

Submission to Liquor Commission – Alice Springs

Background

The Tourism and Hospitality sector is the second largest sector in the NT following mining. We employ approximately 17,000 people a year.

We are a significant pathway employer for rural, regional and students from low socio-economic backgrounds. As at October 2016, there were 290 NT School children enrolled in food, hospitality and personal services studies, a figure the industry is striving to increase.

The Australia Hotels Association (NT Branch) was established in 1979 and is the leading Territory hospitality industry association. We currently have over 230 members, associates and sponsors ranging from small country establishments to 5-star hotels, breweries, beverage suppliers, furnishings and many other diverse complimentary businesses.

Our Association welcomes the opportunity to provide a submission to the Liquor Commission ahead of its determination on any further conditions and restrictions on liquor licences in Alice Springs

In this submission we have tried to provide some historical context and point to some of the key current and past reviews that have found fundamentally that supply, demand and harm reduction measures need to be implemented holistically to achieve meaningful cultural change in this space.

We submit that there are already vehicles in play, such as the current Alcohol Management Plan, that could be analysed, reviewed and used to drive meaningful change rather than through a process that is looking at supply side measures in isolation.

We also nominate two substantive and other ancillary measures that we believe would make a real impact in the area for the Liquor Commission's consideration.

Introduction

At the outset, we would like to make it clear that our Association and its members strongly support the responsible service of alcohol and steps the Government is taking to address the social harm caused in our community through excessive and inappropriate consumption of alcohol.

We are strong supporters of the reintroduction of the Liquor Commission and for its independent, open and transparent decision-making pathways.

We do, however, take exception to the seemingly never-ending amount of reforms, restrictions and political flare ups that then lead to more reforms and more supply side restrictions with little to no analysis done on previous measures put in place.

At times supply side measures have been considered alongside demand and harm reduction measures in a holistic fashion. And at other times supply is unfortunately singled out as if it can be properly assessed and determined in a vacuum void of the full contextual position such a complex social problem requires.

The Liquor Commission's current review also finds itself in the unenviable position of occurring before the full implementation of the Riley Review's recommendations have come into effect,

before the full roll out of Police Auxiliaries into the community, during the final year of the current Alice Springs Alcohol Management Plan, before the Minimum Floor Price has come into effect, , before the re-write of the Liquor Act, before implementation of 'Risk Based' Licensing Fees and before proper independent assessment of all of these measures have occurred for the Liquor Commission to benefit from.

Specifically, we would like to see the full roll out of the Police Auxiliaries and for a proper assessment of this important tool prior to finalising further supply side restrictions. The role of the auxiliaries, and the Police conducting POSIs previously have been strongly supported from health and alcohol advocates as a vital tool in Central Australia.

Before assessing additional supply measures, would not the Liquor Commission benefit from assessing the on the ground situation following the full roll out of the Police Auxiliaries. This is particularly the case given that such policing on bottleshops has been ad hoc in the past and the NT Government has now committed to such officers being permanently stationed on bottleshops.

We also believe there is a way to improve the information flow between the auxiliaries and the venues that can assist the Liquor Commission in its endeavours. (see Suspicious Reporting)

History of restrictions and reforms

On numerous occasions the Northern Territory, and more specifically Alice Springs and the Central Australian community has been used as the nation's guinea pig to pilot the 'next big' idea on.

- Toughest supply side restrictions in the nation
- The restrictions that flowed from the national Intervention
- First to ban certain types and sizes of products
- First community to have police stationed at bottleshops on Temporary Beat Locations which would become Point of Sale Interventions
- First to pilot what would become the Banned Drinkers Register
- First to implement some minimum levels of pricing on some products which was used as an argument to rollout Minimum Floor Price across the Territory
- First use of the new and broad Police 'Emergency' 48 hour shut down power.

We believe it would be of benefit to the Liquor Commission to analyse the history of not only liquor reforms and restrictions in Central Australia but also consider how the previous Liquor Commission used to go about its business ahead of finalising the current important review.

