable excuse for entering a high-risk area in breach of a banning notice. It keeps those rules clear while protecting people who have a genuine need to enter a banned area. It can cover unexpected situations without the Act having to list every possible reason.

The banning notices are there for a reason. If someone needs to go to the supermarket or somewhere else, they can, but we have to protect the community so that they do not go into those high-risk areas.

Mr SMELT: Why not just say that people with banning notices cannot attend hospitality locations or licensed venues and that type of thing, rather than leaving this grey area and discretion?

Ms BOOTHBY: Because if we start listing them all, what if we miss something? That is why this is an overarching catch-all for those reasonable excuses, which is clear in the *Liquor Act*. It allows circumstances to be assessed on their individual merits, including unforeseen or changing needs, without requiring legislation to anticipate every service or communicate every circumstance that may warrant access.

J DAVIS: A couple of specific exceptions are outlined, though. Given that you are saying there is already under section 218 a broad reasonable excuse, why have two things been specifically named?

Ms BOOTHBY: A healthcare facility or somewhere to receive medical treatment or even attending a place to access government services are critical things that people would want to access. That is why we have included them. Other things could be far ranging. Something could be essential for people to live their lives with dignity or they might have children or elderly parents—whatever it might be. There is a million things it could be. The Act having specific section about a defence to a prosecution for an offence if the defendant has a reasonable excuse allows that sort of coverage to catch all or any of those other things and it can be determined.

Mr DEPUTY SPEAKER: I remind members that we have three amendments on this clause. The recommended order of those amendments is the Member for Johnston's amendment 2, then the Member for Nightcliff's amendment and then the Member for Johnston's amendment 3 because they relate to different parts of the clause. That is why I will go in that sequence. If you want to continue general questions, that is fine.

Mr SMELT: Evidence presented to the committee showed that 87% of banning notices issued in 2024–25 were issued to people who identified as Aboriginal, with the remaining 13% recorded as 'not stated'. The committee also heard concerns about the impact of longer notices on people experiencing homelessness, alcohol dependency, mental health issues and other forms of disadvantage.

What assessment has the government undertaken of the likely impact of increasing these notices from 14 days to 90 days on Aboriginal Territorians and other vulnerable groups?

Ms BOOTHBY: We have made it clear that we are trying to address alcohol harm on our streets. That is why we are taking these measures.

Mr SMELT: Yes, but it is a specific impact. The data that was presented to the committee showed that was overwhelmingly on a particular cohort of Territorians. How have you taken that into account in the crafting of this Bill?

Ms BOOTHBY: We have moved it from 14 days to 90 days deliberately. Police will now have those powers to be able to do that to keep our community safe.

Mr SMELT: There was no assessment of the impact on the people that will most apply to?

Ms BOOTHBY: Member for Nightcliff, I know you are new, but that recommendation for it going from 14 days to 90 days was a recommendation of the three-year review that Labor handed down before they lost government.

Mr SMELT: I do not think that was entirely relevant to my question. The question was about whether an assessment has been undertaken by the government with regard to vulnerable cohorts of people, including the 87% of banning notices that were issued to people who identified as Aboriginal.

Ms BOOTHBY: I have answered the question. I guess we could go back and look at your Labor records to see what the report looked like.

Mr SMELT: Under the existing framework, a police officer can issue a banning notice where they believe, on reasonable grounds, that a person is committing or has committed a relevant offence. A person does not necessarily have to have been charged or convicted before a notice is issued. Can you explain why the government determined that the same threshold that currently applies to a notice of up to 14 days would still be appropriate for a notice that could restrict a person's movements for up to 90 days?

Ms BOOTHBY: That is a similar question to the one asked before, but it is asked differently. I have answered that question.

Mr SMELT: No, this is about those thresholds. We are saying that people do not have to be charged or convicted before the notice is issued. This is a change from 14 days to 90 days. We want to understand why that threshold has not changed.

Ms BOOTHBY: To help out the Member for Nightcliff, I have a list here of the offences for which banning notices were issued during the year. I will run through a couple of examples.

They were breach of bail, assault of a person, aggravated assault, assault of a worker where victim suffers harm and burglary. Think about these kinds of offences where these banning notices are used. The evidence speaks for itself.

Mr SMELT: Did the government consider requiring an additional threshold such as independent review or court involvement before the banning notice is extended beyond 14 days?

Ms BOOTHBY: No.

Mr SMELT: Why was that approach rejected?

Ms BOOTHBY: Breach of bail, assault of a person, aggravated assault, damage to property, nuisance public drinking, possessing cannabis in a public place, refusing to or failing to leave—I could go on and on. There is the evidence.

Mr SMELT: A number of submissions raised the concern that longer banning notices may restrict behaviour for a period of time without addressing the underlying factors contributing to harmful alcohol use or offending. Where a person receives a banning notice, does this legislation or the government's implementation plan provide for that person to receive an alcohol or other drug assessment, treatment or other therapeutic support during the period of the notice?

