

people's alcohol action coalition

PAAC

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Submission: proposed variation of the conditions of licences under s113, *Liquor Act 2019*: Tennant Creek and the Barkly Region

1. PAAC is a community-based alcohol reform organisation based in Alice Springs. It works to reduce alcohol-related harm, including through the following strategies:
 - developing constructive reforms to the sale of alcohol;
 - advocating controls on public consumption;
 - advocating responsible service of alcohol; and
 - promoting healthy lifestyles.

PAAC strives to raise public awareness of and influence policy on the high levels of alcohol consumption and related harm in central Australia, elsewhere in the NT, and on a national level. PAAC works in partnership with the Foundation for Alcohol Research and Education (FARE) and is a member of the National Alliance for Action on Alcohol (NAAA). PAAC is an unincorporated body whose funds are managed by the Aboriginal Medical Services Alliance of the Northern Territory (AMSANT).

2. PAAC thanks the Liquor Commission (the Commission) for its invitation to interested parties to make submissions on its proposal to impose licence variations on its own initiative under s133 of the *Liquor Act 2019* (the *Act*).
3. We note the Commission's useful summary of both the high levels of alcohol consumption in the town of Tennant Creek since its establishment, and the efforts that have been made over the years to reduce these levels, and thus the adverse effects in the areas of health, offending, family disruption and social amenity. The comparatively high rates of exposure of babies to alcohol in the first and third trimesters in the Barkly, set out at point 4. in the Notice of proposed variation of conditions, are shocking to say the least.
4. Assistant Commissioner Dr. Narelle Beer's October 2020 submission on behalf of NT Police provides much useful information and analysis.
5. We also note the Commission's explanation of the reasons for the postponement of the review of the restrictions that were imposed initially by the Director-General of Licensing in February 2018, and modified by the Commission in June of that year, including the delays due to some Alice Springs licensees appealing to the NTCAT in relation to proposed reportable transactions.

6. PAAC shares the Commission's concern, set out at point 47., about the upward trend in alcohol-related assaults in the Barkly. We have been monitoring this trend using the data available on the NT PFES website. We agree that the data presented in the table at point 44. provides a more comprehensive picture of what has occurred in relation to various restrictions and alcohol-related assaults over the specified ten-year period.

7. The NT Police submissions referred to at point 52., to the effect that whilst domestic violence assaults have not decreased significantly since 2016–17, they have tended to be at the lower end of the scale of seriousness, make sense, in our view. PAAC has long held the position that whilst supply restrictions that reduce consumption will not necessarily eradicate domestic violence, they will assist to lessen the severity of such assaults. The Police assessment, at point 53., that Operation Haven is related to a spike in domestic violence figures due to targeted policing in these matters also seems logical. In our view, such an outreach effort is highly likely to yield results.

8. We also note the other data presented in the Notice in relation to drink-driving offences, liquor-related offences, hospital emergency presentations, ambulance call-outs and imprisonment rates, and concur with the Commission's reasoning. As to child protection, we note the Department's view that the reduction in numbers is not highly significant, although we would see it as encouraging. The support of the CEO of the Department of Territory Families, Housing and Communities, Mr. Davies, for the critical role of

liquor restrictions, as set out at point 62., should carry some weight, in our submission.

9. The additional measures set out at point 67. are to be commended, and, we would argue, can contribute to improving the application of restrictions and to the well-being of the town's residents. We agree strongly with the Commission's statement at point 71. about the need for complementary measures.

10. We have no doubt that increased Centrelink payments, Jobkeeper, and eased access to superannuation during COVID-19 have led to an increase in the purchase of alcohol by some people. It is also our understanding that expenditure on food and grocery lines and other household items such as white goods increased in many communities. PAAC does not agree that income support should revert to pre-COVID-19 levels simply because some have spent the additional income on alcohol. We are, however, aware that this was particularly problematic in some Top End communities.ⁱ

11. We note the Director of Licensing's ongoing use of emergency powers under s257 of the *Act* since September, for Darwin, Palmerston and south to Pine Creek, in an effort to address this issue. PAAC will be interested to see any future sales or other relevant data that may indicate the success or otherwise of the use of these powers to restrict sales at bottle shop registers.

12. We were interested to hear the CEO of Hospitality NT, Mr. Alex Bruce, state on ABC radio on 11th January, that when PALIs achieved full coverage in Alice Springs, Tennant Creek and Katherine, “It popped up in the data how many more people were up long-grassing in Darwin.”

13. We would be interested in seeing this data, as well as data on the effects of the above-mentioned use of the Director’s emergency powers. In the same interview, Mr. Bruce also commented on the need to address the long-term, systemic social problems that are leading to people abusing alcohol, which would appear to fit with the Commission’s comments about the need for complementary measures, although Mr. Bruce said he was opposed to the Barkly restrictions. He also claimed that the residents of the Barkly region were being treated like second-class citizens, and expressed his concern that the use of the BDR on premises could extend to other regional towns and possibly even to Darwin and Palmerston.

14. We agree with the Commission’s comments at point 90. about treating the residents of the Barkly differently, and with its reasons for so doing. As to the use of the BDR on licensed premises elsewhere, PAAC believes that for the BDR to be truly effective, given that those on the Register are not permitted to consume, possess or purchase liquor, it should apply on premises throughout the Territory. PAAC put this argument to Minister Fyles early in the first term of the current Government, obviously without success, and we maintain this position.