Review of Roadside Inn Licences May 1992

Late in 1991 the NT Government requested the Liquor Commission conduct a review of all roadside inn licences in order to determine appropriate conditions of licence.

The Liquor Commission's principal findings included the following:

"There are advantages in the system of establishing voluntary agreements between licensees and aboriginal elders and community councils in preference to imposition of conditions of licence which are legally binding. Voluntary agreements provide localised solutions, actively involve aboriginal

people in the determination and policing of these terms of agreements and retain the flexibility for the licensee of normal trade with non-aboriginal residents and the travelling public.”

In considering imposition of further licence conditions, as a precursor, an understanding of what voluntary and localised agreements are already in place should be undertaken and so we ask the Liquor Commission to consider the current Alcohol Management Plan 2015-2018 (more on this below) and assess its effectiveness prior to any further imposition of conditions of licence.

That Plan was formed after extensive community and industry consultation with the Chairperson of the Alice Springs Alcohol Reference Group giving prominence to the Traditional Owners in his acknowledgment of the work undertaken by a broad group of people:

“In particular I would like to acknowledge the Traditional Owners of Alice Springs, the members of the Alcohol Reference Group and the many stakeholders and community members that provided input, contributed ideas and solutions to reducing alcohol harms in Alice Springs, and into the drafting of the AMP.”

In discussing the history of the Liquor Commission, and the obligation to find a balance of competing interests, at 2.3 the Wayside Inn Review states:

“The then Chairman described the task of the Commission as finding a balance in licensing decisions between the rights of licensees, the needs of the travelling public and the legitimate requirements of aboriginal drinkers, while minimizing the detrimental consequences of excessive drinking through road trauma and violence and disruption on communities.”

We note that the ‘legitimate requirements’ of indigenous drinkers is not a phrase used by decision makers of today when examining ever more restrictions. Arguably some of the measures that have been put in place over the years challenge the very notion of indigenous legitimate drinking and there has been commentary at previous reviews about how the constant challenge to indigenous drinking legitimacy, done for a range of reasons by a range of influences and stakeholders, has helped entrench some of the poor practices of indigenous drinking.

What is also interesting about the Wayside Inn Review is the level of bona fide engagement and proper analysis that was undertaken prior to finalisation of the Liquor Commission’s position.

In addition to the Chair of the Liquor Commission holding sessions with affected licensees in Darwin and Alice Springs, a field officer was sent out to visit 30 premises and conduct informal but structured interviews with licensees.

Additionally, a database, collating information on each of the proposed licences was prepared *“to assist the Commission in its considerations regarding reclassification, changes to conditions, removal or surrender of licences in the second stage of the review.”*

The data included information on their location, clientele, services provided, gross turnover by each part of the business (e.g. food, liquor, fuel, accommodation), capital improvements of facilities, plans for development and general comment in regard to the operation of the establishment.

Data also included their take away sales split into Beer, Wine, Spirits, analysis of their takeaway sales as a proportion of their total sales, and geographical and proximity analysis being both relative to other licensees and also relative to vulnerable communities.

Proprietors disclosed sections of this information on the basis of confidentiality for the benefit of the Liquor Commission in the conduct of that Review.

We draw attention to this historical case study given the thoroughness and genuineness to engage, consult and analyse the issue in detail ahead of making final decision on further restrictions does appear to be exemplary in 1992 and we encourage the current Liquor Commission to adopt a similar approach in regards this and future matters.

At 4.3.2 of the Wayside Inn Review the Liquor Commission acknowledges the direct link tightening supply side restrictions in a locality has to the increased “migration and travel” to areas of the Territory that don’t have those restrictions resulting in “even less control” of the problems and increased “grog running.”

It is interesting to note that part of the discussion about whether Alice Springs needs additional restrictions is due to a perception of increased problems following the tightening of restrictions in Tennant Creek recently.

