



My name is Ray Loechel and my wife and I have operated the Gapview Hotel in Alice Springs for 10 years. My business is a pillar of the local community and has an exemplary compliance record. I welcome and support the Review Panel's work, and wish to raise the following matters.

TRADING HOURS

I encourage the panel to allow the trading hours to remain the same. I suggest that we maintain the status quo in relation to hours with only hotels being allowed to trade on Sundays. I propose this because the sale of liquor is the core business of hotels as opposed to liquor stores in supermarkets where liquor is ancillary or should be ancillary to the sale of groceries.

LICENCE CATEGORIES

For too long now some venues with a particular licence have been able to vary their licences so that their business is completely different to what they were originally licenced for. I believe that the licence categories need to be more rigid and not be allowed to creep into other categories.

As an example there are two premises in Alice Springs who were granted restaurant licences. They initially traded as a restaurant. One of them opened up a large area on the rooftop of the building and uses it as a nightclub. Significantly changing the nature of the premises from that of a restaurant. The other business had a restaurant licence, but continually traded outside of the restaurant sphere, by selling liquor without a meal hosting functions and having live music and selling liquor without a meal. As a result this particular business was granted a tavern licence. The reason this was granted as was explained to me was that it was trading more as a tavern than a restaurant and so its category was changed.

This same premises had its licence changed from a restaurant to a tavern without any scrutiny from the public. The licensee did not apply for the variation to licence as that would have required close attention from the community as to what impact it would have and it would also mean that Licensing would have put tight licence conditions controlling its new use including things like CCTV, crowd controllers, noise management, planning approval and adequate parking. Fire might also be involved as the class of building use may have changed. The same licensee did not involve themselves with the local accord and was a law unto themselves.

I also believe that if premises have a particular licence that there should be certain conditions that need to comply with to operate within that licence category. For example if a premises is granted a tavern licence they should be obliged to operate for set hours and for seven days a week every day of the year with the exception of Good Friday and Christmas Day. A similar condition applies in South Australia whereby a hotel or tavern must operate between the hours of 11.00 am and 8.00pm every day of the week every day of the year with the condition that they can close on the above public holidays

LICENCE FEES

I am opposed to the introduction of an annual licence fee on licensed premises. I am opposed to this because it will have an adverse affect on the profitability of the business. This will not only have an impact on the ability of the business to pay wages, pay for stock and other aspects of the day to day running of the hotel. It will encourage banks and other lending institutions to look at the ability of the business to repay loans and assess the suitability for the granting of future loans for the purchase of licensed premises.

Hotels by nature are a meeting place for the community. Licensed premises sponsor many groups within the community such a sporting clubs, service groups such as Apex, Lions etc. and provide areas for fundraising functions etc. This sponsorship allows the sporting groups to participate, service groups to hold meeting and organise events and other groups to raise funds for donations etc. Any annual fee would have a negative affect on the hotels or licenced premises ability to support these groups. It should also be remembered that hotels with gaming machines have to pay a 10% community services levy on their gaming turnover.

We are already paying an alcohol tax through the remittance of GST and payment of excise on all alcohol products.

TEMPORARY BEAT LOCATIONS

Temporary Beat Locations or TBL's were introduced into Alice Springs by the Labour Government. They were carried out on a restricted basis whereby police would station themselves out the front of take away outlets and carry out checks remain for a short time (one to two hours maximum) and then move on. This changed dramatically with the election of the CLP. Police officers were stationed at every take away outlet for the duration of the take away outlet trading hours. In our instance police were stationed at the entrance to the hotel they had their emergency lights operating and stopped and questioned all persons driving into the hotel. This had a dramatic affect on all areas of the hotel because there was only one entrance and so all persons either going to the bottle shop or the bars were stopped and spoken to. This resulted in a drop in trade of about 40%. The drop off was not only as a result of the police stopping all persons coming into the hotel, but also in the way that they policed the TBL's. At the drive thru bottle shops in town the police would stop all vehicles and speak to the drivers and ask questions specific to the TBL. At the small supermarkets the police were stationed outside and again spoke with all those entering the bottle shops. At the large supermarkets (Woolworths and Coles) the police were stationed at the entrance, they

did not stop every one entering the stores. They only stopped the indigenous customers entering the store every one else was free to walk through unchallenged.

