

# Northern Territory Police, Fire and Emergency Services submission

2020 Review of Barkly Liquor Licence Conditions

30 October 2020



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## 1. Background

Alcohol abuse is a significant catalyst for violence and crime in the Northern Territory (NT) community. The rates of alcohol consumption are the highest in the nation and among the highest in the world. The impact is evident in the excessive rates of alcohol related road crashes, assaults, injuries, illness and deaths. It is well recognised that the impact of alcohol misuse is not just upon the individual, but extends to the wider community<sup>1</sup>.

Alcohol misuse is a substantial contributor to child abuse and neglect<sup>2</sup>. Alcohol is a significant driver of crime, being associated with most assaults and at least 56 per cent of domestic violence incidents. Anecdotally, there is a high incidence of Foetal Alcohol Spectrum Disorder (FASD) in the Northern Territory. The harms associated with the misuse of alcohol are both manifest and wide-ranging.

## 2. Tennant Creek context

The NT has the highest number of alcohol outlets in the nation per head of population<sup>3</sup>. With a population of 2991<sup>4</sup> Tennant Creek has three licensed premises authorised to sell takeaway alcohol to the general public and a further three that are incorporated clubs that can sell to members, guests or visitors to the Club.

21.6 percent of the population of Tennant Creek (649) are aged 14 years old or younger<sup>5</sup>. The Menzies School of Health Research, in its *Story of Our Children and Young People Northern Territory 2019*<sup>6</sup>, evidences the true extent of alcohol misuse and associated harms caused across the Barkly. The Barkly holds the unenviable position of consistently performing the worst in regards to the safety and positive health outcomes of its young people.

### ***Proportion (%) of babies exposed to alcohol, in their first trimester of pregnancy:***

Northern Territory	4.4%
Greater Darwin	2.2%
East Arnhem	5.0%
Central	4.8%
<b>Barkly</b>	<b>20.8%</b> <sup>7</sup>

<sup>1</sup> [https://alcoholreform.nt.gov.au/data/assets/pdf\\_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf](https://alcoholreform.nt.gov.au/data/assets/pdf_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf) accessed 29 October 2020

<sup>2</sup> [https://alcoholreform.nt.gov.au/data/assets/pdf\\_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf](https://alcoholreform.nt.gov.au/data/assets/pdf_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf) accessed 29 October 2020

<sup>3</sup> [https://alcoholreform.nt.gov.au/data/assets/pdf\\_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf](https://alcoholreform.nt.gov.au/data/assets/pdf_file/0005/453497/Alcohol-Policies-and-Legislation-Review-Final-Report.pdf) accessed 29 October 2020

<sup>4</sup> 2016 Census – accessed at [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/SSC70251](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC70251) on 29 October 2020

<sup>5</sup> 2016 Census – accessed at [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/SSC70251](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC70251) on 29 October 2020

<sup>6</sup> De Vincentiis B, Guthridge S, Spargo J C, Su J-Y, Nanadakumara S. *Story of Our Children and Young People*, Northern Territory, 2019. Darwin: Menzies School of Health Research, 2019

<sup>7</sup> De Vincentiis B, Guthridge S, Spargo J C, Su J-Y, Nanadakumara S. *Story of Our Children and Young People*, Northern Territory, 2019. Darwin: Menzies School of Health Research, 2019, page 50

**Proportion (%) of children, aged 0-17, in notifications with domestic violence recorded as a contributing factor:**

Northern Territory	7.4%
Greater Darwin	4.4%
East Arnhem	4.4%
Central	10.8%
<b>Barkly</b>	<b>19.0%<sup>8</sup></b>

**Proportion (%) of children, aged 0-17, with notifications of child abuse or neglect:**

Northern Territory	18.2%
Greater Darwin	11.6%
Est Arnhem	16.8%
Central	26.4%
<b>Barkly</b>	<b>41.4%<sup>9</sup></b>

### 3. Liquor licensing variation

On 27 February 2018, the Director-General of Licensing issued a Decision Notice pursuant to s 48A of the then *Liquor Act 1978* varying takeaway alcohol conditions for seven days commencing on 28 February 2018 for the following licences:

- Tennant Creek Hotel (Liquor Licence 80102044);
- Goldfields Hotel (Liquor Licence 80102583);
- Headframe Bottle Shop (Liquor Licence 81002243);
- Sporties Club Inc. (Liquor Licence 81402780);
- Tennant Creek Golf Club Inc. (Liquor Licence 81402752);
- Tennant Creek Memorial Club Inc.(Liquor Licence 81402774)

This followed an increase in alcohol related offending and public concern in Tennant Creek arising from the alleged sexual assault of a two year old child and the alcohol fuelled assault on a man, resulting in his death.

