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**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

LIQUOR AMENDMENT BILL 2025

**SUPPLEMENTARY EXPLANATORY STATEMENT AND HUMAN
RIGHTS COMPATIBILITY STATEMENT**

**Presented by
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Amendment to Objects of Liquor Act 2010

This amendment restructures the Objects of Act in the Liquor Act 2010 to establish harm minimisation as the paramount objective of ACT liquor legislation, replacing the current structure that treats all objectives as equally important.

Current Position

The existing legislation under section 9 outlines four objectives with equal prioritisation: harm minimisation, facilitation of industry development, consumer responsibility, and contribution to the night-time economy. This structure creates a false balance between community safety and commercial interests, making it difficult for decision-makers to prioritise harm prevention when weighing competing considerations.

Proposed Amendment

The amendment introduces a clear hierarchy by:

1. Making harm minimisation the **main object** of the Act (subsection 1)
2. Reconfiguring the remaining objectives as **other objects** (subsection 2)

This structural change ensures that harm minimisation is the primary consideration in interpreting and applying all provisions of the Act, with the other objectives operating within that framework.

Purpose and Rationale

The amendment addresses a critical gap identified in multiple reviews of alcohol policy, including the Federal Rapid Review of Prevention Approaches to End Gender-Based Violence and the South Australian Royal Commission into Domestic, Family and Sexual Violence. These reviews found that the failure to explicitly prioritise harm prevention in legislation has contributed to:

- Increased alcohol availability, including through online delivery services
- Growth in alcohol-related violence, particularly gender-based violence
- Decision-making frameworks that unduly favour industry interests over community safety

By establishing harm minimisation as the paramount objective, the amendment ensures that all regulatory decisions about alcohol - whether concerning licensing conditions, trading hours, delivery services, or promotion - must first and foremost consider their impact on community wellbeing.

Committee Recommendation

The Legislative Assembly's Standing Committee on Legal Affairs supports this amendment, recommending at Recommendation 5 that the ACT Government amend the bill to make harm minimisation the paramount objective of the Liquor Act 2010.

The Committee acknowledged the ACT Government's concerns about potential unintended consequences but concluded that harm minimisation should be a predominant factor in developing laws regulating the liquor industry, particularly when considering the impacts on the community and the safety of vulnerable people. The Committee noted evidence from FARE (The Foundation for Alcohol Research and Education) that:

“This change would correct this historical failure and reduce harm by ensuring decisions about alcohol in the community rightly prioritise the prevention of community harm, rather than attempting a false balance with competing objectives such as development of industry and the nighttime economy – which is the current arrangement. These conflicting interests challenge the licensing authority’s interpretation of alcohol harm risks when deciding on matters put before it.”

Support for Change

The amendment has received broad support from public health and community organisations including:

- Foundation for Alcohol Research and Education (FARE)
- Alcohol, Tobacco and Other Drug Association (ATODA)
- Alcohol and Drug Foundation
- Domestic Violence Crisis Service (DVCS)

These organisations emphasised that the change would bring ACT legislation into line with best practice approaches to alcohol regulation and help prevent the harms associated with excessive alcohol consumption.

Conclusion

This amendment represents a necessary shift in the legislative approach to alcohol regulation, ensuring that community safety and harm prevention are placed at the forefront of decision-making processes. By establishing a clear hierarchy of objectives, the amendment provides a stronger foundation for effective regulation that prioritises the wellbeing of ACT residents.

Human Rights Compatibility

The amendment, which makes harm minimisation the main object of the Act, is assessed against relevant provisions of the Human Rights Act.

Rights engaged

This amendment engages the following rights under the *Human Rights Act 2004*:

- Recognition and equality before the law (section 8) (promoted)
- Right to life (section 9) (promoted)
- Protection of the family and children (section 11) (promoted)

Recognition and equality before the law (section 8)

The amendment promotes equality and non-discrimination by recognising that alcohol-related harm disproportionately affects vulnerable populations. Women, young people, Aboriginal and Torres Strait Islander peoples, and people experiencing disadvantage often bear a disproportionate burden of alcohol-related harm. By prioritising harm minimisation, the amendment enables regulatory approaches that consider and address these differential impacts, fostering equality by ensuring that liquor regulation does not exacerbate existing social inequalities.

Right to life (Section 9)

The amendment supports the right to life by explicitly prioritising harm minimisation as the paramount objective of liquor regulation. Alcohol-related harm contributes to preventable deaths and injuries in the community. By establishing harm prevention as the primary consideration in liquor regulation, the amendment creates a stronger framework for protecting the right to life through evidence-based policy approaches that address alcohol-related violence, road accidents, and other life-threatening consequences of excessive alcohol consumption.

Protection of the family and children (section 11)

The amendment supports the rights of children by creating a stronger foundation for protecting them from alcohol-related harm. Children are particularly vulnerable to the effects of alcohol, both through direct exposure and through witnessing alcohol-related violence and family disruption. The harm minimisation framework provides clearer guidance for developing regulations that protect children's health, wellbeing, and development by limiting their exposure to alcohol and alcohol-related harms.

Rights limited

The amendment does not appear to have negative impacts on the rights and freedoms recognised by the *Human Rights Act 2004*. The reconfiguration of objects of the Liquor Act 2010 to distinguish one as the main object does not restrict any

existing rights but rather strengthens the legislative basis for protecting rights through more effective alcohol regulation.

Conclusion

The proposed amendment to make harm minimisation the main object of the Liquor Act 2010 aligns with and supports the human rights principles enshrined in the *Human Rights Act 2004*. By establishing a clear hierarchy that prioritises community safety and harm prevention, the amendment creates a stronger legislative foundation for protecting the rights of ACT residents, particularly those most vulnerable to alcohol-related harm. The amendment represents a positive step toward ensuring that liquor regulation operates in a manner that is consistent with ACT human rights obligations.