

NT ALCOHOL POLICIES AND LEGISLATION REVIEW 2017 SUBMISSION

As a General Manager of a Northern Territory Hotel and having had six years of experience in the current hospitality climate, I place forward the following submission. I have had over 25 years of experience in the hospitality industry in both South Australia and the NT, and am currently the chairperson of the Darwin Retail Liquor Accord, and was previously a member of the Darwin Late Night Licensees Liquor Accord.

LICENSED TRADING HOURS

Through my experience in hotels in the NT, I feel that the existing licensed trading hours suit the Darwin region, and with current regulations in place allows for venues to close at different times to allow for patrons to seek transport and arrive home safely. Issues have arisen when there is not enough transport, which has been brought up previously with government and council to be resolved.

LIQUOR LICENCE CATEGORIES

I am concerned that venues under specific licensing categories have the ability to change from this model that they applied for and were approved for, to what would be perceived to be a new category. This could allow for less regulation on new businesses working with a restaurant or café licence and operating more as a hotel style operation.

LIQUOR LICENCE APPLICATION FEES

The current liquor licence application fee of \$200 does not show the value of a Liquor Licence. This fee does allow for new business to join the industry on a low entry fee, and whilst appealing, may be of dis-service to the industry by failing to serve as a deterrent to under-resourced licence applications or business concepts. A liquor licence brings with it a wide range of opportunities, regulatory compliance obligations and legal responsibilities.

I do not believe that the introduction of annual licence fees would assist the industry, especially given the taxing climate that we are in. There are many businesses in the industry that may suffer adversely with a new fee being added.

SUBSTITUTION OF PREMISES

Substitution of premises should not allow for a current business of a certain size to be remodeled into a larger business that the premises was not originally applied and approved for. Regulations need to cover this loop-hole.

LICENSED PREMISES DENSITY AND PROLIFERATION

As the chairperson of the Darwin City Liquor Accord, we have worked as collective industry members with Darwin City Council and the NT Police to seek responsible solutions towards harm minimization for take-away liquor. Through discussions with DCC and NT Police, the accord came up with initiatives to target issues that were presented to us to assist to reduce contributing factors to the misuse of alcohol products and some social problems. Through this consultation approach, it was apparent to the members of the accord that misuse of alcohol was seen as an issue, and to this end it would seem sensible to limit the number of takeaway liquor outlets and the size of public floor space for liquor businesses to 400sq meters, which I believe is the largest size that currently exists.

INDUSTRY CODES OF PRACTICE

I support Industry and venue codes of practice because I think they are effective tools to promote higher standards of responsible promotion, service and consumption of liquor. I believe there is industry-wide support for Codes of Practice to be introduced by Licensing NT, since 2015, but I don't believe any action has been taken to update and strengthen Codes of Practice by Government or the Regulator.

I would envisaged that industry peak bodies and key stakeholders would cooperate with the licensing regulator in the development of new codes, to ensure that they cover all aspects that are required.

RESPONSIBLE PRACTICE AND RSA

Responsible practice and policies at the venue level support regulatory obligations and encourage harm minimisation. At the point of sale, Responsible Service of Alcohol knowledge and qualifications empowers venue staff to monitor, assess and intervene in relation to service obligations. I will continue to support universal RSA qualifications for all sellers of alcoholic products in accordance with the current standards.

YOUTH AND PATRON EDUCATION

I support the continuation and expansion of all forms of youth-oriented educational and information campaigns, including public advertising campaigns aimed at bringing about more healthy and responsible attitudes to the consumption of alcohol. Such campaigns should be based on the same of measures as the Code of Practice for the Responsible Consumption of Liquor (Patron-Code).

MORATORIUM AND TAKEAWAY GUIDELINES

The Moratorium on applications for takeaway licences was introduced due to the failure of the Liquor Act relating to the proliferation of Takeaway Liquor licenses in the Darwin/Palmerston area. The Moratorium now applies to the whole of the Northern Territory. In order to insure no loophole I think the moratorium measures should be put into legislation and only new takeaway applications should be made for residential greenfield sites.

