



**NTCOSS Submission to the Economic Policy Scrutiny Committee
Northern Territory Liquor Bill**

June 2019



14 June 2019

Jennifer Buckley

The Secretary

Economic Policy Scrutiny Committee,

GPO Box 3721, DARWIN NT 0801

Dear Jennifer,

I am pleased to forward you the following submission from NTCOSS on the NT Liquor Bill. The submission highlights some issues and recommendations which we urge the committee to consider with the aim of improving the clarity of the Bill ensure the Bill is as effective as it can be in addressing the harmful effects of Alcohol misuse on the NT community.

NTCOSS acknowledges and welcomes the progress made on alcohol reform by the Northern Territory Government (NTG) through the implementation of 75 of the 219 endorsed recommendations of the 2017 Riley Review. To date we have made submissions to the Risk-Based Licensing Framework and to the Exposure Draft of the Bill (attached). In this submission we have attempted to prioritise issues that we consider to be of greatest importance for the Economic Policy Scrutiny Committee's consideration.

NTCOSS has taken the opportunity to review the NT Liquor Bill tabled in the Northern Territory Legislative Assembly on the 15th of May 2019 and now referred to the Economic Policy Scrutiny Committee for inquiry. We have consulted interested NTCOSS members and key stakeholders including AMSANT, NAAJA, Amity and PAAC and raise some specific issues and recommendations in our brief submission below.

Please contact me if you have any questions or clarification regarding our submission.

Kind Regards



Wendy Morton
Executive Director

NORTHERN TERRITORY COUNCIL OF SOCIAL SERVICE INC (NTCOSS)

NTCOSS is a peak body for the Northern Territory community sector and is a voice for people affected by social and economic disadvantage and inequality. The community sector in the Northern Territory is made up of community managed, non-government, not for profit organisations who work in social and community service delivery, sector development and advocacy.

The community sector plays a vital role in creating social wellbeing for all Territorians and in building safe and healthy communities by providing services that enable people to access and participate in health services, education, employment, economic development, and family and community life.

NTCOSS represents a service sector with a high level of contact with individuals and their families who are impacted by alcohol use including those working in areas such as domestic violence, homelessness and child protection.

NTCOSS COMMENTS ON THE NT LIQUOR BILL

Interpretations - Harm

Despite the fact that minimising harm is a primary purpose of the Liquor Bill 2019 (s 3 (1)) the Bill does not provide any definition of harm. We believe it is important to incorporate a commonly understood definition and to use that as a measure for assessing the effectiveness of the Act.

Recommendation: That the Bill be amended to include a definition for harm as follows, or similar:

harm means harm relating to the sale, supply and consumption of alcohol including:

- (a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community);
- (b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community);
- (c) the adverse effects on a person's health;
- (d) alcohol abuse or misuse; and
- (e) domestic violence and/or anti-social behaviour, including causing personal injury and property damage.

1. Part 3 Division 7 - Section 68 (2) - Application for transfer of a liquor licence

We seek clarification of section 68(2) which deals with the transfer of liquor licences. While it is stated that sections 48 to 54 apply we are concerned that it is not clear that the application should also meet the requirements of section 55 regarding whether the applicant or their designated nominee, is a fit and proper person to hold a licence.

Recommendation: That in addition to sections 48 to 54, section 55 is also explicitly included as a requirement of any transfer of license. The Bill would be amended as follows:

‘Section 68 (2) Subject to this section, the application is to be made as if the proposed transferee is applying for a new licence and sections 48 to 55 apply to the application’.

Recommendation: Amend the Liquor Bill to include the requirement for a community impact assessment to be conducted for applications to transfer a liquor licence, where such an assessment has not been made within the past five years.