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<sup>8</sup> De Vincentiis B, Guthridge S, Spargo J C, Su J-Y, Nanadakumara S. Story of Our Children and Young People, Northern Territory, 2019. Darwin: Menzies School of Health Research, 2019, page 27

<sup>9</sup> De Vincentiis B, Guthridge S, Spargo J C, Su J-Y, Nanadakumara S. Story of Our Children and Young People, Northern Territory, 2019. Darwin: Menzies School of Health Research, 2019, page 29

The varied conditions imposed the following restrictions:

- A. takeaway liquor will only be available for sale Monday through to Saturday between the hours of 3pm and 6pm;
- B. takeaway sales on Sunday is prohibited; and
- C. sale of the following products will be limited to no more than one of the following per person per day:
  - i. 30 cans or stubbies of mid-strength or light beer; or
  - ii. 24 cans or stubbies of full strength beer; or
  - iii. 12 cans or bottles of Ready to Drink mixes; or
  - iv. One two litre cask of wine; or
  - v. One bottle of fortified wine; or
  - vi. One bottle of green ginger wine; or
  - vii. Two x 750 ml bottles of wine; or
  - viii. One 750 ml bottle of spirits.

The sale of port, wine in a glass container larger than 1 litre and beer in bottles of 750ml or more was prohibited.

On 6 March 2018, an extension to those restrictions was granted for a further 14 days.

On 13 March 2018, the then Attorney-General, the Hon Natasha Fyles MLA invoked Emergency Conditions under section 33AA of the *Liquor Act 1978* acknowledging the complex interaction of alcohol availability, the excessive consumption rate of alcohol in the region and the significant rate of alcohol related harm in Tennant Creek and surrounding communities. This action embedded for a further three months the restricted hours of operation for takeaway liquor outlets, no Sunday trading and limited product sales.

On 12 June 2018, the Liquor Commission published its decision regarding the varied licence condition for Tennant Creek and Barkly liquor licences. The conditions applying to licences in Tennant Creek and the Barkly are:

- a. Hours for takeaway sales are between 4pm – 7pm in Tennant Creek Monday to Saturday, and 12pm – 7pm in the Barkly Monday to Saturday;
- b. Trading on Sundays is prohibited, except for Aileron Roadhouse;
- c. Purchase quantity limits imposed by the Director-General were maintained for Tennant Creek and extended to the Barkly, except for Devils Marbles Hotel which is subject to pre-existing limits under a voluntary arrangement;
- d. Bona fide lodgers are permitted to purchase between 12pm and 11pm and are not subject to the takeaway limit restrictions;
- e. Bush orders for 7-days' worth of liquor are permitted if the order is on account and ordered at least one day in advance by telephone or email.

Those restriction have now been in place for two years and four months.

## 4. Other alcohol harm minimisation initiatives

The concept of Point of Sale Interventions was first introduced in the Northern Territory (NT) in 2014. The Interventions were known as Temporary Beat Locations (TBLs) and were staffed by General Duties Constables. TBLs were the first iteration of today's Point of Sale Interventions (POSIs) and the Police Auxiliary Liquor Inspector (PALI) scheme.

The first squad of PALIs graduated in Alice Springs on 20 August 2018. Tennant Creek was initially allocated 11 PALI positions, later reduced to 10, and received its first two PALI members in December 2018. The station has a current complement of seven PALIs, with three vacancies. Whilst this number is not enough to support a full lock down of takeaway outlets solely relying on PALIs, the POSI roster is supplemented with General Duties Constables to enable a lockdown of the three licensed premises authorised to sell takeaway alcohol to the general public.

In addition, there has been a graduated upgrade to the NT Police, Fire and Emergency Services (NTPFES) Closed Circuit Television (CCTV) system with additional cameras installed adjacent to the three licensed outlets situated in Paterson Street.

Tennant Creek Police, with support from the wider Southern Command, also conduct regular policing operations across the Barkly, targeting secondary alcohol supply and focussing on reducing alcohol-related harm and anti-social behaviour.

The updated *Tennant Creek Alcohol Management Plan and Action Plan (AHMAP) 2019 – 2024* was endorsed by the Minister for Health on 7 January 2020. The Tennant Creek AHMAP is the product of significant community consultation and action by the Tennant Creek Alcohol Reference Group (ARG). The ARG was established in 2007 to coordinate a targeted community response to harmful alcohol misuse in Tennant Creek. The updated AHMAP is informed by the current needs of the community in line with alcohol harm reduction recommendations. The Tennant Creek ARG developed the AHMAP with a focus on demand and harm reduction strategies in consultation with the wider Tennant Creek community, and in accordance with the *Stronger Futures in the Northern Territory Act 2012* (Cth). Importantly, Goal Area One of the AHMAP is Supply Reduction – Reducing alcohol consumption and related harm by managing the availability, accessibility and convenience of alcohol supply.

The Public Housing Safety Strategy aims to reduce antisocial behaviour in and around public housing. The strategy includes Public Housing Safety Officers (PHSO) whose role is to help resolve and reduce antisocial behaviour in public housing.

The declaration of liquor restricted premises' within Tennant Creek, pursuant to the *Liquor Act 2019*, coupled with PHSO and Police patrols of those premises assists with the management of alcohol consumption and related anti-social behaviour in and around public housing dwellings.

## 5. Statistical analysis

The following tables provide a comparison of incidents and offences over consecutive financial years. They should be read in conjunction with the notes that follow the data.

NTPFES counting rules for offences are aligned to the most current Australian Bureau of Statistics victim-based counting methodologies.