We point to the numerous submissions to contemporary reviews that call into question the usefulness of squeezing restrictions at local and regional level void of overarching analysis of current and imminent supply measures, alongside analysis of demand and harm reduction measures in a holistic fashion.¹

In the Wayside Inn review, the Liquor Commission also examines its own past decisions and acknowledges that one of its aims in imposing limited restrictions between Alice Springs and Tennant Creek was to minimize the travel to those two locations for the purpose of drinking, which would decrease the intermingling of aboriginal groups from different areas in drinking situations “*an occurrence likely to lead to fighting.*”

In the time that has transpired between that Wayside Inn review and today’s review in Alice Springs, those limited restrictions between Alice Springs and Tennant Creek have all but become absolute, which has contributed directly to the social problems facing both towns.

Add to that the current Tennant Creek heightened restrictions and the inevitable outcome of increased displaced persons coming to Alice Springs, as predicted by the Liquor Commission of old, has occurred.

We advise caution in thinking that the solution therefore lies in further tightening restrictions in Alice Springs as this will simply contribute to the displacement and dislocation of vulnerable people to yet more far flung parts of the Territory or interstate, ever further distant from their community and support networks.

Evidence of this can already be seen in the increased number of people who normally reside in Ali Curung that arrived in Darwin and Palmerston to drink following the tightening of restrictions in the Barkly region. Undoubtedly, some of the Barkly drinkers headed North, some East whilst others headed South. To place more restrictions on Alice Springs to address this will only heighten the problems being faced by the Top End cities.

¹ See Riley Review Submission Library

Living with Alcohol Program

The NT Government on 8 November 1991 introduced a new and comprehensive policy to reduce alcohol-related problems. Named the “Living with Alcohol Program” (LWA), the initiatives contained in the program involved a ten-year commitment by government with the aim of bringing levels of alcohol-related harm in the NT down to the national level by the year 2000.²

The LWA program was initially funded by the imposition of a small levy on all alcoholic beverages sold in the Northern Territory (NT) containing 3% alcohol by volume or greater. The LWA Levy effectively raised the retail cost of these beverages by about 5 cents per standard drink. This need to ensure a price mechanism sits alongside programs and services targeted towards demand and harm reduction has been championed by proponents of the imminent ‘Minimum Floor Price.’

A 2004 Analysis of the 10-year program had findings including the following³:

- The combined impact of the LWA program and Levy resulted in an immediate reduction in acute alcohol-attributable deaths in the NT.
- There was evidence of a longer-term impact of the LWA program and/or Levy on chronic alcohol-attributable deaths.
- Both Indigenous and non-Indigenous residents of the NT experienced declines in acute alcohol related harms during the LWA program and Levy period.

The Report’s conclusion is as follows:

“The results of this study present a strong argument for alcohol taxes combined with comprehensive programs and services designed to reduce the harms from alcohol. There are both short and long term benefits to be had from this combination of strategies. What is more, the benefits accrued due to a reduction in acute harms, are equally evident among Indigenous populations.”⁴

It is our submission that the effective way to combat the social harm caused from problem drinking with the minimum floor price coming in 1st October 2018 and full coverage of Police Auxiliaries in Alice Springs is now through a focus on comprehensive programs and services that sit alongside those tools rather than further supply side restrictions.

Banning Takeaway on Sunday is a blunt tool

BDR data shows that the Sunday trading is the lowest of any day of the week across the Territory and this remains true for Alice Springs where it is significantly the lowest.⁵ Venues in Alice report that their Sunday trade have very little to do with the problem drinkers that are in the town and instead is significantly skewed towards tourists, families and workers.

Evidence of this includes that the Todd Tavern does not service their Riverside Bar on weekend due to lack of patronage.

² Re-evaluation of the NT Living With Alcohol Program 1992-2002, Chikritzhs, T. et al, National Drug Research Institute 2004

³ Ibid.

⁴ Ibid.