Ms BOOTHBY: No.

Mr SMELT: Can you explain why that there would not be an alternative plan or pathway for someone who is in that situation of having the banning notice?

Ms BOOTHBY: These people have been banned for a reason. They need to go and get help.

Mr SMELT: You are saying the government is not providing any pathway for someone who has received that notice to change their behaviour?

Ms BOOTHBY: There are many pathways available to people who need support through many of the agencies. These banning notices are issued by police and they will be moving to 90 days.

J DAVIS: Under this clause, I do not think this was discussed in the explanatory statement, but there are new trigger offences. Is that is that right? For example, shoplifting.

Ms BOOTHBY: The amendments expand the list of applicable offences that may trigger that banning notice or exclusion notice. They include additional liquor-related offences, violence-related offences and specified offences under the Criminal Code and the *Domestic and Family Violence Act*. The purpose is to ensure banning notices better reflect the offending that police routinely encounter and allow earlier intervention where a conduct presents a risk to community safety.

J DAVIS: For the police to issue a notice they do not need to charge someone. Is that correct?

Ms BOOTHBY: No.

J DAVIS: Sorry?

Ms BOOTHBY: No.

J DAVIS: Okay. And they do not need proof that alcohol was involved?

Ms BOOTHBY: Banning notices are used for other things as well, not just alcohol. It might be fighting in public or something like that. So having alcohol on someone or not is irrelevant. They can use those banning notices when the police feel like they need to use the banning notice.

J DAVIS: This change in this Act that extends banning notices to 90 days extends to banning notices in general, not just in relation to the *Liquor Act*.

Ms BOOTHBY: That is correct, yes.

J DAVIS: When we vote on this today, we are voting on extending banning notices to 90 days for—I do not know what other legislation this might come under.

Ms BOOTHBY: I just let you know about the other related expansions of applicable offences. Do you want me to go through those again?

J DAVIS: No, no. Just to clarify so that I understand what I am or am not voting for, that these banning notices extend beyond liquor-related offences—or offences where someone is affected by alcohol.

Ms BOOTHBY: It also includes alcohol-related violence, riotous conduct, breach of the peace which is occurring on or near a licenced premises, and they also clarify that licensees should have reasonable opportunity to take steps unless immediate action is needed to reduce an imminent public safety risk.

J DAVIS: We are turning what is meant to be an alcohol harm tool into a general movement ban.

Ms BOOTHBY: We are giving the police the tools to do their job.

J DAVIS: Essentially we are extending a general movement ban to 90 days. Mr Deputy Speaker, I move my amendment. This amendment says that notices need to remain at 14 days, as they are, unless the person has been charged and unless the officer believes on reasonable grounds that the person was affected by alcohol when committing an offence. In those cases, the full 90 days would remain. I move number 2 after clause 25(1A), insert after one 215(1)—sorry, after section 215(1), insert (1A), 'Despite subsection (1), the specified period of a banning notice must not exceed 14 days unless: (a) the person is charged with the

offence for which the notice is issued; and (b) the police officer who issues the notice believes on reasonable grounds there is evidence that the person was affected by alcohol when committing the offence.

Amendment not agreed to.

Mr SMELT: I move an amendment to clause 25. It is a straightforward and practical amendment; it is not about removing banning notices, preventing police from doing their job or diminishing the importance of community safety. It is about making sure that when this parliament gives police the power to restrict a person's movements up to 90 days, the law is sufficiently clear that those restrictions do not unnecessarily prevent that person from accessing the basic services they need for life.

The amendment provides that a person subject to a banning notice may enter a high-risk area to access an essential service or obtain essential goods or to attend another place where they have been permitted to do so by a police officer.

It then provides practical examples of what an essential service may include. We have listed supermarkets, education and childcare, transport, banking, local government, housing, housing and homelessness services, domestic and family violence, faith-based and organised youth services.

This amendment has not come out of nowhere; it draws directly from the recommendations 3 and 4 of the Legislative Scrutiny Committee's report.

Recommendation 3 was that a person subject to a banning notice should also be able to enter or remain in a high-risk area to access essential services or to attend another place in appropriate circumstances as determined by police.

Recommendation 4 called for examples to be included in the legislation to make the operation of those exceptions clearer. This was a recommendation of the committee after it considered the evidence put to it by stakeholders. It is important to emphasise this was simply not an opposition recommendation. The scrutiny committee is a government majority and bipartisan committee.

Members have already participated in the scrutiny process, considered the evidence and supported a report recommending that this issue be addressed. What we are now asking the Assembly to do is to give practical effect to that work, just as we did with the amendments to the *Traffic Act* earlier this week. The need for this amendment is clear through the submissions to the committee, a number of organisations working directly with people affected by these laws raised concerns about what happens in practice when someone receives a banning notice.

The committee heard that high-risk areas can cover substantial parts of our CBD and town centres. For someone living in Darwin, Palmerston, Katherine, Tennant Creek or Alice Springs, being excluded from a high-risk area may mean being excluded from an area where many of the services they rely upon are located.