Caution should be exercised when reviewing the 2019/2020 and 2020/2021 data sets as the COVID-19 Global Pandemic and the NT emergency response to it may have resulted in anomalies in this year's data. NT Police Intelligence considerations provide anecdotal evidence that remote travel restrictions imposed from late March 2020 and social distancing requirements keeping household residents at home for extended periods, coupled with access to enhanced welfare support by way of extraordinary Human

Services Job Seeker and Job Keeper payments, and Coronavirus Supplement payments, may have been a significant driver of increased incident counts.

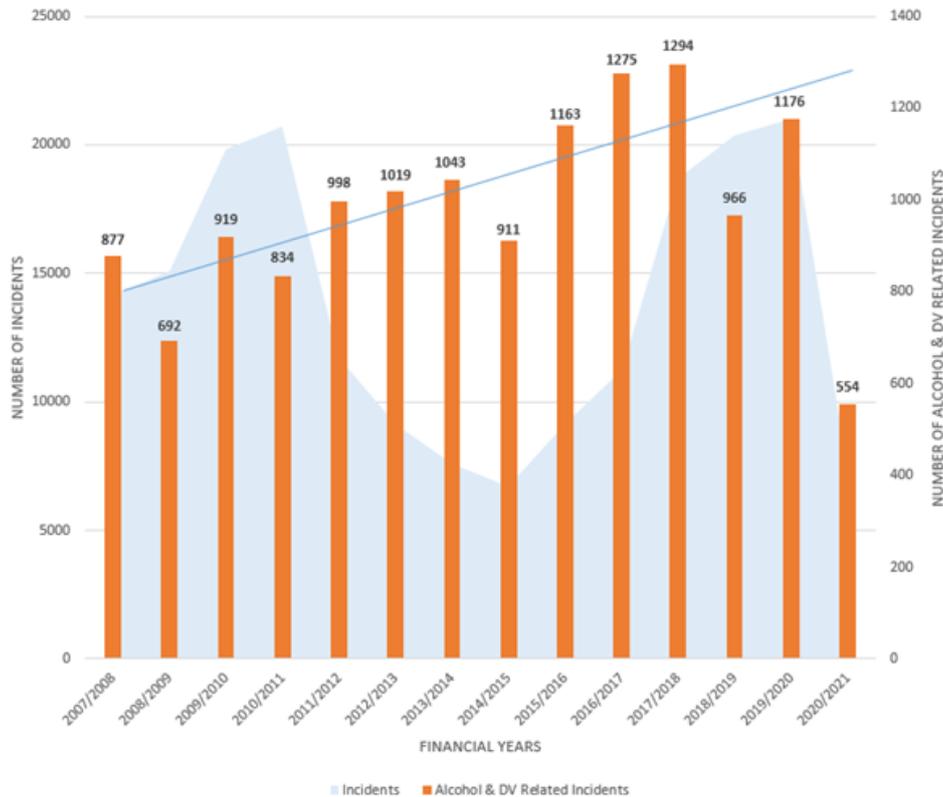
Analysis has been conducted on overall incident and offence counts along with the level of alcohol related offending in regards to crimes against people (including Domestic Family Violence (D&FV)), crimes against property and traffic offending.

### 5.1. Tennant Creek District (Incidents by alcohol and D&FV involvement)

Police District	Financial Year Reported	Total No of Incidents	Total No of Alcohol Related Incidents	Percentage of Alcohol Related Incidents	Total No of DV Related Incidents	Total No of Alcohol & DV Related Incidents
TENNANT CREEK	2007/2008	14135	6611	46.8%	1213	877
TENNANT CREEK	2008/2009	15073	5340	35.4%	981	692
TENNANT CREEK	2009/2010	19847	6572	33.1%	1281	919
TENNANT CREEK	2010/2011	20723	8623	41.6%	1224	834
TENNANT CREEK	2011/2012	11742	4851	41.3%	1407	998
TENNANT CREEK	2012/2013	9097	4347	47.8%	1417	1019
TENNANT CREEK	2013/2014	7599	3860	50.8%	1445	1043
TENNANT CREEK	2014/2015	6710	2737	40.8%	1315	911
TENNANT CREEK	2015/2016	9121	3122	34.2%	1734	1163
TENNANT CREEK	2016/2017	11223	4003	35.7%	1787	1275
TENNANT CREEK	2017/2018	18704	4682	25.0%	1952	1294
TENNANT CREEK	2018/2019	20367	4246	20.8%	1621	966
TENNANT CREEK	2019/2020	21002	4248	20.2%	1759	1176
TENNANT CREEK	2020/2021	7518	1796	23.9%	782	554

Note the FYTD data for 2020/2021 includes data up to 27.10.2020 (just under 4 months)

Graph 1: Tennant Creek Police District - Alcohol & Domestic Violence Related Incidents by Financial Year with Linear Trendline



Note – a third way through financial year – currently 47% of total for previous FY & trending upwards

The trend line in the graph below shows that the number of recorded alcohol and domestic violence (ADV) related incidents in Tennant Creek have been steadily increasing over the past decade.