⁵ Process Evaluation of the BDR, Menzies page 32 & 33

We are of the strong belief that the existing Sunday trading provisions should remain in place and not be expanded or further restricted. Currently, Sunday trade is carefully monitored by police, the BDR and auxiliary police and this is efficiently achieved at the two-existing drive thru outlets.

We submit that as a precondition to prohibition being adopted there needs to be strong community support and we do not believe that there is such support in the Alice Springs community to prohibit takeaway sales on a Sunday.

Public concerns about such a proposal involve not only those residents who want the ability to purchase and consume responsibly on a Sunday but also legitimate concerns about the impact on tourism and the way tourists would view the town were these prohibitions to come into place.

Alice Springs Alcohol Management Plan 2016-2018

Page Five of the Alcohol Management Plan contains a good contemporary timeline of measures along with the following:

“The Alice Springs community has a long history of being proactive in reducing alcohol misuse and harms by implementing alcohol measures over the years.

Recent measures include:

- *2002 - Liquor Restrictions introduced as a 12 months trial.*
- *2003 – Liquor Restrictions remain in place through Licensing Commission decisions reducing hours of take away sales; restrictions on the type of alcohol sold, the level of alcohol content sold and restrictions on and the times problem products such as cask wine and fortified wine are sold.*
- *2006 - The first Alcohol Management Plan and Supply Plan implemented and the suspension of Take Away licences.*
- *2007 - Beer in long necks bottles banned.*
- *2007 - Alice Springs declared a dry town under the NT Liquor Act Public Restricted Areas legislation.*
- *2008 - Introduction of an electronic supply monitoring and enforcement system at take away outlets.*
- *2008 - CCTV surveillance installed in Todd Mall.*
- *2009 - Alice Springs Transformation Plan implemented to expand social support services and reduce homelessness through housing and infrastructure upgrades including construction of a Regional Visitor Accommodation Centre.*
- *2010 - Buy back of liquor licenses including Hoppy’s Cash Store and BP the Gap.*
- *2010 - Declared Precinct Area established over Alice Springs CBD and entertainment areas enabling police to issue bans of up to 48 hours or court decisions up to 12 months on people causing alcohol related violence or anti -social behaviour in or outside of on-premises liquor outlets.*
- *2011 - Trialling of electronic ID scanning systems for on-premises sales at a number of liquor outlets.*
- *2011-2012 - Banned Drinkers Register introduced.*
- *2013 - Alcohol Mandatory Treatment introduced in Alice Springs.*

- 2014 - Temporary Beat Locations (now Point of Sale Interventions) and Lockouts with police outside of take away liquor outlets.

A range of community education, treatment and harm reduction measures including community patrols, a Sobering up Shelter and major event management have been introduced over the years.”

The Alcohol Management Plan’s focus was on maintaining the effective POSI’s, tackling secondary supply and sly grog running and a range of Demand reduction measures including:

- Promote Alice Springs as a harmonious community with cultural connectedness and pride
 - Address alcohol misuse as a whole of community issue through social marketing and targeted community education.
 - Encourage Aboriginal leadership to provide solutions.
- Strengthen the capacity and capability of young people to live safely with alcohol and to make positive life choices
 - Foster healthy pregnancy and development in early childhood to reduce risk of addiction in later life.
 - Break the cycle of vulnerability to alcohol and substance misuse amongst young people, through prevention, and early intervention programs.
 - Develop a best practice family care model for young people with a substance misuse problem who are at risk of contact with the justice system.
 - Develop a specialist court list for young people with substance misuse problems and care and protection issues.
- Improve treatment and care pathways for people with alcohol and substance misuse problems.
 - Develop an integrated framework for delivering coordinated alcohol and other drugs services in Alice Springs.
 - Work with government to include addressing family and domestic violence in an integrated response to Alcohol and Other Drugs Services.
 - Improve options available in Central Australia for continuing care and aftercare, particularly for those returning from Alice Springs to remote communities.
 - Improved options for rehabilitation and aftercare accommodation.