The police were spoken to on numerous occasions about the way they discriminated against the indigenous in their approach and also about the way they policed the TBL's at the major supermarkets as opposed to every other take away venue. The police response to the difference between the supermarkets and the bottle shops was that they businesses were different in they way they were set up.

After a meeting with the then Police Commissioner the police moved from the front entrance of the hotel to the rear of the bottle shop to conduct their duties and no longer had their emergency lights operating. The TBL stopped those purchasing liquor that had an address that was on a prescribed dry community or a prescribed dry address (town camp or house) and those on a prohibition order.

The onset of the TBL and restriction of certain persons being able to purchase caused the escalation of a secondary supply problem within town. As a way of being able to still purchase and consume liquor those who were refused service because of the TBL's turned to a secondary supply provider to obtain their liquor. This has become a very big problem and diminished the effectiveness of the TBL's. The police have recognised it as a big problem and one they are having difficulty in policing. Liquor is coming into town from wine clubs, couriers, Australia Post, and is also being supplied by some legally purchasing and then on selling it at very inflated prices.

BANNED DRINKERS REGISTER

On the 1st of September the Banned Drinkers Register will be re-introduced into the Northern Territory. As the BDR will apply to all purchases of liquor from all customers of take away liquor outlets it will be more readily accepted by indigenous customers. Rather than them being the only ones questioned it will apply to all. The BDR will be able to do the same as the police officers conducting TBL's and so should free up the police to perform other duties and it will also ensure that all venues in town are treated the same.

POLICE AND LICENSING

Over the years there has been a distinct difference in the way that the police and licensing deal with matters concerning the hotel. The police have generally been more confrontational whilst attending the hotel. We have had many meeting with senior police from the commissioner down to superintendents and senior sergeants regarding the TBL's and other matters at the hotel. A certain approach would be agreed, but for some reason was not passed on to the members sent to the hotel. I was a police officer in South Australia for 27 years and am aware of policing practices and am sometimes mystified about the attitude and conduct of some of the members who have attended the hotel.

The licensing inspectors however have been much more approachable on the numerous occasions that they have visited the hotel. As they are only dealing with licensing matters they have a greater understanding of liquor laws and what powers they have. The police on

the other hand deal with numerous acts of parliament and often confuse their powers and the law regarding licensing matters.

With regard to all licensing matters I feel that the police should not get involved unless absolutely necessary and that they should refer all information to licensing. Similarly all licensing matters should be dealt with under the Liquor Act and Licensing Court rather than have them dealt with in the Court of Summary Jurisdiction.

RESPONSIBLE SERVICE OF ALCOHOL

I believe that the current requirement of all staff having a certificate in the responsible service of alcohol has been very successful in the way that customers are dealt with by staff. I also think that recognition of RSA from other states is a great initiative. Because of the transient population in the Northern Territory this mutual recognition is very important.

YOUTH AND PATRON EDUCATION

To improve responsible drinking and reduce harm it is important that the programs be produced and implemented to educate the young ones while they are still at school. It is important that we try and educate them regarding the responsible drinking of liquor. To deal with this our local Liquor Accord is producing a pamphlet to send to all the senior schools and the Alice Springs Council is distributing the pamphlets to the councils youth groups.

The majority of liquor sold in the Northern Territory is sold through the take away outlets. The consumption of this liquor is unsupervised and not in a controlled environment as it is in licensed premises. As a result it is important to also get a message to the patrons in general about responsible drinking of alcohol. The current generation of problem drinkers will probably not benefit from an education program, but the younger ones can be educated and they can in turn educate their parents as is the case regarding, smoking and drink driving. This is the best way that we can reduce harm in the long term and must be maintained.