Tennant Creek District incident data across 13 plus financial years shows that:

- The percentage of alcohol related incidents went from a record high in 2013/2014 (50.8%) to a trending decline upon the current restrictions being implemented.
- In 2017/2018, the number of D&FV related incidents increased to a record high of 1,294, representing a 46.5% increase from 2008/2009. This is the year that the current restrictions were implemented;
- Whilst total incidents peaked in 2019/2020 the percentage of alcohol related incidents was the lowest it has been in over 13 years;
- Alcohol related incidents decreased from a 13 year high of 50.8% in 2013/2014 to a 13 year low of 20.2% in 2019/2020;
- In 2019/2020 the total number of D&FV related incidents was high but, as can be seen from figure 5.2 actual D&FV related offences was the second lowest of the thirteen year period.
- The trend line in the graph shows that the number of recorded alcohol and domestic violence related **incidents** in Tennant Creek have been increasing at a steady rate over the past decade. Noting that there is eight months remaining of this financial year, the incomplete set of data provided for 2020/2021 suggests this trend will continue. However, when compared to alcohol related **offences** against the person and alcohol related D&FV **offences** against the person the trend is downward and opposite in nature. Weekly analysis by the Territory Intelligence Division

within weekly Tasking and Coordination Group processes suggest that, whilst incidents are trending up, actual physical violence is low with the majority of D&FV matters involving verbal arguments only.

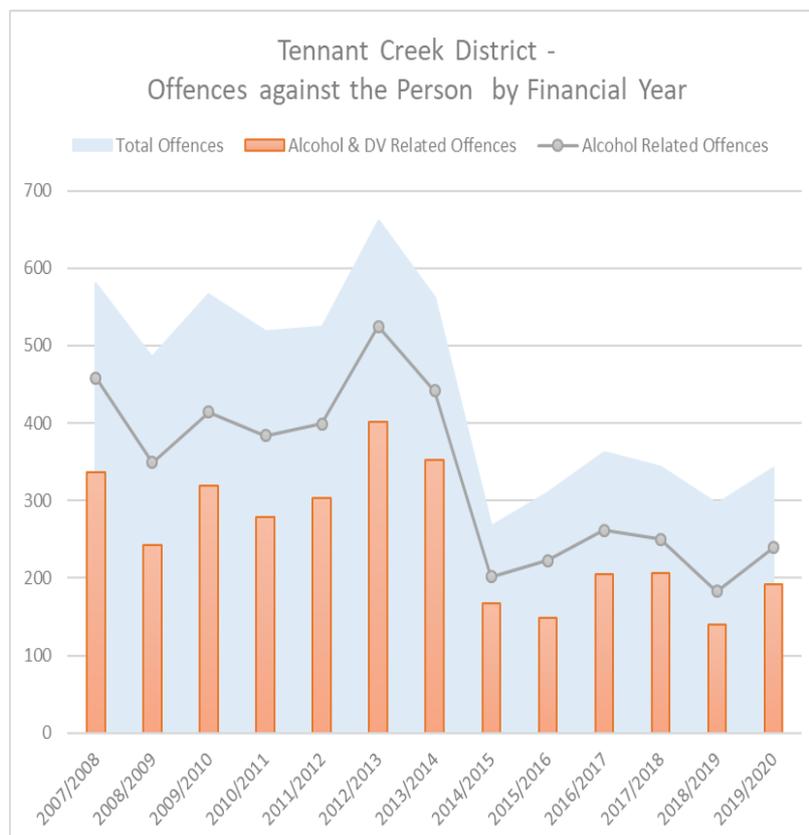
### 5.2. Tennant Creek District (Offences by category, alcohol and DV Involvement)

TCPolice District	Offences against the Person					Offences against Property				
	Fin Yr Desc Reported	Total No of Offences	Total No of Alcohol Related Offences	Percentage of Offences Alcohol Related	Total No of DV Related Offences	Total No of Offences	Total No of Alcohol Related Offences	Percentage of Offences Alcohol Related	Total No of DV Related Offences	Total No of Alcohol & DV Related Offences
2007/2008	581	458	78.8%	388	336	673	109	16.2%	30	20
2008/2009	485	349	72.0%	313	242	576	107	18.6%	31	19
2009/2010	567	414	73.0%	394	319	693	126	18.2%	37	24
2010/2011	518	384	74.1%	355	278	593	82	13.8%	25	17
2011/2012	524	399	76.1%	380	304	520	70	13.5%	34	16
2012/2013	662	525	79.3%	478	401	581	85	14.6%	30	20
2013/2014	562	442	78.6%	428	353	403	100	24.8%	19	16
2014/2015	267	202	75.7%	211	167	336	84	25.0%	18	13
2015/2016	310	223	71.9%	197	149	553	71	12.8%	17	6
2016/2017	363	262	72.2%	271	205	587	77	13.1%	26	15
2017/2018	344	250	72.7%	266	207	746	88	11.8%	29	15
2018/2019	296	183	61.8%	197	140	679	79	9.0%	18	7
2019/2020	343	239	69.7%	247	192	1026	72	7.0%	25	13
2020/2021 FYTD	153	115	75.2%	113	94	272	17	6.3%	10	2

Note the FYTD data for 2020/2021 includes data up to 27.10.2020 (just under 4 months)

Offences against the person include offences such as Homicide, Acts intended to cause injury, Sexual Assault and related offences, Abduction and harassment.

Offences against property include offences such as Unlawful entry, theft and property damage.



Tennant Creek District data for Offences against the Person across 13 plus financial years shows that:

- The percentage of offences against the person that are both alcohol and D&FV related range from 62.8% in 2013/2014 to 47.3% in 2018/2019, the year after the current restriction were implemented; and
- 3387 of 5974 offences against the person across the entire period (from 01/07/2007 to 27/10/2020) have been alcohol and D&FV related. This equates to more than half (i.e. 56.7%) of all offences against the person.