Harm Reduction measures included in the Alcohol Management Plan were:

- Make public areas safe places for everyone to use.
 - Enhance return to country for visitors.
 - Address the issue of at risk and unsupervised young people in the town at night.
 - Maintain and strengthen a coordinated response amongst organisations working with intoxicated people in public places.
 - Maintain a coordinated response to the management of special events in Alice Springs.
- Work with remote communities and town camps to ensure local Alcohol Management Plans address issues impacting on Alice Springs.
 - Establish links with and between Alcohol Management Plans in remote communities and town camps.
 - Support and acknowledge the alcohol management research and planning project being undertaken across town camps.

The Department of Business was tasked as the lead agency responsible for coordinating the follow up and progress reporting against the Alcohol Management Plan.

We submit that before the Liquor Commission considers putting any more supply restrictions in place, a thorough review of the Alcohol Management Plan and its demand reduction and harm minimisation measures is conducted and benchmarked and assessed against meaningful targets.

Only three years ago a comprehensive suite of measures were agreed to, it challenges the very community consensus that was required to form them to propose yet more supply side measures without any accountability or transparency of the other measures committed to which are necessary for the situation in Alice Springs to substantially change.

Review of the Codes of Practice

In June 2016, Licensing NT conducted a review of the Code of Practice for Responsible Promotion and Service of Liquor On-Premise and the Code of Practice for Responsible Promotion and Service of Takeaway Liquor.

Following consultation with our members and discussion of the codes at the Central Australia Liquor Accord we provided a submission of the codes to Licensing NT. Amongst other things, in that submission, we stated that our members *“selling takeaway are looking for guidelines on how to refuse service to patrons likely to consume alcohol illegally or in a restricted or prescribed area.”*

Currently, Licensees and their employees are equipped with a limited range of legal mechanisms to refuse service, including if the reasonable believe the person is drunk, or a child but interestingly not the common sense one the community expects which is the refusal to patrons on reasonable suspicion they will consume alcohol illegally or in a restricted or prescribed area

Proposal 1: Licensee power to refuse upon reasonable suspicion

The NT Police have sought and secured this power yet surprisingly those on the front line of service have not. The rationale appears to be related to sensitivities around discrimination against indigenous patrons, particularly indigenous patrons from remote communities.

However, any discrimination concerns need to be balanced against the positive outcome for that section of the community. Whilst acknowledging it is problem drinking is not an ‘indigenous issue’ we do note, with concern, the over representation of indigenous community members on the BDR, and in alcohol related violence and domestic violence statistics.

Accordingly, we invite the Liquor Commission to initiate these sensitive discussions on broader powers to refuse service by licensees and their employees.

Riley Review

The Riley Review contains strong recommendations on changing the culture of alcohol consumption in the Territory including the reintroduction of the Liquor Commission.

We note that the Riley Review did not propose to achieve cultural change by way of supply side restrictions in isolation but rather was quite clear that to change the culture of drinking what is needed is strong public education campaigns and supporting demand reduction and harm minimisation measures.

Proposal 2: Suspicious Reporting

Our Association provided a comprehensive submission into the Riley Review and amongst other things called for accord measures to be expanded to include reporting of suspicious activity to the Police Force.

“Possible solutions to this problem involve the reversing of the burden of proof in relation to the possession of alcohol (similar to drug offences) such that a suspicious person is required to provide a bona fide reason for being in possession of the relevant product.

Higher penalties are required (especially for the supplier), expansion of the Code of Conduct for Takeaway to include a requirement for licensees to report suspicious purchasing behaviour, and the development of a clear definition or appropriate guideline for ‘suspicious behaviour’.”⁶

We believe that ensuring a better link from venues to the NT Police, including a requirement to report ‘suspicious behaviour’ may go some way in addressing the situation where a legally appropriate transaction has occurred as all the criteria have been met yet there is a suspicion that the alcohol purchased may be heading to a restricted area or person.

