

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

7 July 2017

Alcohol Policies and Legislation Review
C/- Department of Health
PO Box 40596
Casuarina NT 0811

alcohol.review@nt.gov.au

Dear Review Panel,

The Palmerston Sports Club Inc. has been an integral part of the Palmerston Community for the past 18 years.

We provide our Licensed Club services and amenity to 16,852 members, and many thousands of member's guests and visitors annually.

The objectives for which the Club is established are to:

- (a) assist and support the Foundation Associations through recurrent funding to meet their objectives in the facilitation of their respective sports in the Northern Territory.
- (b) promote the use of the Club by sporting and other bodies and members of the general public.
- (c) carry out all such other activities as are incidental or ancillary to the above objectives as the Club may from time to time determine, with emphasis on such activities as shall be productive to maximise benefit to the community.

It is always been our view that we are responsible to conduct our business not only within the legislative and regulatory frameworks, but importantly in order to meet the highest Community expectations.

The Palmerston Sports Club remains committed to a vibrant licensed industry, working co-operatively with the Northern Territory Government and the government department and agencies to best ensure compliant and safe venues.

We are pleased to have the opportunity to make a submission on licensing matters to the Review Panel and provide our comments in the following pages and attachments.

Yours Faithfully



Andrew Hay
Executive Manager

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

1. Licensed Trading hours

The Palmerston Sports Club is supportive of the status quo for off-premise trading hours, particularly in regard to Sunday trading.

Any relaxation on Sunday trading or extended operating hours has the potential to increase availability and activities related to alcohol related anti-social behaviour.

2. Liquor License application process

We are supportive of re-instatement of a 'Commission' to review liquor license applications.

- Such a Commission MUST have Industry representation.
- Such commission must be empowered to invite/receive and take into consideration written comments from existing licensees (or peak industry representatives) that maybe impacted in respect of new or variations to liquor licences.

3. Liquor license categories

The Palmerston Sports Club supports a clearly defined category for liquor licenses. In particular a licensed club's category.

Clubs play an important part in the fabric of the NT Community with 62 licenses on issue. Clubs deserve to be recognised for the part they play in our society and should be considered as a separate licensed category. Too often Clubs are burdened with additional regulatory impost through no cause or fault of Clubs, as we are grouped together with bars/taverns/hotels/nightclubs when reform is considered.

We would further seek amendment to a Club's licensed conditions in order that Club entry rights are available consistently across the Territory. This is particularly important when considering the many thousands of travellers that frequent the NT, particularly the "Grey Nomad" market, who often are left confused and frustrated as entry conditions vary from Club to Club.

Investigation provides that in other Australian jurisdictions that visitors restrictions are less onerous than NT requirements.

The Palmerston Sports Club strongly recommends the consideration of the Queensland Liquor trading conditions as applied to Clubs and the on- premise access of visitors:-

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

QLD Club Trading Conditions

You may sell liquor for consumption on or off the premises to:

- Members of the club
- Members of clubs with formal reciprocal rights
- Visitors authorised by the management committee playing a sport that is part of the club's business, including teams and officials, for the day on which the sport is played only.

You may sell liquor for consumption on the premises only to:

- A guest of a member
- A guest of a member of a club with formal reciprocal rights
- An applicant for membership for 30 days after receipt of application
- An interstate or overseas visitor
- A visitor who resides at least 15 km from the club
- A person attending a function on the premises. No takeaway sales are permitted to people in these categories.

A register of members and a register of all visitors to the club (except minors and visiting players) must be maintained, and be available for inspection at the premises at any time.

4. Licensed premises density and proliferation

The Palmerston community is particularly well serviced with on premise licensed premises, with more to come on line upon the opening of the Gateway complex.

We would strongly oppose any further licensed premises in the City of Palmerston, in the next 5 years.

In regard to off premise (take away) outlets Palmerston is saturated, and is significant community concern through the anti social behaviours to which it contributes.

We remind the review panel, that a Licensed Club may only sell take away alcohol to a Financial Club member. In our business a Point of sale transaction can not be undertaken unless a member's card is activated through the system. Through this robust system we can restrict sales to those persons we have barred, be very proactive in regards to underage and 3rd party supply. We have access to records that show who purchased what, when. This information is available for law enforcement and has been accessed previously in investigations.

Such process are not available for store licensed based take away sales, and we would conclude that much of the community impacts from take away sales are from store licensed venues.

It has always concerned us that with stores licensed outlets, that the take away alcohol component has increased from a "consumer convenience" to the most significant component of the business. A case in point is the significant new Cellarbrations store at Johnson which forms part of the IGA store. This hardly seems ancillary to the core business.

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

It would be timely that NT Government consider measures to reduce the impact that these licences have in our community, either by introducing a higher compliance level or possible buyback.

Clubs/Hotels/Taverns are licensed and regulated in every aspect of their business; on- premise, off premise, gaming and gambling and have far superior training, staff awareness and operational mechanisms in place to reduce harm and community impacts.

We support the NT Governments position on limiting the public floor area of takeaway outlets to 400sqm. And suggest an immediate reduction in the number of takeaway licenses.

5. Industry Codes of Practice

The Palmerston Sports Club is supportive of Industry Codes of practice. They are an effective conduit to promote higher standards of responsible promotion, service and consumptions of liquor. These Codes of Practice can then be important guidelines for Liquor Accords.

The Palmerston Sports Club supports reviews of Codes of Practice that provide guidance in the areas of On-Premise, Take-away, and Responsible consumption of Liquor. Significantly we see the opportunity for the development of local community Codes and or local accords aimed at addressing local concerns/issues rather than the one size fits all approach.