### 5.3. Tennant Creek District (Active Policing and Traffic offences, alcohol and DV involvement)

TC Police District	Active Policing Offences					Traffic Offences				
	Fin Yr Desc Reported	Total No of Offences	Total No of Alcohol Related Offences	Percentage of Offences Alcohol Related	Total No of DV Related Offences	Total No of Alcohol & DV Related Offences	Total No of Offences	Total No of Alcohol Related Offences	Percentage of Offences Alcohol Related	Total No of DV Related Offences
2007/2008	856	597	69.7%	306	264	612	378	61.8%	2	2
2008/2009	1047	749	71.5%	269	234	929	418	45.0%	3	1
2009/2010	1366	980	71.7%	333	287	1030	503	48.8%	6	6
2010/2011	789	553	70.1%	258	215	677	474	70.0%	7	7
2011/2012	598	377	63.0%	194	157	580	408	70.3%	5	2
2012/2013	1226	878	71.6%	304	273	847	489	57.7%	8	7
2013/2014	1568	1132	72.2%	388	341	937	556	59.3%	11	11
2014/2015	1179	844	71.6%	253	228	693	335	48.3%	11	11
2015/2016	1124	702	62.5%	273	224	697	411	59.0%	7	5
2016/2017	1370	934	68.2%	344	292	846	504	59.6%	9	3
2017/2018	1368	901	65.9%	326	271	977	596	61.0%	10	8
2018/2019	1134	608	53.6%	280	214	859	448	52.2%	0	
2019/2020	1131	591	52.3%	263	222	825	505	61.2%	2	2
2020/2021 FYTD	452	236	52.2%	134	122	345	218	63.2%	1	

Note the FYTD data for 2020/2021 includes data up to 27.10.2020 (just under 4 months)

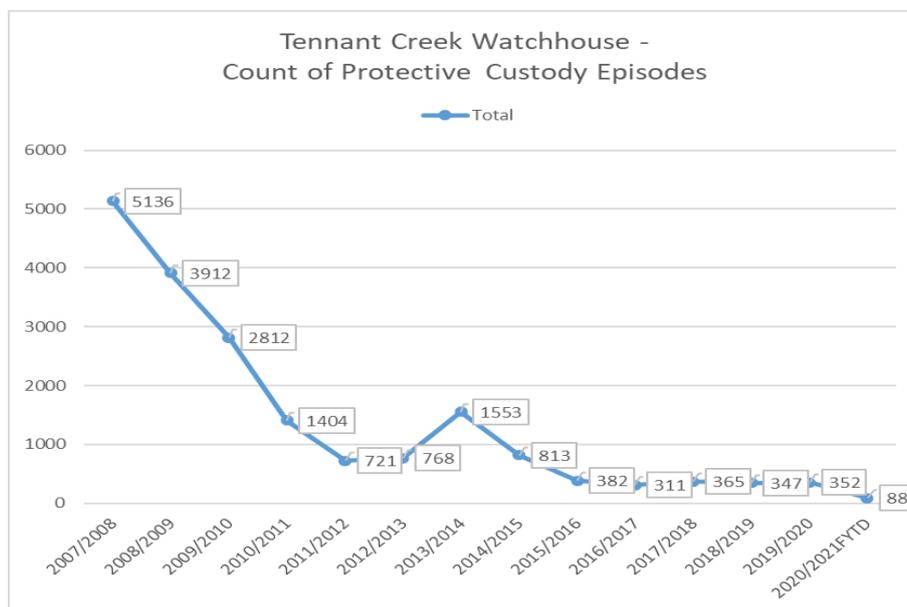
Active policing activities includes offences such as prohibited weapons, justice procedures, illicit drug offences, fraud and deception.

Tennant Creek District data for Offences against the Person across 13 plus financial years shows that:

- The percentage of alcohol related active policing offences went from a high in 2013/2014 (72.2%) to a trending decline upon the current restrictions being implemented;
- The percentage of alcohol related traffic offences went from a high in 2011/2012 (70.3%) to the third lowest percentage (52.2%) the year after that the current restrictions were implemented;
- There does not appear to be a consistent trend in regards to alcohol related traffic offending with rates of alcohol related offending moving up and down year on year.

### 5.4. Tennant Creek Watchhouse (Protective custody episodes)

Tennant Creek Police District	
Apprehension Fin Year Desc	No. of PCs
2007/2008	5136
2008/2009	3912
2009/2010	2812
2010/2011	1404
2011/2012	721
2012/2013	768
2013/2014	1553
2014/2015	813
2015/2016	382
2016/2017	311
2017/2018	365
2018/2019	347
2019/2020	352
2020/2021FYTD	88

