EXPLANATORY STATEMENT

Northern Territory National Emergency Response (Community Stores) Instrument 2008 (No. 1)

Summary

Part 7 of the Northern Territory National Emergency Response Act 2007 (the Act) introduces a community store licensing regime. The regime is intended to apply to the operators of community stores in, or for, Indigenous communities, and aims to address concerns in relation to food security and to assist with the implementation of the income management regime.

Businesses that have as one of their main purposes the provision of grocery items and drinks are classified as community stores if they are carried on at premises in a prescribed area, at premises located in an area or place in the Northern Territory specified by the Minister, or at premises in the Northern Territory specified by the Minister.

The Northern Territory National Emergency Response (Community Stores) Instrument 2008 (No. 1) (the Instrument) is made under subsection 123(2) of the Act. The Instrument provides that the premises described in Schedule 1 are premises for the purposes of subparagraph 92(1)(b)(iii) of the Act.

Background

The Australian Government wishes to assist income support recipients living near the premises specified in Schedule 1 with food security.

To this end, all of the stores in Schedule 1 must be licensed as community stores. To make this licensing possible, the premises in Schedule 1 must be specified, by legislative instrument under subsection 123(2) of the Act as premises for the purposes of subparagraph 92(1)(b)(iii) of the Act. The owners of those stores may then apply for a community store licence.

Explanation of the provisions

Section 1 of the Instrument provides that it is called the Northern Territory National Emergency Response (Community Stores) Instrument 2008 (No. 1).

Section 2 provides that the Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 provides that the premises described in Schedule 1 are premises for the purposes of subparagraph 92(1)(b)(iii) of the Act. This means that the businesses carried on at the premises will be community stores for the purposes of section 92 of the Act and can be individually assessed for a community store license.
To fall within the definition of community store in section 92 a business that is carried on at premises described in Schedule 1 also has to satisfy the other requirements set out in section 92. Namely, that one of the main purposes of the business is the provision of grocery items and drinks (paragraph 92(1)(a)) and that the business is not a business mentioned in subsection 92(2) (which specifies businesses that are not community stores).

Consultation

The operators of the businesses that are subject to this instrument have been provided with information on the requirements that must be satisfied if a store is to participate in the community store licensing regime. They have been made aware that for their businesses to be considered to be community stores for the purposes of Part 7 of the Act, the premises at which their businesses are carried on need to first be ‘specified’ under the Act.