We can also see it working alongside the Police Auxiliary activities occurring at venues in Alice Springs. If through their behaviour or what they are seeking to purchase once in a store the venue forms the view that their purchase, whilst not illegal, is suspicious, there could then be a requirement to link back up with the Police Auxiliary to take appropriate action.

We are in the Liquor Commission’s hands as to whether they wanted to engage with licensees in Alice Springs about including a ‘suspicious reporting’ standard condition of licence. Included in this work would be the need to develop appropriate guidelines for triggering suspicious reporting.

Proposal 3: Better and expanded use of the BDR

We invite the Liquor Commission to look at the number of people currently on the BDR and consider why it is significantly smaller than the number on the BDR in its previous incarnation. This is the case despite increased referral pathways being one of the key parts of this new iteration.

Anecdotally we understand that there may be situations of health professionals capable of referring clients onto the BDR being reluctant to do so. We raise this to suggest that, as the NT Government has committed to do, further work on the BDR may be required to ensure it is fit for purpose.

We continue to advocate for better use of the BDR which, we believe, would go some way to addressing the displacement problem the Territory’s towns and cities are facing.

⁶ Australian Hotels Association (NT Branch) submission to Riley Review page 30

We believe that the pathway is now open for the NT Government to meaningfully engage with indigenous communities about putting transaction limits on members of that community Territory wide rather than just at the nearest few venues.

There are some strong examples of local indigenous communities supporting not only the complete prohibition of drinking within their community but supporting quantity limits at premises in the surrounding region that apply to patrons from that community.

Engaging with local indigenous leaders and their communities and expanding those restrictions through the BDR Territory wide would remove incentive to dislocate from community and the region to access easier supply elsewhere in the Territory.

This would ensure that those displaced persons are kept within a lot closer proximity to their community and support networks and increases the chances of successful demand reduction and harm minimisation efforts.

With interest we note the media release from the Liquor Commission dated 24th September 2018 promoting the current review. In that release we note that part of the intent of the current review appears to be to deal with alcohol that has “blighted bush communities” allegedly having emanated from Alice Springs take away outlets and that the Liquor Commission would welcome evidence as to the truth of this.

Should the current review wish to address alcohol heading into restricted and prohibited communities we submit that the Liquor Commission should undertake an evaluation and assessment of the level of sly grog running that is currently occurring and what likely increase will occur involving liquor not originating from Alice Springs should further restrictions be put in place.

We submit that without this analysis the Liquor Commission would not have the benefit of sufficient evidence as to what the overall impact of further restrictions in Alice Springs would be.

Additionally, we are concerned that the relevant statement contained in that media release seems to suggest some level of unlawfulness in the transactions that have occurred in Alice Springs which is not the case.

A way that the Liquor Commission could look to alleviate the concerns they have raised could be through using the BDR system to restrict transactions to members of those bush communities as suggested above and also through implementation of the ‘Suspicious Reporting’ proposal highlighted previously.

Evidentiary burden and the lack of proper analysis

We are concerned that untested evidence is being used by decision makers in the liquor space. This is especially the case for what has occurred earlier this year in Tennant Creek.

To truly review and understand how different restrictions are impacting the community we believe there should be analysis done of statistics far wider than that specific community. So for instance the problem drinkers displaced from the Barkly could be tracked from Police data, hospital admissions, BDR scans, Centrelink would have details of collection points, Medicare data. All of these should be examined to ascertain the contribution of those displaced persons to police and health statistics in other parts of the Territory and across in Mount Isa.

Only then, in combination with the Tennant Creek specific data sets can the impact of those changes be truly assessed.

The Commission no doubt will be presented with data favourable to the concerned sector's policy agenda with regards health and police data in Alice Springs.

We invite the Liquor Commission to invite these contributors, and otherwise independently source, analysis of what measures were in place during those data sets. For instance, we know that the POSIs have been intermittent and are due to become a more permanent fixture at take away premises in Alice Springs.