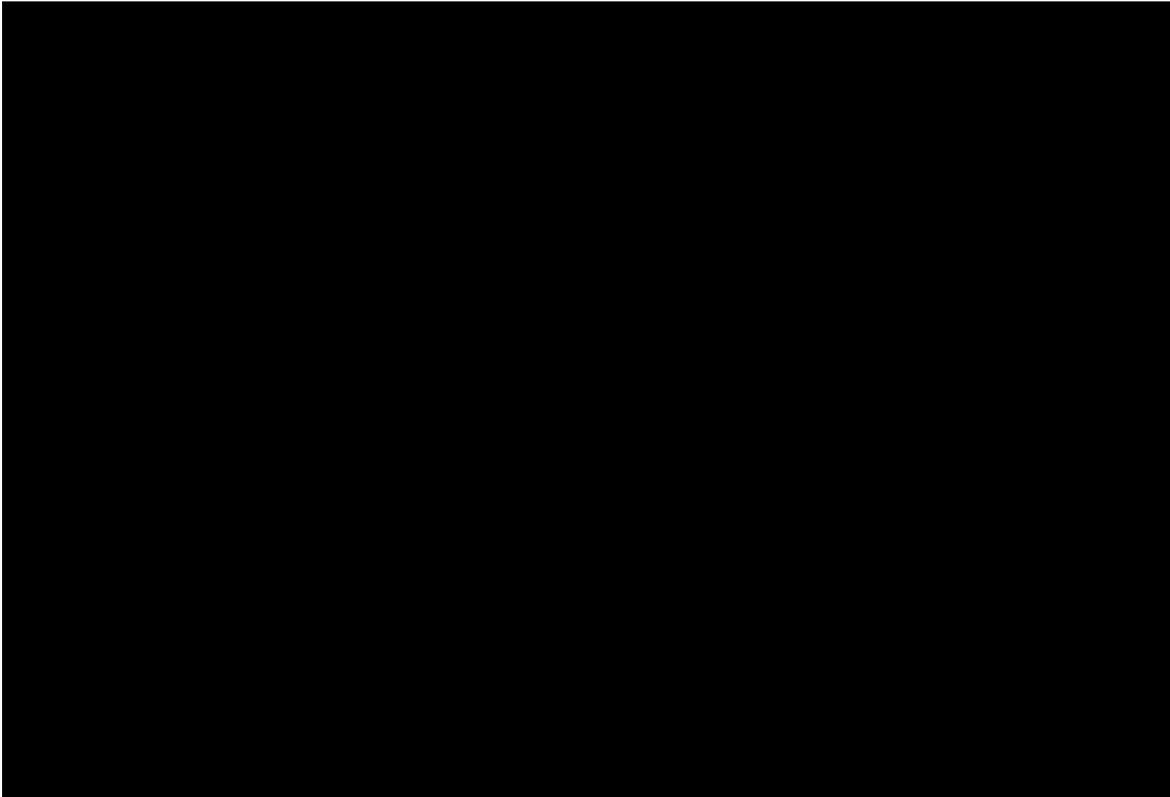


Note the FYTD data for 2020/2021 includes data up to 27.10.2020 (just under 4 months)

Tennant Creek Police Watchhouse Protective Custody (PC) episodes across 13 plus financial years shows that:

- The number of PC episodes went from a record high in 2007/2008 (5136) to a trending decline upon the current restrictions being implemented.
- Interestingly, 2016/2017 had the lowest recorded PC episodes. There is no information to suggest why this year was particularly significant;

- 2018/2019 had the second lowest recorded number of PC episodes. The current liquor restrictions had been in place for 16 months by this stage.
- The *Police Administration Amendment Act 2014* commenced on 17 December 2014. This introduced the power under s 133AB of the *Police Administration Act 1978* to take a person into custody for an infringement offence. Previously, a drunk person would be taken into PC and, once released from PC, they could be issued with an infringement. Under s 133AB, a person can be held until sober before issuing an infringement;
- TBLs also commenced around that time. Logically, a result of this may have been that people who usually ended up in PC were refused entrance to liquor outlets.



Data was extracted from PROMIS on 1.10.2020.

This graph should not be treated as finalised/confirmed and is not suitable for publication or general distribution as it includes un-finalised data through September 2020.

Any point on the graph shows a 12-month rolling sum of offences recorded in the past 12 month period ending in that month. This method minimises the cyclical seasonal variations.

- The data, provide by the Department of the Attorney-General and Justice, relying on police data, displays the dramatic decrease in the number of assault offences recorded from January 2014, this drop coinciding with the introduction of TBLs (now referred to as POSIs);
- The trend has remained relatively consistent from the time that the current restrictions were first implemented in February 2018 up to now.

Commercial in confidence

Commercial in confidence

Between the Tennant Creek based outlets the figures show an average of 431 successful BDR scans each day. That potentially translates to the following quantities of alcohol entering the community each day:

- 12,930 cans or stubbies of mid-strength or light beer; or
- 10,344 cans or stubbies of full strength beer; or
- 5,172 cans or bottles of Ready to Drink mixes; or
- 431 two litre casks of wine; or
- 431 bottles of fortified wine; or
- 431 bottles of green ginger wine; or
- 862 750 ml bottles of wine; or
- 431 750ml bottles of spirits; or
- A mix of any of the above within permissible purchase limits.

Of course, on premises consumption of alcohol is also available to patrons for extended periods, generally commencing at midday on weekdays and 10.00am on weekends, ceasing anywhere between 10.00pm and 2.00am the following day, depending on the venue and licencing conditions.

## 6. Statistical analysis – Public interest and community impact

This data evidences that the current conditions are maintaining their efficacy in minimising harm to the community and have been over an extended period.

