

# ClubsNT Inc.

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Wednesday, 28 June 2017

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

Dear Review Panel,

ClubsNT represent 28 Licensed Clubs throughout the Northern Territory, and have a strong membership base founded on youth sporting groups that thrive at every level of our community.

Licensed Clubs in the Northern Territory;

- Represent a membership greater than 92,000
- Employ some 500 workers
- Invest more than \$19.5 million in wages
- Contribute \$4.1 million to our community sporting and charitable organisations in 2015/2016 alone
- Support 270 community sporting organisations, service clubs and charity organisations in the Northern Territory

Licensed Clubs in the NT are non-for-profit organisations. Therefore, all profits from a licensed club must be distributed to sporting clubs/service clubs/community and charity organisations.

In consultation with our membership, ClubsNT would formally like to offer its support to the AHA (NT) submission, with further comments regarding the following issues that affect Clubs specifically;

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

ClubsNT strongly oppose any proposal for the introduction of a risk based liquor license fee or for that matter, any other liquor related fee that will impose additional financial burden to an already strained industry. The combination of a small population base, diverse geographical challenges, higher operating costs, uncertain labour force, coupled with Australia's highest taxation, differentiates us from other jurisdictions.

Given the current economic down turn, many clubs are still burdened with operational overheads inflated from the Inpex boom. Rent and other utility expenses remain a major expense for many clubs. GST continues to remain a burden since its inception. And in addition to this, local government imposed higher wages costs with the introduction of Weekend Penalty rates over one of our busiest trading period - Christmas and New Year. And just to make matters worse, the NT Government made an unexpected announcement to increase the Gaming Tax, without any consideration of the financial burden this will place on Licensed Clubs and the impact this will have on those sporting and community groups dependant on funding from this source.

Further financial imposition such as a Liquor License fee will most certainly reduce funding away from community activities and support, likely affect the viability of Licensed Clubs and community sporting clubs.

2. Licensed Trading hours

ClubsNT support AHA (NT) with regard to maintaining the status quo for off-premise trading hours on Sunday. Any further relaxation in this regard will only increase availability and activities related to alcohol related anti-social behaviour.

3. Liquor License application process

We support the concept of a 'Commission' to review liquor license applications. In addition, we urge the review panel to empower the commission to invite existing licensees that maybe impacted, or peak industry representatives, for written comments regarding the application of new or variations to liquor licences.

4. Liquor license categories

ClubsNT support a clearly defined category for liquor licenses, and in particular licensed clubs. Mindful, that licensed clubs operate differently to other jurisdictions. For example, some are equipped with a full drive thru Bottleshop service.

Further to this, ClubsNT request changes to the Licensed Club liquor license conditions that currently constrain the enjoyment of the wider community. The proposed changes will broaden community participation in licensed clubs, which ultimately benefit those community sporting and community clubs they represent.

It is important to recognise that the liquor license conditions are the governing legislation to the operations of a licensed club, whilst the constitutions of individual clubs are subservient to the first.

We would support a Draft NT Liquor License Category Table for Licensed Clubs as tabled in ***Annexure 1***.

5. Licensed premises density and proliferation

We feel that the industry is saturated with licensed premises, and we support empowering a liquor commission with more robust guidelines based on density and community needs.

The proliferation of take-away liquor outlets in the NT is a burden on our community and subsequently a contributing factor to alcohol related anti-social behaviour. 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.

6. Density

Currently there a disproportionately high number of on-premise licensed venues, with different types of licensed businesses operating close together, not all of which demonstrate the same level of commitment to operation and compliance with the Accord conditions and other best practice measures.

When economic conditions turn down, as is currently the case, competition between these co-located businesses becomes fierce and can result in practices which undermine our commitment to fully resourcing harm reduction through measures such as price discounting, reduced staffing levels, less investment in technology and so on. The current administration

process for accessing new license applications does not provide for robust testing of the proposed business model.