2. Part 3 Division 4 -Sections 57 (1) and 57 (2) - Objection to transfer of a liquor licence

We agree with concerns raised by PAAC and FARE that there is no capacity for community objections to a proposed transfer of license to a new licensee. We believe this is a particularly important inclusion especially with respect to the Commission's consideration of whether the applicant or nominee is a 'fit and proper person' to take on the license. Whilst this is an important responsibility of the Commission we also believe there should be an opportunity for members of the public to have their say on this matter and be able to bring concerns to the attention of the Commission.

Sections 57 (1) (a) to (d) of the Liquor Bill 2019 lists the types of applications to which an objection may be made. We recommend that Transfer of Licence be added to this section as another type of application to which an objection can be made.

Recommendation: Amend s57 (1) to allow objections to be made against applications to transfer liquor licences from a licensee to another person or entity.

Recommendation: Extend s57 (2) to allow additional grounds for objection including whether the applicant is considered fit and proper to hold a licence, government priorities to reduce alcohol harm, and other factors agreed by the Commission.

3. Part 3 Division 3 - Issuing Licences and Authorities

- 45 Public Interest and Community Impact
- 46 Community Impact Assessment guidelines
- 47 Onus on applicant

NTCOSS supports the inclusion of public interest and community impact as matters to be addressed in applications for new alcohol licenses or applications for changes to existing licenses. We would however like to reiterate concerns raised by Amity and outlined in our earlier submission to the Liquor Bill Exposure Draft regarding section 47. Onus on Applicant.

It is NTCOSS' view that whilst it is important for licensees as corporate citizens to address public interest and community impact through their license applications (s 47 Onus on applicant) we agree with Amity that there are well-documented risks in vesting this responsibility with the proponent (who has pecuniary interests) that need to be acknowledged and managed (see attached NTCOSS submission to the Liquor Bill Exposure Draft for more detail). To assist with this we recommend the following amendment:

Recommendation: Amend Division 3 Section 46 ('b) the benefits the proposed licence or authority would provide to the local and broader community' by replacing with 'the benefits and risks the proposed licence or authority would provide.....'

4. Part 3 Division 4 - s 57 Objecting to an application & Part 14 Miscellaneous – s 317 Review of the Act

NTCOSS has faith in the capacity of the independent Liquor Commission to analyse Public Interest

and Community Impact statements put forward by potential licensees as part of the application process including conducting an investigation (part 3 division 3 S 54. Investigation of applications). However, as indicated in our submission to the Exposure draft of the Bill, we remain concerned that community members wishing to make and sustain an objection to a significant and well-resourced application may be inadequately resourced, with respect to time, capacity and finances, to do so. This situation has arguably been played out in the current objections to the Woolworth's application to transfer an existing Stuart Park license to a new and much larger premises. In line with Amity's views and those of PAAC and FARE we recommend the following:

Recommendation: That an independent Community Defender's Office be established to support communities in licensing matters.

Recommendation: That a fund is developed to support communities engaging with NT Liquor Commission hearings associated with objections, where needed.

However, if these recommendations, supporting the rights and interests of community objectors under the Act, are not able to be incorporated into the Bill at this stage, which is our preference, we endorse the following recommendations of PAAC and FARE regarding a future review of the Act (Section 317):

Recommendation: That a provision be added to ensure that when conducting a review of the Act under s137, the Minister will be obliged to consider:

- i) The merits of establishing a process for determining the community impact assessment which is independent of the applicant
- ii) The need to provide support for objectors to participate in liquor licence objections in cases where there is substantial inequality of access to resources to participate in the application process, including the merits of establishing a fund to support the community in such situations

3. Part 6 Division 5 S 150 - Inedible substances containing alcohol

NTCOSS raised the need for a regulatory framework around the storage and sale of inedible substances including alcoholic mouthwash, vanilla essence and methylated spirits etc. in our submission to the Liquor Bill Exposure Draft. Our comments then were that:

'the misuse of mouthwash containing up to 26% alcohol peaked in Alice Springs in 2007. At the time the ABC reported a 500 % increase in sales. Since then considerable work has been done between community youth organisation CAYLUS and local retailers to try to restrict access to the product by storing it behind the checkout counter or by locking it away. In recent months a surge in use has been detected in Darwin since the introduction of the minimum floor price for alcohol was introduced in 2018 although the exact cause and scale is hard to determine. Rather than rely on unregulated and voluntary actions by retailers NTCOSS believed these high alcohol products require regulation to limit access and ensure retailers are guided by a framework that supports them to limit supply, refuse sale and reports suspicious sales.'