The data also confirms that the current restrictions are having a positive impact on community safety and minimising the harm or ill-health caused to residents by the consumption of liquor.

BRD scan data shows that the current restrictions still permit an extensive amount of liquor to enter the community each day.

Whilst the focus is on takeaway alcohol it is important to recognise that on premises consumption of alcohol is available to patrons for extended periods every day of the week (up to 10 hours mid-week and 16 hours on weekends). On premises consumption provides regulated and monitored safe spaces for residents to consume alcohol in.

## 7. Barkly licences outside Tennant Creek

The Commission previously considered that conditions should be calibrated to “remove any incentive to drinkers to drive to another location in the Barkly region where the conditions are less restrictive”<sup>10</sup>.

It is the NTPFES submission that the same restrictions should apply to all licensed premises authorised to sell takeaway alcohol across the Barkly (including Elliott) to ensure consistency and limit those problem

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<sup>10</sup> Decision Notice: Variation of the condition of licences – 2018

[https://justice.nt.gov.au/\\_data/assets/pdf\\_file/0010/501967/barkly-s33-reasons-for-variation-120618.pdf](https://justice.nt.gov.au/_data/assets/pdf_file/0010/501967/barkly-s33-reasons-for-variation-120618.pdf)

accessed on 29 October 2020

drinkers wishing to access alcohol from travelling to another premise with lesser restrictions. As a result the submission focuses on Tennant Creek outlets but applies equally to all Barkly outlets.

## 8. Existing conditions

The NTPFES submission is that the current licensing conditions insofar as they relate to trading hours and allowable quantities are proving to be effective in reducing alcohol related harm longer term and should not be amended. Pursuant to s49 of the *Liquor Act 2019* it can be argued that it is not in the public interest to amend these conditions as, to do so, would have a negative impact on the following objectives:

- a) minimising the harm or ill-health caused to Barkly residents by the consumption of liquor (by permitting increased access to liquor);
- b) making access to takeaway liquor easier thereby reducing any imperative to consume liquor on or in licensed premises in a responsible manner;
- c) safeguarding public order and safety, particularly when large numbers of people may be attracted to drinking liquor in residential areas adjacent to licensed premises;
- d) detracting from the safety, health and welfare of people who use licensed premises arising from alcohol related offending; and
- e) reducing or limiting increases in anti-social behaviour.

### 8.1. Trading hours

Based on the above analysis it is difficult to support any proposition that there is a community benefit to extending trading hours or that the current trading hours do not permit sufficient access to liquor.

It is acknowledged that longer takeaway hours might reduce bottle necks and queueing adjacent to venues whilst also providing better opportunities for PALIs to undertake their duties. However, any extension to trading hours has the converse potential to increase community access to liquor and have a detrimental impact on Police resourcing. Current POSI resourcing requirements often means that there is only one General Duties response crew operating for the period that takeaway outlets are trading. This creates a risk to both the public and its Police Officers as calls for service may result in a delayed response and back up resourcing for Officers is not readily available. Based on current police resourcing in Tennant Creek, there is a risk that extended takeaway hours may result in a full POSI lockdown being unachievable on occasion.

NTPFES submits that, on a considered balance, the potential detriment from extending trading hours would outweigh any benefits. As a result, the current takeaway trading hours are sufficient and should not be altered.

If the Commission deems that an extension of takeaway trading hours is in the public interest then the NTPFES submission is that the extension should apply earlier in the day, not later than the current end time of 7.00pm as Police resourcing is better able to respond to extended day time trading.

### 8.2. Allowable quantities

NTPFES submits that the current allowable quantity is sufficient based on the above analysis. A person who is encumbered from purchasing restrictions and has a lawful place to drink can currently purchase a significant amount of alcohol on a daily basis, six out of seven days of the week (a carton of beer, 12 cans of Ready to Drink mixes, up to 2 litres of wine or one 750ml bottle of spirits). Surely, quantities above that create a substantial risk of harmful consumption.

NTPFES submits that there is no public interest in increasing allowable quantities.

If the Commission determines to increase allowable quantities to any great extent then it is requested that consideration be given to the addition of reportable transactions conditions in all licences within the Barkly. NTPFES refers to the condition imposed on Alice Springs liquor licences by the Liquor Commission on 13 June 2020.

## 9. Additional proposed conditions

Notwithstanding considerations relating to trading hours and allowable quantities there is a significant community safety benefit to be achieved through consideration of additional conditions outside of the current licensing provisions.

The review of Barkly liquor licences provides an opportunity for the Commission to address a number of current licensing deficiencies, negatively impacting on public safety, in order to:

- Prevent practices that encourage irresponsible drinking;
- Reduce or limit increases in anti-social behaviour; and
- Reduce the risk of harm from the excessive or inappropriate consumption of liquor.

### 9.1. Camera surveillance condition

NTPFES is seeking an added condition on all affected licences for licensees to install, maintain and operate a camera surveillance system in compliance with the requirements and guidelines prescribed by the Director of Liquor Licensing, including CCTV camera surveillance at the point of sale designed and operated so as to record information regarding the items purchased, the use of the BDR scanner, interactions between the purchaser and the salesperson, the appearance of the purchaser and the appearance of the salesperson. Data captured by the camera surveillance system should be retained for not less than 14 days.