7. Industry Codes of Practice

Codes of practice 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. ClubsNT support additional Codes of Practice that provide guidance in the areas of On-Premise, Take-away, and Responsible consumption of Liquor. ClubsNT welcome the opportunity to be a key stakeholder in the development of the Codes of Practice.

8. Responsible practice and RSA

Licensed Clubs offer their commitment to responsible practice and policies for service of alcohol. For club staff that are on the 'coalface' everyday, empowering staff with the knowledge and qualifications enforces a universal approach between venues and provides public awareness surrounding these issues.

9. Youth and patron education

Youth and cultural education are an important part of life as a licensee, particularly in the NT. There is no doubt that education prior to the legal age has benefits in the long term. Just as importantly, cultural education around ethnic and indigenous groups plays an important role for both venues and those targeted audiences.

We support further government education initiatives, and financial support for Liquor Accords to help deliver the message that is relevant to their local community.

10. Moratorium and Take-away guidelines

ClubsNT strongly support 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.

11. Secondary Supply

With the introduction of the BDR, we fear that the current issues of secondary supply will increase astronomically. History shows us that when there are forms of prohibitionism forced on the wider community, will soon follow from 'profiteers'.

12. Liquor pricing and advertising

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.

## 13. Size of Takeaway areas

We support the current NT Governments position with regards to limiting the public floor area of takeaway outlets to 400sqm, as a measure to deter over supply and density. We support the AHA (NT) submission, that *“Large liquor barn outlets represent a direct contradiction of the Territory’s three pillars harm minimisation approach, in that their business models aim to increase demand, increase supply, and, by extension, increase potential harm.”*

## 14. Liquor stores ancillary to the operations of a supermarket or general store

It is well known that liquor licence conditions of businesses operating under this license type, potentially, contribute to the high volume of sales and abuse of liquor sold as takeaway.

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.

## 15. Liquor Accords

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.

We support the approach to mandate measures through a Code of Practice.

The difficulty at the moment is lack of funding or access to funding for these Accords. We support the concept that Liquor Accords are given the financial support required from government to ensure local educational programs and public awareness continue.

## 16. Banned Drinkers Register (BDR)

As we are aware, the BDR is only relevant to takeaway alcohol purchases.

Golf club members currently have the option to purchase small quantities of packaged alcohol products for consumption on the golf course, which we feel is fundamentally an on-premise purchase. To insist that members be inclusive of the BDR protocol for on-golf course consumption seems excessive.

We suggest a sensible compromise for Licenced Golf Clubs only, that the BDR protocol is only triggered for purchases of alcohol greater than 6 units per person per day.

Further to the BDR, ClubsNT remain concerned that the implementation of the existing 2009 BDR system, is outdated. We congratulate government for making an effort to meet industry concerns with the implementation of the Drive-thru App, and request a continued focus on how this will impede venue and customer interactions.

## 17. 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 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.

Licensed Clubs have been severely impacted by the unexpected announcement of the increased Gaming Tax, and in most cases this impact will reduce the trading profit of Clubs by an additional \$126,000 per year ! An unacceptable and crippling effect on clubs, that will flow on to community funding for sporting and charitable organisations.

On behalf of all Licensed Clubs in the Northern Territory, I would like to congratulate the Alcohol Policies and Legislation Review Panel for their progressive engagement in the community, and for the opportunity to put forward issues that concern our industry.

ClubsNT welcome the opportunity to be actively involved in further industry related matters, and continue to be committed with developing our future.

Sincerely,



Russell Reid  
President ClubsNT

# ClubsNT Inc.

## ANNEXURE 1.

Draft Class of Liquor license for Clubs.

### **Club Licence**

Principal Purpose: A premises where the sale of liquor is available to members and bona fide guests of any incorporated club/s that participates in or promotes sport and recreational activity. Inclusive of visitors from interstate, overseas, residents who reside more than 15km from the club, and persons attending a function. The sale of liquor is for consumption on or off the premises.