15. On 19th January, ABC radio interviewed the Member for Barkly, Mr. Steve Edgington, about the Commission's proposals. He was of the view that current measures were not working, and referred to the regulatory regime incorrectly, several times, as 'prohibition.' Like Mr. Bruce, he said he wished to see the 'underlying causes' addressed.
16. Whilst some, including Mr. Bruce and Mr. Edgington, argue that alcohol problems in the region are symptoms of social causes, it is PAAC's view that the high levels of consumption, which lead to, among other things, violent offending and FASD, must be addressed in order that the services available can be properly utilised. In short, the excessive use of alcohol is in itself a cause of social problems, and the complementary measures the Commission mentions will not be able to be fully implemented if the Barkly is swimming in grog.
17. We also note the Director's decision in the recent Woolworths Group matter to impose a residence-based licence condition for the Dan Murphy's outlet, and his comments about police wishing to have a similar, permanent condition applied to all take-away licences. ⁱⁱ If this were to eventuate, it would arguably go some way towards discouraging problem drinkers from moving to, for example, the outskirts of Darwin, where there are no PALIs, if indeed this has been happening, as well as preventing sales to people from alcohol prohibited or restricted areas in the north.

18. We note the Commission's comments about secondary supply in the Notice. Having considered the data available to the Commission and its analysis, we agree that it may be the case that "...secondary supply has not been a significant factor since the introduction of the restrictions." We concur that there are not too many people who could pay \$350 for a bottle of rum. PAAC has nevertheless been extremely concerned about secondary supply, or sly grog sales, in the Sandover, Plenty and Southern Barkly regions, and the effects on communities.

19. The Police Commissioner has acknowledged the difficulty police face in dealing with this issue due to lack of sufficient numbers and also the closure of the Alpurrurulam (Lake Nash) police station in 2018. Please see attached* our letter to Commissioner Chalker of 11th December last, and the response from Acting Asst. Commissioner Wurst of 29th December.

20. PAAC also wrote in December to the Attorney-General and Minister for Justice, Selena Uibo, and to the Minister for Health and for Alcohol Policy, Natasha Fyles, asking that the ID scanning system be adjusted for use in the monitoring of reportable transactions in Alice Springs, that the use of the BDR be expanded, and that the BDR system be trialled on premises in Tennant Creek. We attach* that letter for the Commission's information. To date we have not received a reply save for a brief acknowledgement of receipt.

21. We note with interest the concerns of police in relation to take-away liquor transactions being completed without customers being approached by PALIs. This would seem to at least partially defeat the purpose of a PALI presence during all opening hours. ‘Full lockdown’ is something for which PAAC has consistently advocated, due to its evident effectiveness.

Proposed Variations

22. PAAC appreciates the efforts of the Commission to investigate and analyse the reasons for the increase in consumption and alcohol-related harm in the Barkly since mid-2019, including the effects of increased social security payments, the Jobkeeper scheme and increased access to superannuation. We also appreciate the input of NT Police in relation to assault data, including domestic violence data, and the Commission’s comments on these and other relevant matters, including the high rates of babies’ exposure to alcohol in utero.

23. In our view the Commission has reached a logical conclusion in determining that if the current supply measures had not been in place, the Barkly would have seen even greater alcohol consumption and alcohol-related assaults. Given this, we believe it is reasonable to keep the current restrictions in place, and, for the benefit of all residents of the Barkly, to take further action as proposed. PAAC sees these measures as positive ones that are aimed at reducing the deleterious effects of alcohol misuse for the whole community and the Barkly region.

24. We note the absence of any Director’s guidelines on the installation of cameras and the fact that there exists no local Liquor Accord. This is unfortunate. The implementation of a condition requiring licensees to install surveillance cameras, as has been done in Acie Springs, seems to us a very reasonable proposal with the potential to, as NT Police say, “assist investigations into secondary sellers and misuses of the BDR”.
25. As noted above, PAAC supports use of the BDR on premises as a way of comprehensively applying the scheme to problem drinkers. The Commission does not propose how this is to be done, that is, whether at the door or at the point of sale, but we expect that it would be most easily applied at the door to prevent those on the Register from entering licensed premises, as we believe was the method used during the Alice Springs voluntary trial. We would also like to know if the Commission has considered whether this measure should apply to licensed clubs, as it would seem to us that this would be fair and equitable. It may also reduce the risk of a rush to join clubs where the fact of a person’s being on the BDR will not result in exclusion.
26. We note the current limits on volume set out in point 6., and agree that the proposed limit of three purchases per household per day is reasonable, given the increase in consumption and harm that the Commission has outlined. PAAC also strongly supports the use of the ID scanning system for this purpose. Its use would take pressure off the PALIs and should also assist bottle shop staff.

27. In summary, PAAC supports the proposed variations, seeing them as positive supply reductions measures that should assist in reducing consumption and related harm in the Barkly. This will afford complementary measures, at least some of which may help to address underlying causes and systemic issues, the chance to have a positive effect.

People's Alcohol Action Coalition – PAAC

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ⁱ <https://www.abc.net.au/news/2020-08-21/remote-community-coronavirus-alcohol-increase-bmx-track/12577894>

ⁱⁱ https://industry.nt.gov.au/_data/assets/pdf_file/0009/959247/decision-notice-woolworths-group-ltd-darwin-dan-murphys.pdf at pp 1, 37 and 28.