The statistics gleaned from the period of varied POSI activity need to be analysed and an assessment made about the improvement that uniform POSIs will already be bringing to the Town upon full roll out and it would be prudent to allow this, and the minimum pricing, to come into effect and assess the result rather than pull any more supply levers in an evidentiary and analytical vacuum.

Royalty Payments

The public displays of concern for the plight of our communities from the Commonwealth is welcomed. But were they to truly want to embrace the problem and assist they would look to reform the royalty payment system.

Royalties are not income managed and, in some circumstances, do not even count as income for Centrelink assessment purposes. They are paid periodically in amounts that, to the vulnerable problem drinking section of the indigenous community, is equivalent to a mini cash bonanza.

There is plenty of examples and evidence of communities, dry or otherwise, that experience periodically increases in violence and alcohol and illicit substance abuse linked to when royalty payments drop.

Just like the Centrelink pay day of old, the system ultimately needs to move towards staggered smaller payments and income management should also be put on the table.

The Commonwealth needs to stop saying it is concerned and come to the table lead the discussion as it has the levers to pull.

Floor Price

The Commission may find itself with submissions about the long-standing floor price in Alice Springs with claims about how given this, weight should not be put towards waiting for the Minimum Floor Price to take effect and assessing the impact ahead of further restrictions.

Whilst there has been a dollar amount under which products could not be sold and this has been long standing. The Minimum Floor pricing taking effect 1st October is substantially different in that it links price to units of alcohol.

The difference can be easily observed when one considers sale of 2 litres of cask wine. Whilst this product sat above the old dollar value that products could not be sold below, from 1st of October its price increases drastically to \$27.30 (13% ABV).

It would very much be prudent to see what such a large change in price of a product we know problem drinkers are partial to, assess what substitution and preference changes occur, before contemplating further supply restrictions.

Vulnerable Indigenous and their banking practices

Historically it has been the case, and the Liquor Commission could avail itself of evidence from the banking sector to see if it is still current, that indigenous vulnerable people transact with bricks and mortar banks more frequently. It is submitted that this then flows through to when purchasing of alcohol transactions occurs.

Anecdotally venues report that they see high numbers of this group of customers during the week when the banks are open and that by Sunday, with their access to money to limited, fewer of this cohort of customers purchasing.

In Alice Springs indigenous patrons attend various bars for on premise consumption. Consistent with this cash flow observation is the fact that many of these bars are not operational on weekends or public holidays because there is not patron demand for it.

As previously mentioned, Menzies Process Evaluation of the BDR Report clearly shows Sunday trade is significantly lower than on other days of the week.

Accordingly, we submit that further restricting or prohibiting trade on a Sunday will be a blunt instrument that captures a higher number of bona fide customers seeking to legitimately purchase takeaway on a Sunday.

FASD and its impact

Members of our Association have seen firsthand the impacts of Foetal Alcohol Spectrum Disorder on the Central Australian community.

Our workforce development programs have seen the disabling effects of FASD on youth who are more likely to be disconnected with the workforce and be disruptive and over represented in our juvenile justice and corrective systems. Those with FASD are themselves more likely to be problem drinkers as well.

To try and limit the behaviour of dangerous drinking by women who are with child, we acknowledge the primary and fundamental role education, demand reduction and harm minimisation measures have to play.

In the Top End we recently participated in a promotional campaign aimed at reducing consumption whilst pregnant to coincide with International FASD Awareness Day 9th September. Our Association is in the process of rolling out a basic FASD education program throughout the Territory.

However, in assessing further take away supply side restrictions, the Liquor Commission cannot ignore this critical group in their focus. Should there be a desire to implement further takeaway restrictions in Alice Springs, the Liquor Commission needs to consult the community on the production of appropriate guidelines on how to treat transactions involving pregnant women any different to other transactions.