It remains NTCOSS' position that in addition to the search and seize provisions in s 150 (1) (a) and (b) it is important that the Bill make reference to the need for a regulatory framework for the sale and storage of inedible products containing alcohol. Whilst we acknowledge the significant progress made in Alice Springs by retailers to store these items appropriately we are also aware that this has

come about through considerable support from the Central Australian Youth Link-Up Service and is quite site specific. We are concerned that without a regulatory framework the approach to the sale and storage of these products will always be dependent on the good will of the retailer and ongoing encouragement and support from interested NGO's if and where they exist. We endorse the following recommendations also being made by PAAC and FARE:

Recommendation: That the Bill be amended by the addition of the following or similar to allow for the control of inedible substances containing alcohol: s150 (3): That the sale and storage of inedible substances containing alcohol may be prescribed by regulation.

Recommendation: That the Committee recommends that a similar provision be added to the Medicines, Poisons and Therapeutic Goods Act to allow for similar regulation of the sale of methylated spirits.



**NTCOSS Submission to the
Northern Territory Exposure Draft Liquor Bill**

April 2019

NORTHERN TERRITORY COUNCIL OF SOCIAL SERVICE INC (NTCOSS)

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NTCOSS represents a service sector with a high level of contact with individuals and their families who are impacted by alcohol use including those working in areas such as domestic violence, homelessness and child protection.

INTRODUCTION

NTCOSS acknowledges and welcomes the progress made on alcohol reform by the Northern Territory Government (NTG) through the implementation of 75 of the 219 endorsed recommendations of the 2017 Riley Review. We are particularly pleased with the following changes:

- Re-establishment of the Independent Liquor Commission;
- Establishment of the Alcohol Reform Implementation Team (ARIT) in the Department of the Chief Minister (DCM)
- Ongoing support for point of sale interventions (POSI's) at liquor outlets through funding commitments for Police Auxiliary Liquor Inspectors (PALI's) in Alice Springs, Tennant Creek and Katherine. **We do however recommend more extensive training of PALI's to implement a non-racially discriminatory approach to questioning customers. We also recommend that an extensive qualitative evaluation of the way in which PALI's operate that involves key Aboriginal controlled organisations is undertaken within three years to ensure systemic issues are identified and the program adapted or ended accordingly.**
- Re-introduction of the Banned Drinkers' Register;
- Introduction of a minimum floor price for alcohol sales in the absence of a volumetric tax; and
- Introduction of a 5 year moratorium on new takeaway licences.
- Police Commissioner power to suspend licenses for up to 48 hrs (a power that has been used five times to date)

We are heartened by recent statistics demonstrating an NT-wide drop in total annual alcohol related assaults from 4,720 in 2017 to 3,718 in 2018 (a reduction of 21.2%) and the notable decrease in alcohol-related assaults in Alice Springs with 63% fewer incidents in January 2019 compared to January 2018. Downward trends are also apparent in Darwin and Tennant Creek with modest increases in alcohol related assaults in other locations including Katherine and Nhulunbuy. Positively there has also been a 24.5% reduction in the total number of alcohol attributable ED Presentations in NT hospitals in Dec 2018 (compared to Dec 2017).¹

Whilst early signs of the impacts of reforms are very promising there is clearly significant ongoing work needed to implement the full range of recommendations from the Riley Review through the 2018-2019 Action Plan and to make sure initiatives continue to be primarily driven by reduction of alcohol harm and the direct and indirect costs to society. Revised assessments by Menzies School of Health

