

Explanatory Statement

ASSOCIATIONS AND LIQUOR AMENDMENT BILL 2022

SERIAL NO. 49 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR ALCOHOL POLICY AND RACING, GAMING AND LICENSING

GENERAL OUTLINE

This Bill amends the *Associations Act 2003* (the Associations Act) and the *Liquor Act 2019* (the Liquor Act).

The purpose of this Bill is to amend these Acts, consequent to the cessation of the *Stronger Futures in the Northern Territory Act 2012* (Cth) (the SF Act) on 16 July 2022 to:

- ensure that Community Living Area land owners retain the expanded abilities they gained around leasing and licensing of their land under the SF Act; and
- enable relevant communities to opt into the continuation of stronger futures measures for two years while they are consulted about their long term alcohol aspirations.

NOTES ON CLAUSES

Clause 1. Short title.

Clause 1 is a formal clause which provides for the citation of the Bill. When passed, the Bill will be cited as the *Associations and Liquor Amendment Act 2022*.

Clause 2. Commencement.

Clause 2 sets out how the Act will be commenced. In this case it will commence on 16 July 2022.

Clause 3. Act amended

Clause 3 provides that Part 2 of the Bill amends the Associations Act.

Clause 4. Section 110 replaced

Clause 4 repeals section 110 of the Associations Act and replaces it with a new section 110 that replicates the modifications made by the SF Act, albeit in a form that reflects modern drafting standards.

Clause 5. Act amended

Clause 5 provides that Part 3 of the Bill amends the Liquor Act.

Clause 6. Part 8, Division 1 replaced

Clause 6 replaces current Division 1, Part 8 of the Liquor Act (Alcohol Protected Areas (APAs)) with a new Division 1, Part 8 titled 'Interim alcohol protected areas', which enables communities currently subject to an APA declaration, but which are not also general restricted areas (GRAs) under the Liquor Act (APA only communities), to extend current alcohol restrictions until 16 July 2024, on an opt-in basis while they are consulted about their long term alcohol aspirations.

New Division 1 contains three new sections – 170, 170A and 170B.

New section 170 (Definitions) establishes the following three definitions – ‘alcohol protected area’, ‘interim alcohol protected area’ and ‘registered owner’.

New section 170A (Prohibition of liquor in former alcohol protected areas) provides, among other things:

- Any person may request the Director of Liquor Licensing (the Director) to prohibit the sale and consumption of liquor in an APA only community (section 170A(1)).
- The cut-off date for such a request is 31 January 2023 (section 170A(2)).
- To be considered, the request must be supported by the written consent of the registered owner of any land in the area that is subject to the request (section 170A(3)). This is to ensure that, while any person may request an APA only community be declared an interim alcohol protected area, such a request cannot be considered by the Director if it is not supported by the registered owner of the area, which will generally be either an:
 - incorporated association under the Associations Act;
 - a corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth); or
 - Land Trust under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).
- The Director must process requests within five business days (section 170A(4)).
- A decision of the Director to declare an ‘interim APA’ is not reviewable by the Northern Territory Civil and Administrative Tribunal, but is subject to judicial review (section 170A(7)).
- Subject to subsection (15), an interim APA ceases to have effect on 16 July 2024, unless earlier varied or revoked (section 170A(14)).
- If an application is made under section 174 for a GRA for the same or substantially the same area as an interim APA declared under section 170A before the declaration ceases to have effect, the declaration continues in effect until the application is determined by the Northern Territory Liquor Commission under section 177 (section 170A(15)).

New section 170B (Offence for interim alcohol protected area) establishes the same offence and penalty for interim APAs as currently exists in respect of GRAs under section 173 of the Liquor Act, with minor modifications to ensure that an offence against this section is taken to be a forfeiture offence.

New section 170C (Enforcement) ensures the powers of an inspector or a police officer to conduct searches under sections 238 (Search on random basis) and 241 (entering residential premises) of the Liquor Act may be exercised in relation to an interim APA as if it were a GRA.

Clause 7. Section 234 amended (forfeiture offences)

Clause 7 amends section 234 of the Liquor Act by omitting the following note, which will cease to have effect following cessation of the SF Act on 16 July 2022:

‘Note for section 234

The offences added to the Liquor Act 1978 by the Stronger Futures in the Northern Territory Act 2012 (Cth) are taken to be forfeiture offences because they are an offence against section 173’

Clause 8. Section 246 repealed (Inclusion of section 95A of the *Liquor Act 1978*)

Clause 8 repeals section 246 of the Liquor Act, which will cease to have effect following cessation of the SF Act on 16 July 2022.

Clause 9. Repeal of Act

Clause 9 provides that the *Associations and Liquor Amendment Act 2022* is repealed one day after it commences.