This condition can assist investigations into secondary sellers and misuses of the BDR and in turn, assist in reducing alcohol related harm. NTPFES refers to the condition imposed on Alice Springs liquor licences by the Liquor Commission on 13 June 2020.

### 9.2. Residency condition

NTPFES is seeking a limit on how many purchases can be made per day, relying on one residential location.

The below circumstances occur on a regular basis in Tennant Creek as advised by General Duties and PALI Officers at a station meeting held on 28 October 2020.

#### ***Circumstance One***

Five tenants are officially recorded on the Territory Housing tenancy list. During trading hours all five people attend a licensed outlet and bring three people each with them. All 15 people purchase takeaway liquor relying on the one purchase address as there is no current restriction on allowable limits per residence. There are now 15 people purchasing liquor to be consumed at one residence. If all 15 people purchase a carton of heavy strength beer (24) per person, this equated to 360 cans of heavy beer. NTPFES submits that consumption of these quantities of liquor inevitably leads to disturbances that Police are required to respond to throughout the night. Anecdotally, most of the non-tenants are residents of restricted areas external to Tennant Creek or residents of Community Living Areas and have nowhere lawful to drink.

This offends the public interest objectives of:

- preventing practices that encourage irresponsible drinking; and
- reducing or limiting increases in anti-social behaviour.

This also creates an unacceptable risk of harm from the excessive or inappropriate consumption of liquor.

### **Circumstance Two**

A registered tenant from a Tennant Creek residence attends an outlet with five other people. That tenant does not purchase but the five people with them rely on the tenant's address to do so. An hour later the tenant goes to a different outlet with another five people. Again, the tenant does not purchase but the people with them do, again relying on the tenant's address. The tenant then goes to a third outlet, now purchases for themselves with additional purchases by four people who rely on that address again. There are now 15 people who have relied on a single residence to purchase liquor for one location.

NTPFES proposes that a solution would be to implement a five purchase limit on how many purchases can be made relying on one residential location. NTPFES suggests that this could be managed through the existing Tennant Creek liquor database that currently restricts multiple purchases by the same individual on the same day.

### **9.3. Requirement for completion of POSI checks before purchase transactions are completed**

Licensed premises personnel are not waiting for POSI officers to complete checks before completing transactions. A POSI member will be in the process of conducting checks on potential customers. Outlet staff attend to the vehicle occupants in the drive through area, scan their bank card or accept cash payment, the exchange of alcohol for payment is completed before the POSI member can complete their checks. In some instances, the check confirms that the customer should not have been permitted to purchase. In these situations, the alcohol is subsequently seized by Police under their POSI powers. The customer then has to approach the outlet to seek a refund with no guarantee that this will be forthcoming.

It is proposed that a condition be included that POSI checks must be completed **before** a potential customer can complete payment for any purchase.

### **9.4. BDR on premises**

Consideration should be given to extending the BDR system to on premises alcohol consumption. The objectives of the *Alcohol Harm Reduction Act 2017 (NT)* are to reduce the harm associated with the misuse of alcohol and improve the health, safety and wellbeing of people in the Territory by providing a legislative framework for:

- a) making banned drinker orders to enable adults to be registered on the banned drinker register; and
- b) preventing the misuse of alcohol; and
- c) protecting people who are misusing alcohol from severe or serious harm because of the misuse; and
- d) protecting people, particularly children, from harm or nuisance resulting from the misuse of alcohol by others.

Banned Drinker Orders (BDOs) are a tool to assist with alcohol harm reduction provided by this Act. Apart from a political imperative, there is no reason why the BDR system is only utilised in takeaway circumstances when the same system could easily be utilised to minimise harm related to on premises drinking.

## 10. Conclusion

The NTPFES acknowledges that alcohol reform is complex and touches on multiple issues. This submission focuses primarily on supply and harm reduction through a narrow focus on trading conditions. Imposing further conditions or confirming the existing conditions will be of enormous assistance in combating alcohol and related harms in Tennant Creek and will support the concerted efforts currently being made by all government and non-government agencies.

The restriction conditions imposed in June 2018 have proven to have a positive impact on community safety.

The NTPFES requests that, in relation to the 2020 review of Barkly liquor licence conditions, the Commission considers:

1. Maintaining the current hours of trade to reduce instances of harm, encourage patrons into regulated licensed premises and prevent individuals who are prone to making poor decisions about alcohol consumption from purchasing more alcohol while intoxicated;
2. Maintaining the current restrictions that relate to the quantity and type of alcohol sold through take-away trade;
3. Consider implementation of the additional conditions proposed;
4. Recognise that community safety and prevention of harms outweigh the individual right to more permissive trade; and
5. Recognise that as valid as the commercial or convenience arguments may be, it is not valid or responsible to revert back to conditions that preceded the emergency conditions given the significant and sustained alcohol-related harms in this community.

Should you have any further queries regarding this submission, please contact Narelle Beer, Assistant Commissioner Regional and Remote Operations, on (08) 8951 1720 or via email at [narelle.beer@pfes.nt.gov.au](mailto:narelle.beer@pfes.nt.gov.au).



Dr. Narelle Beer  
Assistant Commissioner  
Regional and Remote Operations