¹ Northern Territory Government, Northern Territory Alcohol Policies and Legislative Reform, 'Data and Evaluation – Key Indicators of Harm Minimisation', <https://alcoholreform.nt.gov.au/data-and-evaluation/assaults> (accessed 17.04.2019)

show that “at a population level it is now estimated that the total social cost of alcohol in the NT in 2015/16 was \$1,386.8 million, with tangible costs of \$701.3 million, and intangible costs of \$685.5 million.”²

We therefore welcome an opportunity to provide comment on the Liquor Act Exposure Draft (2019) as an important step towards providing a more transparent and consistent regulatory environment for both licensees, the general public and police and to make sure that the final legislation is in keeping with evidence-based developments in alcohol policy and legislation in other jurisdictions. Research indicates that “as alcohol becomes more available through commercial or social sources, consumption and alcohol-related problems rise. Conversely, when availability is restricted, alcohol use and associated problems decrease.” Evidence also demonstrates that “consistent enforcement of regulation is a key ingredient of effectiveness.”ⁱ

NTCOSS Comments on the Liquor Act Exposure Draft

1. Definition of ‘intoxicated’

Clause 4 - Interpretation

(3) A person is to be taken to be intoxicated if:

- (a) The person's speech, balance, coordination or behaviour appears to be noticeably impaired; and
- (b) It is reasonable in the circumstances to believe the impairment results from the person's consumption or use of liquor or a drug

NTCOSS accepts that a definition of intoxicated is required to be included in the draft bill and that the definition included in this bill is consistent with other jurisdictions. We are concerned however that attributes of intoxication are not dissimilar to symptoms and physical characteristics of people living with chronic health conditions or disabilities where their condition impairs their speech, balance, coordination or behaviour. In this context we take advice from Dr John Boffa from Central Australian Aboriginal Congress (CAAC) that it is critical that all staff responsible for serving and selling alcohol should be trained to take a precautionary approach if ‘noticeably impaired’ behaviour includes collapse or unconsciousness or if the person is conscious but behaving in a very confused manner. In these instances a precautionary approach would include calling an ambulance immediately. In every other respect the responsibility of staff should be to monitor serves of alcohol sold and consumed by individuals, to watch for early signs of intoxication and avoid make any untrained assumptions about intoxication that could lead to worse health outcomes for the person involved. For example assuming that someone who collapses is intoxicated and not calling an ambulance.

2. Exceptions from license requirement

Part 3, Division 2 – Sale, supply and service of liquor:

s35 – Exceptions from licence requirement

NTCOSS does not support exceptions to the requirement for a liquor license in places or facilities where liquor is being supplied, served or sold. We recognise, however, that the NT’s Liquor Act will not apply in certain cases where the sale, supply, consumption or purchase of alcohol is authorised by other laws in force in the Territory. An example of this is the *Defence Act 1903* (Cwlth), s123A.

² Smith, James; Whetton, Steve; d’Abbs Peter, *The Social and Economic Costs and Harms of Alcohol Consumption in the Northern Territory*, Menzies School of Health, 2019, p 8

We therefore recommend that where the NTG has authority to regulate the sale, supply or service of liquor it is NTCOSS' view that a license should be required. Reasons include:

- That to do otherwise is not compatible with the goal of putting in place a consistent regulatory environment for the sale and supply of liquor in the NT;
- Exceptions undermine the policy intent and provide the opportunity for further exceptions to be granted by establishing a precedent;
- Provision of free alcohol sends a conflicting message to the community and does not adequately acknowledge the risks and harm that the unregulated supply of alcohol causes;
- Without a liquor licence, there is no ability to monitor whether businesses or service providers are adhering to the requirement of 'no more than two standard drinks in a day' and the Responsible Service of Alcohol; and
- There is no mechanism for including the alcohol consumed in the exempted venues in data collected by the NTG;
- The obligation to hold a licence would allow Licensing to monitor the licensee's premises from time to time in order to assess compliance with any conditions.

