



29/04/26

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Liquor Legislation Amendment (Fast Track Approvals) Bill 2026

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat in examining this Bill and presenting a report to the Legislative Assembly. I also acknowledge all individuals and organisations who provided submissions to the inquiry.

As reflected in the Committee's report, the Inquiry received 11 submissions, the majority of which raised substantive concerns about the Bill. These concerns were consistent across public health organisations, Aboriginal peak bodies, policing representatives, and community stakeholders.

The evidence before the Committee raises serious questions as to whether the Bill, in its current form, maintains the balance between regulatory efficiency and harm minimisation that underpins the *Liquor Act 2019*. For this reason, I provide this dissenting report to further address the critical issues raised in submissions.

Inadequate Consultation and Timeframes

A number of submitters raised concerns regarding the limited consultation process. The seven-working-day submission period was identified as insufficient, particularly given the complexity and potential impact of the reforms.

This concern was compounded by the composition of the government's "Approvals Fast-Track Taskforce", which consisted primarily of industry stakeholders, excluding public health experts and Aboriginal organisations—the representative bodies of those most directly impacted by alcohol-related harm—from early-stage consultation.

While the Department advised that consultation occurred with the Department of Health and NT Police during drafting, and that briefings were provided to key stakeholders after the Bill's introduction, this does not substitute for meaningful, early-stage consultation. Submitters emphasised that consultation on liquor law reform should occur over longer timeframes, with proper opportunity for community and public health input.



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Recommendation: *The Bill should be amended to require that significant reforms to the operation of the Act are subject to consultation processes that:*

- *Include public health organisations, Aboriginal representative bodies, and community stakeholders; and*
- *Occur over a reasonable minimum timeframe.*

Low Risk Applications and Removal of Safeguards

The central reform in the Bill is the introduction of a fast-track pathway for “low risk” applications, including the removal of public interest, community impact, and public notification requirements.

Submitters consistently emphasised that risk cannot be determined solely by licence category and that contextual factors such as location, trading patterns, patron mix, and cumulative impacts are critical to assessing risk. In its current form, the Bill permits applications to be treated as low risk without requiring a structured, evidence-based assessment of these factors.

Recommendation: *The Bill should be amended to require that any determination of “low risk” status:*

- *Is based on consideration of the location and surrounding community, the cumulative impact of existing licences, the trading model and hours, and relevant indicators of alcohol-related harm; and*
- *May only be made where the decision-maker is satisfied that granting the application will not increase alcohol-related harm.*

Removal of public notification

The removal of public notification and community impact assessment processes was identified as a significant weakening of safeguards. Submitters emphasised that these mechanisms enable local knowledge to inform decision-making and allow risks to be identified early. Evidence before the Committee indicates that removing these processes does not eliminate risk, but rather shifts the burden to post-approval enforcement and complaint mechanisms.

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Recommendation: *The Bill should be amended to retain the following for all applications, including those classified as low risk:*

- *The public interest test;*
- *Community impact assessments; and*
- *Public notification requirements.*

Transparency, Discretion and Review

The Bill grants the Director of Liquor Licensing NT broad discretion to determine whether an application proceeds as low risk, without prescribed criteria and without access to merits review. Submitters raised concerns about both transparency and procedural fairness, noting the lack of visibility in decision-making and the potential for real or perceived bias in the absence of public scrutiny.

The Department claims that because these decisions are just 'procedural,' they shouldn't be subject to review. While relying on this legal technicality might be valid, the practical effect is that it completely shields the Director's choices from public scrutiny and accountability.

The current arrangements whereby the Liquor Commission has the power to delegate what they consider to be low risk applications to the Director is appropriate and already provides a "Fast Track" route for businesses.

The Bill removes the step of Commission oversight. That is undesirable: in some cases, a material alteration is so substantial that in effect it amounts to an application for a whole new licence. In those cases, the application should be dealt with by the Commission, applying the public interest and community impact tests.

The separation between the Liquor Commission, as an independent body, and the Director and Department, with responsibility for compliance and enforcement activities, is designed for fairness, transparency and community confidence in the decision-making processes and should be protected.

Recommendation: *The Bill should be amended to:*

- *Prescribe clear statutory criteria guiding the exercise of this discretion; and*



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- *Provide that decisions to classify applications as low risk are subject to merits review.*

These amendments are necessary to ensure that decision-making remains transparent, accountable, and consistent.

Alcohol-Related Harm and Policing Impacts

A consistent theme across submissions was concern that the Bill shifts the system from a preventative to a reactive model. Submitters warned that removing safeguards may increase exposure to alcohol-related harm, while policing stakeholders identified increased pressure on enforcement systems. The cumulative effect of these changes is likely to increase reliance on compliance and enforcement, rather than reducing overall harm.

Recommendation: *If the fast-track pathway is to be retained, the Bill should be amended to include additional safeguards, including mandatory review of approvals within 12 months.*

Fit and Proper Person Test

Clause 5 introduces a statutory “fit and proper person” test. Submitters raised concerns that the proposed framework is too narrow; limiting disqualification primarily to liquor-related offences fails to capture broader conduct relevant to risk, including violence, fraud, and dishonesty. Submitters also highlighted the lack of transparency in how discretionary factors will be applied. Further, key criteria currently remain in administrative guidance rather than legislation.

Recommendation: *The Bill should be amended to:*

- *Expand the criteria to include broader criminal history, financial management, character, and integrity; and*
- *Require that these criteria are prescribed in legislation or regulation.*

This would improve both transparency and effectiveness.

Responsible Service of Alcohol (RSA)

Clause 16 extends the RSA refresher period from three to five years. Submitters raised concerns that this may weaken staff competency in high-risk environments. The Department



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advised that this aligns with New South Wales. However, the Northern Territory operates in a fundamentally different context, including significantly higher rates of alcohol-related harm.

I note the Committee's Recommendation 7, which asks the Department to amend the Explanatory Statement to include an explanation of the rationale for extending this refresher period. However, simply explaining the rationale after the fact does not mitigate the underlying risk to our community. In the absence of Territory-specific evidence justifying this reduction in training frequency in our high-risk environment, I do not consider the Committee's recommendation sufficient.

Recommendation: *Clause 16 should be amended to retain the current three-year RSA refresher requirement.*

Conclusion

In particular, the removal of preventative safeguards, the breadth of administrative discretion, and the reduction in transparency and review mechanisms risk weakening the regulatory framework designed to protect the community. I am not persuaded that these risks can be adequately addressed through post-implementation reviews.

To ensure a balance between efficiency and harm minimisation, I believe the recommendations outlined throughout this report would strengthen the Bill by protecting Territorians while still enabling it to achieve its aim.

Justine Davis

A handwritten signature in black ink, appearing to be 'J. Davis', written in a cursive style.

Independent Member for Johnston