

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR AMENDMENT ACT 2023

Act No. 1 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 1 of 2023

An Act to amend the *Liquor Act 2019*

[Assented to 15 February 2023]
[Introduced 14 February 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Liquor Amendment Act 2023*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Act amended

This Act amends the *Liquor Act 2019*.

4 Section 4 amended (Interpretation)

Section 4(1)

insert

community alcohol plan, see section 170AD.

5 Section 170 amended (Definitions)

(1) Section 170, definitions ***alcohol protected area*** and ***interim alcohol protected area***

omit

(2) Section 170

insert

interim alcohol protected area means any alcohol protected area under the *Stronger Futures in the Northern Territory Act 2012* (Cth) as in force immediately before 17 July 2022.

6 Section 170A replaced

Section 170A

repeal, insert

170A Prohibition of liquor in interim alcohol protected areas

- (1) Subject to subsection (4), liquor is prohibited in an interim alcohol protected area to the extent it is not otherwise prohibited in the area under this Act.
- (2) The Director must publish on the Director's website the boundaries of each interim alcohol protected area.
- (3) The prohibitions of a general restricted area or special restricted area that overlaps with an interim alcohol protected area prevail over any inconsistent provisions of the interim alcohol protected area.
- (4) An area ceases to be an interim alcohol protected area:
 - (a) if it is revoked by the Director under section 170AB; or
 - (b) if it is subsumed by a general restricted area that applies to the same or substantially the same area as the interim alcohol protected area.
- (5) Sections 201 to 207 apply to enable a person to apply for a permit to exempt a person from the prohibitions in an interim alcohol protected area as if a reference in those sections to a general restricted area were a reference to an interim alcohol protected area.

170AB Revocation of interim alcohol protected area

- (1) Any person may request the Director to revoke an interim alcohol protected area.
- (2) The request must be:
 - (a) in the approved form; and

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- (b) accompanied by:
 - (i) a statement of support by the registered owner of any land in the area to which the request applies; and
 - (ii) a copy of the community alcohol plan for the area; and
 - (iii) evidence that the community alcohol plan is supported by at least 60% of the adults who reside in the area.
 - (3) The Director may request the applicant to provide any additional information the Director requires to make a decision on the request.
 - (4) The Director may reject a request if the Director is satisfied the request is frivolous or vexatious.
 - (5) Before making a decision on the request, the Director must consult with the following:
 - (a) the Commissioner of Police;
 - (b) the Chief Executive Officer of the Agency administering the *Alcohol Harm Reduction Act 2017*;
 - (c) the main health services providers for residents of the area;
 - (d) any other person the Director considers necessary to consult with to establish compliance with subsection (6)(a).
 - (6) The Director may revoke all or part of an interim alcohol protected area if the Director is satisfied:
 - (a) the revocation:
 - (i) is in the public interest; and
 - (ii) is not likely to have a significant adverse impact on the Territory community; and
 - (b) the community alcohol plan for the area:
 - (i) complies with this Division and is not otherwise inconsistent with this Act or the Regulations; and
 - (ii) is supported by at least 60% of the adults who reside in the area.

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- (7) If the Director revokes an interim alcohol protected area, the Director must publish:
- (a) by *Gazette* notice:
 - (i) the boundaries of the area in which alcohol is no longer prohibited; and
 - (ii) a provision for when the revocation takes effect; and
 - (b) on the Director's website – the community alcohol plan for the area.
- (8) For subsection (7)(a)(ii), a provision for when the revocation takes effect may be contingent on the full or partial implementation of the community alcohol plan.

170AC Referral to Commission

- (1) At any stage of the process for considering a request under section 170AB(1) the Director may refer the request to the Commission.
- (2) If the Director refers a request to the Commission under subsection (1), section 170AB applies to the Commission as if a reference to the Director were a reference to the Commission.

Note for section 170AC

See the Liquor Commission Act 2018 for the powers of the Commission on referral of a matter under this Act.

170AD Community alcohol plan

- (1) A community alcohol plan must:
- (a) be in writing; and
 - (b) be consistent with this Act and the Regulations; and
 - (c) state the period for which it is to have effect; and
 - (d) include the matters prescribed by regulation.
- (2) Before a proposed community alcohol plan is submitted to the Director under section 170AB(2)(b), the person making the request under section 170AB(1) must:
- (a) consult with members of the community to which the proposed plan would apply, in the manner (if any) prescribed by regulation; and

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- (b) ascertain that the proposed plan is supported by at least 60% of the adults who reside in the area to which it would apply, in accordance with any requirements prescribed by regulation.

Example for subsection (2)(b)

The applicant may wish to engage the Northern Territory Electoral Commission to conduct a ballot of the community.

170AE No review by NTCAT

A decision of the Director or the Commission under this Division is not reviewable by NTCAT.

7 Section 170B amended (Offence for interim alcohol protected area)

- (1) Section 170B(1)(a), (b), (c) and (d)

omit (all references)

prohibited

- (2) Section 170B(6)

omit

8 Section 170D inserted

After section 170C, in Part 8, Division 1

insert

170D Repeal of Division

- (1) Subject to subsection (2), this Division is repealed on 28 February 2027.
- (2) The Regulations may vary the date of repeal provided by subsection (1).

9 Section 174 amended (Application for general restricted area)

After section 174(3)

insert

- (3A) If a community alcohol plan is prepared for the proposed general restricted area, the application must be accompanied by a copy of the plan.

10 Section 319 amended (Regulations)

(1) Section 319(2)(k)

omit

2B.

insert

2B;

(2) After section 319(2)(k)

insert

(l) any further requirements, procedures or other matters in relation to, or in connection with, the preparation, consultation on and implementation of a community alcohol plan.

11 Part 17 inserted

After section 336

insert

Part 17 Transitional Matters for Liquor Amendment Act 2023**337 Requirement to publish boundaries of interim alcohol protected area**

The Director is not required to comply with section 170A(2) until 90 days after the commencement of section 6 of the *Liquor Amendment Act 2023*.

12 Repeal of Act

This Act is repealed on the day after it commences.