With respect to the sale of vanilla essence, NTCOSS supports the position of the People's Alcohol Action Coalition (PAAAC) and the Foundation for Alcohol Research and Education (FARE), that regulation is needed around the sale and storage of products with high alcohol content such as vanilla essence and mouthwash, particularly where these products have a history of being abused and are, on the whole, easy to access.

While some Alice Springs suppliers have been supported by the Central Australian Youth Link-Up Service (CAYLUS) to take steps to reduce availability by placing products behind the counter or stocking products with no alcohol content the response is voluntary and not consistently applied.

We agree with PAAC and FARE that, "regulations would ideally require these products to be secured in a suitable receptacle; sold only to adults on the production of photo ID; restricted to one container per person per day; and sold in containers no larger than 100 millilitres. Retailers would be required to report any attempts to purchase large amounts, and would have discretion to refuse such purchases, "and that management plan should be required as part of a legislative framework to ensure compliance."

We agree with PAAC and FARE that "whether or not flavour extracts are exempted from the obligation to hold a liquor licence, we submit that steps must be taken to ensure that, if retailers choose to stock those that contain alcohol, the products are secured and are (especially) not sold to minors." We endorse the following PAAC and FARE recommendations:

Recommendation: That in all circumstances where the NT has jurisdiction, any business or organisation that sells or serves alcohol is required to obtain a liquor licence.

Recommendation: Flavour extracts should be controlled through a management plan for intoxicating substances using a legislative framework, along with products such as mouthwash and methylated spirits.

3. Risk Based Licensing (RBL)

Part 3 – Division 3 - Fees for Licensing: Key aspects of Risk Based licensing are included in regulations and also appear in the draft bill in relation to:

Clause 39 - authorities

Clause 62 - annual fees for licenses and authorities

Clause 63 - Prescribing fees

NTCOSS previously made a submission to the RBL Framework. In summary, we support the introduction of RBL to the Northern Territory and believe it is an essential step towards bringing the NT into line with other jurisdictions, ensuring licensees have clarity about the risk their business poses in terms of the supply and consumption of alcohol and that consequences for breaches of those obligations are clear and are enforced. Specifically NTCOSS:

- Opposes discounts to licences. We strongly believe that base fees and risk loadings send a strong message to licensees that they are trading in a harmful product. A potential 50% drop in the original base fee or a reduction of 40% in the overall fee through discounts, we believe, diminishes the impacts of risk-based licenses. There is a plethora of evidence for harms and the association with particular types of establishments, their location, the past history and the skills and experience of the licensee and staff. Some establishments pose a greater risk to public safety and non-compliance with laws than others.

NTCOSS is also concerned that a number of actions linked to discounts may not be linked to an evidence base for reduction in alcohol related harm. For example it is not clear how a licensee will implement 'the Good Sports' program or what result that will have on reducing the harm of their license. It is also unclear how 'live original local music' specifically is likely to mitigate alcohol related harm or to reduce alcohol consumption levels. Similarly membership of an Industry Liquor group is arguably less important than adherence to the requirements of legislation and the license in question and should be the benchmark for

NTCOSS recommends that discounts to licences fees be removed from the draft legislation.

4. Public Interest and Community Impact

Part 3 Division 3 Clause 41 - Public Interest and Community Impact

NTCOSS supports the inclusion of Public Interest and Community Impact as matters to be addressed in applications for new alcohol licenses or applications for changes to existing licenses. We support the objectives outlined in the draft Bill underpinning the determination of Public Interest and Community Impact as they reflect the purpose of the legislation which is to reduce harm and negative impacts on the community generated by the sale of alcohol. Whilst it is important for licensees as corporate citizens to consider and if possible address public interest and community impact through their license applications we agree with Amity NT's view that the onus should not be on them to do so as this enables vested and pecuniary interests to have the ability to tell the Commission what is the benefit and harm of their license.