LIQUOR PRICING AND ADVERTISING

Alice Springs has an unofficial floor price for drinks. It has been in effect for several years now. It is a voluntary thing and has never been discussed, but every outlet has their own floor price. It was brought about to discourage sales of cheap bottles of wine while all of the other categories are pretty much unaffected.

To coincide with a floor price for take away drinks it is also important that no excessive discounting of drinks be encouraged either on or off premise as a way of reducing excessive drinking.

SIZE OF TAKE AWAY AREAS AND MORATORIUMS

In Alice Springs we are well serviced regarding the number of take away outlets for the population of the town. There have been two take away licence buy-backs and the town is

well catered for. I feel that there is no need for any new take away licences to be issued in Alice Springs and I do not see that there is a need for the size of bottle shops to be increased. The town does not only have to cater for the local population, but there are a lot of tourists who visit the town. The grey nomad or caravan travelling tourists swell the numbers in the town during tourist season and some consideration must be given to satisfying their needs, but with what we have to offer them at the moment they are well catered for.

Alice Springs is also the regional centre for health, education, police, courts etc. and as such services the outlying communities and many from the communities come into town because of these facilities. As they live on a dry community they can not drink liquor there. They can not purchase take away liquor because they reside on a dry community and so the only legal option for them is to consume liquor on licensed premises. Most of the licensed outlets in town cater for these people in one way or another and they drink under supervision. The problem occurs if they can not get into one of these premises. They then can only drink in open spaces and purchase from a secondary supply outlet. This then causes a problem for them with the police and also leads to visitors breaking into premises in an attempt to steal liquor.

A solution to this problem could be having a licensed club on the communities. Each adult could be restricted to a number of cans of beer per day (say 6). This could be done on the condition that their children attend school on that day if it is a school day. Food could be supplied at the same time to encourage eating whilst drinking. The club could be run by a board consisting of elders of the community, the officer in charge of the police station and the senior health worker. The club only need operate for a few hours every day, but would give the members of the community a chance to have a drink. This may discourage them from going into Alice Springs, thus reducing the number of itinerants in town and could also discourage drink driving. It is something each individual community would have to agree to do.

HOTEL POLICIES

The Gapview Hotel is a member of the local Liquor Accord and as such believes in a Code of Conduct for both on and off premise.

As stated in the opening paragraph we have owned the hotel for 10 years and in that time have totally transformed the hotel. When first purchased the on premise trade was almost entirely indigenous. We realised that there was a very short life span of the business if we maintained that trade. Over the years we have made many changes to the hotel and adopted policies to improve the amenity of the hotel and comfort of the clientele.

We are now a family friendly hotel and support many sporting groups, community groups and assist in providing a venue for fund raising and other events. We do not charge for any of the groups to use our facilities and also encourage live music both local and interstate to use our venue. We are lucky enough to have won the Best Regional Hotel Award for the last 4 years at the Australian Hotel Association, Northern Territory Branch Awards Night. We have initiated some of our own policies to try and promote a healthy lifestyle. We refuse to serve

alcohol to obviously pregnant women, we have bar snacks, free drinking water, and sober bob drinks for designated drivers every day of the year. We have all day trade in meals Friday, Saturday and Sunday to encourage people to eat whilst drinking. My wife is a member of the Alice Springs Alcohol Reference Group.

We have lived in Alice Springs for the last 19 years initially running and owning the Todd Tavern before leasing it out in 2004. Whilst at the Todd Tavern we carried out numerous renovations and have invested large sums of money renovating both the Todd Tavern and Gapview Hotels.

We currently still own the Todd Tavern freehold and are concerned about the introduction of an annual fee and its affect. The introduction of the fee could have a serious impact on the ability of the operators to pay fee and as such place the lease and the value of the lease in jeopardy because of the banks reluctance to lend money because of the fee and uncertainty surrounding it.

I thank the panel for allowing me the opportunity to provide this submission and will be available should you require me to clarify or supply more information.

Regards,

Ray Loechel

Nominee Gapview Hotel

30/6/17