The benefits of Liquor Accords are the local and voluntary nature of their existence. Bringing licensees, Police, council, community leaders and local businesses together to find practical solutions. Accords can act quickly to local problems ranging from noise, general public safety, lighting, traffic and other social and community issues. Stemming from there voluntary nature is the fact these businesses are empowered to find their own local solutions, rather than have irrelevant conditions imposed upon them.

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

6. License Premise Operating Conditions

Over the years as a Club and a member of the Hospitality industry we have felt that most often reform in our industry has seen further burden placed upon the establishment rather than the patrons who frequent the venues.

In the past 15+ years a variety of license conditions and operating imposts have been implemented as measures to reduce harm and provide for more robust enforcement.

- CCTV
 - We have seen significant industry investment in CCTV systems. (The Palmerston Sports Club has 56 camera's). The Licensing inspectorate utilised this tool for enforcement, and law enforcement have been able to utilise for prosecutions etc.
- RSA
 - The Responsible Service of Alcohol accreditation is mandatory for service staff.
- BDR
 - Banned drinker register

Each of these measures have required additional compliance from the Licensed Venue.

The Palmerston Sports Club remains supportive of these measures, however believe that not enough has been done in order to educate patrons and assist Licensed venues in applying these standards.

We applaud the initiative that provides police with the powers to issue on the spot fines for failure to leave licensed premises. However we believe that venues need further support to provide safe and compliant venues through the introduction of additional patron awareness signage. However we believe that such measures should be extended.

By example we draw your attention to The Queensland government department of business has available a large portfolio of signage templates for venues to utilise and educate both their staff and venue patrons. (see attachment # 2 – re QLD Licensed premise signage).

The Queensland Government through the Department of Education and Training, in conjunction with the Queensland Curriculum and Assessment Authority, has developed the *Alcohol and other drugs education program*.

The *Alcohol and other drugs education program* is available to all Queensland schools. The program supports young Queenslanders to develop a greater awareness and understanding of the impacts of alcohol and other drug use; their capacity to make responsible, safe and informed decisions and their ability to effectively manage challenging situations. The program includes a suite of teacher guidelines and resources for each year from Years 7 to 12.

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

We would encourage such initiatives being investigated in the NT, even to the point of licensed venues assisting in this school's program, as it is in every one's interests that our next generation of licensed premise patrons are well educated.

Perhaps it is more of a wider society problem, but patrons need to take more responsibility for their own actions, and education and awareness campaigns are encouraged around this premise. The Palmerston Sports Club has developed a patron code. We would encourage the establishment of a standard patron code.

Specifically, in respect to a Club License, we would seek the review panel to consider the implications of a Club Venue wishing to bar/ban a member from the licensed premise.

In 2010, the Palmerston Sports Club restructured and modernised the Club constitution. During that process we sought independent legal and licensing regulatory advice around the banning of members who behaved on the premises in anti-social, unruly manner and who in any pub or tavern would be given a lengthy ban by the publican.

The disciplinary process that was required to be put in only provides for management to ban a patron for 3 months. The Club Board needs to convene and consider the banning. Appeal process are in place.

We would seek consideration within the Liquor Act and or license conditions that allow a Licensee/nominee to issue a banning order on a patron for a length of time as determined by the Licensee, for breaches of venue patron codes and or behaviour that has or has the potential to impact a venues license conditions.

7. Moratorium and Take-away guidelines

The Palmerston Sports Club supports the current NT Governments moratorium on applications for takeaway licenses as a measure to curbing supply. We would be supportive of measures that scrutinize and take a hard-line to the issues of density in both current population areas and new greenfield sites.

8. Secondary Supply

The re-introduction of the BDR, will see an increase of secondary supply.

We would support stronger penalties for secondary supply offenders.

With the Club restriction upon take away sales to members we are well placed to assist enforcement in this area.

Palmerston Sports Club Inc.

NT Liquor Review Submission – June 2017

9. Liquor pricing and advertising

The Palmerston Sports Club supports the Clubs NT submission in this respect.

Licensed Clubs support actions to curb excessive discounting for both on-premise and takeaway. We believe this could be managed with respective Codes of Practices.

Our support would include the possible introduction of minimum pricing for takeaways that are managed by the venues and are enshrined in legislated. We would not support minimum pricing that is managed as a form of government taxation, which would ultimately see price distinctions between smaller and larger operators.

10. Discrimination

Currently there is a lot of uncertainty around the rights of venues when dealing with the sale and supply of alcohol to members of the indigenous communities if there is a high likelihood of consuming the alcohol in and around public spaces. Further education is required as to what powers the licensee has with regard to refusing service without the fear of being persecuted for discrimination. Clear guidelines are required to provide support for licenses around refusal of service. Consultation with indigenous communities should be developed and if agree to restrict supply and sale of alcohol, this should then be supported by legislation without fear of persecution.

Licensees are constantly faced with situations whereby the customer may be served alcohol under the Responsible Service of Alcohol guidelines, yet we know too well that they are a vulnerable portion of our community.

This issue will not be resolved by the BDR, and we must empower licensees to act in the best interest of these people without being persecuted under the Territory or Commonwealth racial discrimination legislation.

This may be achieved by with an inclusion in Liquor Trading Conditions, such as: *“The Licensee has the right to refuse service to any person, without persecution under Territory or Commonwealth discrimination legislation”* Obviously, this statement needs to undergo robust scrutiny.

11. Liquor license fees and risk-based licensing fees.

The Palmerston Sports Club does support any form of license fee.

Prepared by
Andrew Hay
Executive Manager