Amity's position is supported by evidence that demand reduction is more than reducing people's desire to engage with alcohol at harmful levels. At the core of demand reduction it is about changing the social and cultural norms currently embedded in long-held views of social experiences of alcohol.

Health inequality results from the activities of actors with different interests and degrees of power in the policy arena. Hawkins and McCambridge (2013) argued "corporate actors seek to influence alcohol policies through various means, including attempts to shape the evidential content of policy debate"³. It may be touted that actions of vested interests are not designed to harm health of

³ Hawkins, B., & McCambridge, J. (2014). Industry Actors, Think Tanks, and Alcohol Policy in the United Kingdom. *American Journal of Public Health*, 104(8), 1363–1369. <http://doi.org/10.2105/AJPH.2013.301858> p1363

people and communities but for a long time the actions and policies regarding alcohol in the Territory have had negative impacts felt by individuals, families and our broader community.

The norms, policies and practices that arise from political interaction across all sectors are the political determinants of health. McCambridge and colleagues (2014) discuss alcohol harm and corporate concepts in their research and found that the alcohol industry has an ability to shape alcohol policy nationally and globally and this needs to be “curtailed because of a fundamental conflict of interest with reducing alcohol harms”⁴. This research also found that the alcohol industry are likely to lobby against evidence-based whole-population measures that public health has found to be useful in reducing harms from alcohol.

Miller and colleagues (2011) in their article in *Addiction – Vested Interest Series* - suggest that industry led social initiatives are employed to “create an impression of corporate social responsibility while promoting interventions that maintain profits and campaigning against effective interventions such as higher taxes on alcohol”⁵ (p. 1560). The *Global Strategy to reduce the harmful use of alcohol* argues that public policies and interventions to prevent and reduce alcohol-related harm should be guided and formulated by public health interests and based on clear public health goals and the best available evidence (World Health Organisation). Further arguing that all involved parties have the responsibility to act in ways that do not undermine the implementation of public policies and interventions to prevent and reduce harmful use of alcohol. Donovan from Curtin University has argued that having alcohol industry on advisory boards and such is a conflict of interest and in breach of the WHO standards.

NTCOSS recommends the purpose of alcohol policy should be to reduce harms for people, families and communities from alcohol while to a lesser extent acknowledge tourism, economics and recreational drivers of alcohol.

Social Impact Assessment or Community Needs and Wishes

Amity reports that their experience from recent changes to gaming machines licenses in the Northern Territory showed that Social Impact Assessments carried out as part of license application were undertaken by lawyers or other parties funded by the license applicator. They identified and highlighted the benefits such as wages into the community, numbers of televisions available in the venue, cost of refurbishment and appear to minimise the negative impacts that studies have shown such as increased domestic and family violence, negative impact on small business and job loss and effect on crime and financial impacts on significant others. When community groups raised objections they were not seen as appropriate parties to the application. Community group’s time, finances and resources were also very limited and they appeared to struggle to get data showing immediate impact on the area in question. Information was gathered from other jurisdictions and locations and has been deemed not relevant to the application or accorded little weight as suggested to be generic in context.

NTCOSS supports Amity’s view that if Social Impact Assessment or Community Needs and Wishes are a component of licensing applications that they are required through this legislation to be undertaken by the Independent Liquor Commission either on its own against clear and consistent

⁴ McCambridge et al. (2014) p.1363

⁵ Miller, P.G., de Groot, F., McKenzie, S., & Droste, N. (2011). Vested interests in addiction research and policy. Alcohol industry use of social aspect public relations organisations against preventative health measures. *Addiction*, 106, pp. 1560

criteria or with the support of an appropriately resourced, contracted, disinterested third party such as a University with a developed methodology.