### **CLASS 1**

| <b>Class 1 (A)</b>  | <b>Class 1 (B)</b>  |
|---|---|
| <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to midnight</b></p>   | <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to midnight</b></p>   |
| <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to midnight</b></p>   | <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to midnight</b></p>   |
| <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.</p>   | <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.</p>   |
| <p>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's.</p> | <p>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's.</p>   |
| <p><u>Conditions:</u></p>   | <p><u>Conditions:</u></p>   |
| <p>Gaming is permitted</p>  | <p>Gaming is permitted</p>  |
| <p><b>There is no facility for take-away alcohol</b></p>  | <p><b>Take away alcohol is permitted</b> – trading hours for bottleshops is 10am to 10pm – Sunday to Friday and 9am to 10pm on Saturday &amp; Public Holidays (Excluding Good Friday &amp; Christmas Day.</p> |
| <p>Members register and visitors sign in book must be kept and maintained.</p>  | <p>Alcohol purchases for consumption on a golf course are excluded from the BDR protocol.</p>   |
|   | <p>Members register and visitors sign in book must be kept and maintained.</p>  |



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## CLASS 2

| Class 2 (A)  | Class 2 (B)   |
|--|---|
| <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to 2am</b></p> <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to 2am</b></p> <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.<br/>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's.</p> <p><u>Conditions:</u><br/>Gaming is permitted</p> <p><b>There is no facility for take-away alcohol</b></p> <p>Members register and visitors sign in book must be kept and maintained.</p> | <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to 2am</b></p> <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to 2am</b></p> <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.<br/>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's.</p> <p><u>Conditions:</u><br/>Gaming is permitted</p> <p><b>Take away alcohol is permitted</b> – trading hours for bottleshops is 10am to 10pm – Sunday to Friday and 9am to 10pm on Saturday &amp; Public Holidays (Excluding Good Friday &amp; Christmas Day.</p> <p>Alcohol purchases for consumption on a golf course are excluded from the BDR protocol.</p> <p>Members register and visitors sign in book must be kept and maintained.</p> |

# ClubsNT Inc.

## CLASS 3

| Class 3 (A)   | Class 3 (B)  |
|---|--|
| <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to 4am</b></p> <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to 4am</b></p> <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.</p> <p>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's .</p> <p><u>Conditions:</u></p> <p>Gaming is permitted</p> <p><b>There is no facility for take-away alcohol</b></p> <p>Members register and visitors sign in book must be kept and maintained.</p> | <p><u>Liquor Trading Hours:</u><br/>7 days a week - <b>10am to 4am</b></p> <p><u>Gaming Trading Hours</u><br/>7 days a week - <b>8am to 4am</b></p> <p>No Trading Good Friday and Christmas Day unless accompanying a substantial meal.</p> <p>There is the ability for licensees to advise the Director of Licensing for a 2 hour extension on the Eve Public Holiday's .</p> <p><u>Conditions:</u></p> <p>Gaming is permitted</p> <p><b>Take away alcohol is permitted</b> – trading hours for bottleshops is 10am to 10pm – Sunday to Friday and 9am to 10pm on Saturday &amp; Public Holidays (Excluding Good Friday &amp; Christmas Day.</p> <p>Alcohol purchases for consumption on a golf course are excluded from the BDR protocol.</p> <p>Members register and visitors sign in book must be kept and maintained.</p> |

### Limited Club Licence

Principal Purpose: A premises where the sale of liquor is available to members and bona fide guests of an incorporated clubs that participates in or promotes sport and recreational activity. The sale of liquor is for consumption on or at the licensed premises.

Trading Hours: 7 days a week 10am to midnight – with a maximum of 10 hours trading per week.

Conditions: No gaming

There is no facility for take-away alcohol

Members' register and visitors sign in book must be kept and maintained.