It would be very challenging to introduce further supply side restrictions that was sufficiently targeted aimed towards reducing problem drinking by pregnant customers.

To us this is a clear example of the need to put more prominence, focus and attention on demand reduction and harm minimisation measures if we are to truly minimise the prevalence of FASD within the community and other social harms caused by problem drinking.

Proposal 4: Other Measures

There are a range of other measures that the Liquor Commission could directly investigate, or ask the NT Government to review, other than simply slapping more supply restrictions on licensed premises. These include:

- Restricting the hours that ATMs operate in known late night violent hot spots
 - Venues report that groups congregate late at night at ATMs and fights often break out over dispute about money.
 - These groups have often been drinking in public places all day and not at the licensed premise down the road yet when the Police attend they inappropriately link the intoxicated person to the licensed premise.
 - Having a shut down period for the Auto-banks could alleviate these violent flare ups.
- Council appropriately patrolling and securing their property
 - In the streetscape it is often the council owned and controlled assets that are not provided adequate security.
 - Without wanting to kick of an eternal funding dispute between levels of government we believe there should be greater emphasis on Council actively patrolling and securing their assets and facilities in the community.

Concluding Remarks

Our Association welcomes the opportunity to provide this submission to the Liquor Commission ahead of it considering the implementation of more alcohol restrictions in Alice Springs.

To date, our members have indicated their positive support for a Liquor Commission that conducts its decision making after there have been public hearings, opportunities to test evidence and submissions of other stakeholders and with a general openness in the way the Liquor Commission engages ahead of final decisions being taken.

Members do get legitimately concerned however when openness, fair process and natural justice are not followed by decision makers be it the Director-General, the Liquor Commission or the Minister arguably as is the case in what has transpired earlier this year in Tennant Creek.

To genuinely achieve the 'generational change' the NT Government has publicly committed to will take a holistic approach and genuine effort on supply, demand and harm reduction initiatives and needs to genuinely involve all stakeholders and concerned parties.

It also needs the commitment to honestly assess what is working and what is not across all measures and where necessary take corrective action. For this to occur there needs to be a strong relationship and level of engagement and trust developed which, quite frankly, kicking off another supply side review rather than an analysis of the existing Alcohol Management Plan and all of its measures only further erodes.

We submit the following recommendations for consideration of the Liquor Commission.

Recommendations

- No more supply side levers are pulled in Central Australia until a proper, robust and independent assessment is undertaken on the whole suite of measures that have been put in place and their effectiveness is analysed.
- Best endeavours for suspicious reporting be considered for implementation as a condition of licence with genuine engagement with licensees and Police to occur prior to its finalisation
- Licensees are provided additional powers to refuse service where there is a reasonable suspicion that the alcohol is intended to be consumed in a restricted area
- An honest and frank discussion is had within the NT Government and supporting NGO sector about the current effectiveness or otherwise of the substantial number of programs and services that are meant to target demand reduction and harm reduction and what changes need to be put in place.
- Should the Commission consider further supply side restrictions are required, proper financial analysis is done on the impact to licensees from any proposed changes ahead of final determination – akin to the robust analysis the Liquor Commission undertook on wayside inns back in 1992.
- Should the Commission consider further supply side restrictions are required, they are specifically targeted towards reducing the prevalence of FASD within the Central Australian community.
- Should the Commission consider further supply side restrictions are required, genuine and effective consultation with the local community occurs including a scientifically verifiable survey of the community's wishes prior to any final decision being made.
- The Liquor Commission publicly acknowledge that supply side measures are only one piece of the puzzle and the Liquor Commission consider publishing a list of desired outcomes it would like to see achieved in Central Australia to reduce demand and harm indicators.
- The Liquor Commission commence a body of work focused on red tape reduction and removal of ineffective and unnecessary licence conditions and restrictions that plague our complex and intrusive system.
- The Liquor Commission lead the NT Government in genuine dialogue with indigenous communities about piloting territory wide transaction limits set by that community for its members utilising the BDR.