SECONDARY SUPPLY

Secondary supply is an issue that staff tackle through the use of their RSA training. This can prove to be problematic for staff as the ability to prove secondary supply before the fact, or rather the intent for secondary supply is a grey area. The greater ability or resources for Police to move on itinerants would greatly reduce this issue. Currently Police are tipping out alcohol that is found as either secondary supply, or being consumed within close proximity to licensed venues, but there does not seem to be the ability to move on these itinerants to a satisfactory level for public safety and further harm minimisation.

LIQUOR PRICING AND ADVERTISING

As Chairperson of the Darwin Retail Liquor Accord I believe that there should be a solution to price discounting, and encouraged this with Accord members, but was met with resistance from some members. I feel that this would have a positive effect on harm minimisation. I think industry in general would support an object in all Codes of Practices which discourages irresponsible behaviour through excessive discounting of alcohol. This can be actioned by defining 'excessive discounting of alcohol' through the Codes relating to on premise and takeaway. It would be appropriate to consider excessive discounting in two areas, one relating to pricing and the other relating to advertising.

I think the use of responsible price point promotions as marketing in order to attract customers is responsible provided the pricing being promoted is not regarded as excessive discounting. This applies to both on premise and takeaway sales.

LIQUOR ACCORDS

As a member of Darwin liquor Accords, it was pleasing to see the collaborative approach by relevant stakeholders, in particular, Liquor Licensing, NT Police, Darwin City Council and individual venues in working towards common sense approaches to local issues that were seen as issues to be addressed.. Accord groups can deal with a range of problems and concerns including business practices, personal behaviour, noise, pedestrian and general safety, lighting, traffic or similar social and community issues. The beauty of Accords is that people want to be involved and that locals are empowered by the Accord process to find practical and enduring solutions to local problems. This stems from their voluntary status, and the fact that solutions are adopted, not imposed from outside.

I support the retention of Liquor Accords in their current role as supplements to the regulatory regime, and do not support Accord participation being made mandatory.

BANNED DRINKERS REGISTER (BDR)

BDRs are strongly supported as positive, reasonable and effective measures which successfully reduce the supply and availability of alcohol to problem drinkers. BDRs fit the definition of 'targeted measures' which act to identify a problem, derive effective counter-measures for the problem, and then target the relevant demographic or area with a working solution. BDR procedures should be streamlined using state-of-the-art technology to make the scanning of customers efficient, particularly in the drive-thru sales environment. The incoming BDR processes (post 1 September 2017) should be quicker, and should be designed to overcome the identified operational deficiencies in the old BDR system.

VENUE BARRING

Industry supports the availability of venue-initiated barring of patrons, and supports retention of status-quo arrangements for barring, patron exclusions and refusals.

DISCRIMINATION

Many of the policies and practices mandated for licensees in the sale and supply of liquor are racially discriminatory. For example, the Accords process is a voluntary agreement between licensees, often pressured by Police and local councils to develop, adopt, implement and enforce measures which are, by their nature, racially discriminatory. This has been discussed at length through various liquor Accords, with venues being advised to seek legal advice in relation to this matter, rather than a solution being proposed and adopted. In addition, licensees and their staff are frequently requested by Police and others in authority to refuse service and supply to indigenous people in a racially discriminatory manner, whether this is direct or indirect.

Staff have also been involved in Cultural Awareness Training that was originally organised with the assistance of the DCC, but has since been discontinued due to changes and a lack of funding. This was a measure that was agreed upon and introduced by the Darwin Retail Liquor Accord members and stakeholders.

ILLEGAL DRUGS

The widespread consumption of illegal and so-called 'recreational' drugs continues to be a contributor to anti-social, criminal and violent behaviour in and around licensed premises and in the community more generally.

Hospitality staff are concerned about the use of illicit drugs, in particular 'ice', as anecdotally we think it is affecting people when they are in and around licensed venues. This means my staff who are untrained in dealing with people who have taken illicit drugs are diverted away from their RSA and other venue obligations (as required by the Liquor Act) to try to minimize harms that result from the use of illicit and illegal drugs. This is unfair for hospitality staff and I would like to see more powers given to NT Police to deal with this issue.

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