For people coming into regional centres from remote communities, the alternatives can be even more limited. Stakeholders specifically raised access to food and groceries, household necessities, education, banking, community and social services, transport, public facilities, libraries, safe houses, recreation programs and family responsibilities. They also raised access to domestic and family violence support and the ability of a person to move through a high-risk area in order to reach safety.

The committee accepted that concern. It found that because of the significant length of the proposed banning period, a notice could affect a person's ability to access essential services, particularly where there are limited alternatives outside the high-risk area. The committee also found that putting examples into the legislation would help clarify how these provisions should operate in practice. There can be a substantial difference between what legislation technically permits and what a person on the ground understands that legislation to permit.

If someone receives a banning notice and believes that notice means that they cannot go into this area for any reason, that person may not go to the supermarket, they may not go to their bank, they may not access housing or homelessness support. They may not attend an education or domestic violence service. They may not attend a youth service with their child. That may occur even where the legislation was never intended to prevent them doing those things. When we are extending the possible duration of these notices from 14 to 90 days that uncertainty becomes much more consequential.

No-one should realistically be expected to go three months without accessing essential services simply because the legislation was not clear enough or not prescriptive enough about what they were permitted to do. That does not mean banning notices cannot serve an important preventative measure, but it does mean we should be careful about creating unintended consequences that go beyond the preventative purpose.

This amendment also retains an important role for police. It allows a person to attend another place within the high-risk area where a police officer permits it, so this does not create an unrestricted exemption. It gives police the flexibility to deal with individual circumstances that parliament cannot possibly anticipate in advance.

I therefore hope the government will support this amendment today. It preserves the banning notice regime and preserves police discretion, but it makes it clear that a banning notice should not unnecessarily prevent a Territorian from buying food, accessing transport, going to the bank, seeking housing assistance, escaping family violence or accessing the community services they need. That is a sensible safeguard. It responds directly to the evidence provided by stakeholders, it reflects the work and recommendations of the scrutiny committee and, most importantly, it provides greater certainty to the people who actually have to understand and comply with these notices on the ground.

I commend the amendment to the Assembly.

Mr MACKAY: Mr Deputy Speaker, what the Member for Nightcliff is trying to do is to completely water down and remove the purpose of these banning notices. The government Bill states that people can enter the high-risk areas for the purposes of going to healthcare facilities or another place to receive medical treatment or to access a government service. What the Member for Nightcliff would like to do is get rid of the idea of a high-risk area where the intent is to make sure these people are removed from these areas where they are at risk. He would like them to be walking past the bottle shops, he would like them to have any excuse to be in that area, because he does not care about victims of crime; he only cares about the perpetrators.

J DAVIS: Mr Deputy Speaker, I speak in support of this motion. I have a similar motion. As the Member for Nightcliff said, this was also a recommendation from the scrutiny committee, from the cross-parliament scrutiny committee. It is in no way designed to enable people to go to a bottle shop; it is so people can access essential services over a period of three months, which are completely concentrated in the areas that they will be now banned from. It is a sensible recommendation. It does not do anything to threaten community safety; it does something actually to keep people safe so they can access the services they need.

Mr SMELT: In light of the comments from the Member for Goyder, I would just like to check with the minister that a person can walk to a supermarket and that they could walk past the bottle shop on the way to the supermarket.

Ms BOOTHBY: I have answered that question. It is all about that defence mechanism in that section in that section 218 of the *Liquor Act*. It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

Mr SMELT: Is the Member for Goyder incorrect in his assertion?

Mr MALEY: She has answered the question.

Amendment not agreed to.

Clause 25 agreed to.

Clause 26, by leave, agreed to.

Clause 27:

J DAVIS: Mr Deputy Speaker, just a couple of questions. Is it correct that the warning signs currently required by section 181 for general restricted areas will now be removed?

Ms BOOTHBY: If I am understanding your question correctly, I think you are talking about the signs at different communities that were put up by the federal government.

J DAVIS: My understanding is that the warning signs that are currently required will be removed for a general restricted area.

Ms BOOTHBY: My understanding is that there are signs put up for general restricted areas.

J DAVIS: Will that remain?

Ms BOOTHBY: That is my understanding.

J DAVIS: To bring alcohol into a general restricted area is a strict liability offence. Is that correct?

Ms BOOTHBY: Correct, yes.

J DAVIS: Just to be clear, because it was a question raised with the committee. I do not know who puts up the signs, but it was raised with the committee that those signs would be removed and that people, including tourists or travellers, may not know where the boundaries are. It sounds like you are saying that is not the case.

Ms BOOTHBY: No, those signs will continue.

Clause 27 agreed to.

Clauses 28 to 31, by leave, taken together and agreed to.

Schedule agreed to.

Remainder of the Bill, by leave, taken together and agreed to.

Ms BOOTHBY (Attorney-General): Mr Deputy Speaker, I move that the Bill be now read a third time.

Motion agreed to; Bill read a third time.