5. Objection to Application

Part 3 Division 4 - Clause 53 - Objecting to application

Under current objection processes members of the community or community-based organisations can incur significant legal costs in ‘David versus Goliath’ type license applications where the applicant has the resources to fund high level legal support for their applications and any appeals processes whereas members of the community and community organisations may not. This situation has been highlighted in the Dan Murphy’s liquor license application case in Darwin where legal representation has been costly for community not for profit organisations.

This potential resourcing imbalance needs to be recognised by the Commission in the consideration of applications and appeals processes so as not to deter community members from making objections. It is hoped that under the new regulatory environment including requirements for the applicant to demonstrate public interest and community impact these types of protracted and costly cases will be avoided.

6. Transfer or Substitution of Licenses

Part 3 Division 7 - Transfer of licence

Clause 64 - Transfer of License

(1) A licence is transferable from the licensee to another person in accordance with this Division and the regulations.

Clause 68 - Substitution of Premises

(1) If a licensee wishes to substitute other premises for the licensed premises, the licensee must apply for a new licence for those

NTCOSS recommends that transfer of license should only be considered when the assessed risk (as per prescribed authority) does not exceed the risk of the original license. Otherwise the original licensee should be required to relinquish the license and a new license application or request for transfer of licence be made as per the draft bill.

7. Advertising and Promotion

Part 4 Division 3 - Conditions Related to Operations

Clause 96 - Advertising and Promotions

NTCOSS supports the proposed ban on advertising by licensees that can be construed as encouraging irresponsible or excessive consumption of alcohol. We are concerned however that there is no mention of consequences for licensees who fail to adhere to this ban. Experience tells us that even limited promotion of an event that promotes excessive consumption of alcohol can have the desired effect of focusing attention on the message by creating controversy and social media interest and circulation. NTCOSS believes that consequences need to be strong enough to prevent the licensees from posting inappropriate advertising material in the first place.

8. Minimum Floor Price

Part 5 Division 3 - Minimum pricing for liquor product

Clause 112 - Minimum sale price

(3) The minimum sale price is \$1.30 for each standard drink contained in the liquor product

NTCOSS Supports the minimum floor price on alcohol introduced in August 2018. The NT Government is commended for being the first Australian jurisdiction to introduce this progressive alcohol reform. We are pleased to highlight findings published this week from the Centre for Alcohol Policy and Research (CAPR) that “the NT Government can be confident that their alcohol reforms, including the liquor licence moratorium and the MUP are the correct measures to halt the proliferation of alcohol harm.” This statement comes on the back of CAPR findings that ‘Risky drinkers’ purchase cheap alcohol and “consume more than half of all the alcohol sold in Australia” so addressing the problem of cheap alcohol through a minimum sale price is an effective, high impact strategy.

(2) It is not a contravention of the minimum sale price if a licensee serves one standard drink free of charge as follows: (a) to a patron when the patron first enters the licensed premises; (b) in other circumstances allowed in a code of practice established by the Commission under section 18.

NTCOSS is opposed to exemptions to the minimum floor price including the provision of one free standard drink to patrons or as otherwise determined by the Commission. It is our view that this exemption is not compatible with endeavours to put in place a regulatory environment aimed at consistency around alcohol supply and sends the wrong message to the community. It is also not clear how the provision of free alcohol would be monitored across a range of venues and by whom nor how the data on the amount of alcohol supplied would be included in the overall consumption data base.

9. Harm Minimisation and Responsible drinking

Part 6 Division 3 - Harm Minimisation

Clause 126 - Responsible service certificate

NTCOSS supports all aspects of this clause but recommends that the Northern Territory Government require updating of responsible service training to service staff and relevant management staff to accommodate additional service provision requirements under the new Liquor Act. This may require participation in face to face training similar to previous half day training or modifying and enhancing online training.

Part 6 Division 5 – Sections 139- 140

Division 5: Inedible substances containing alcohol

139 Application

140 Control of inedible alcohol products

The misuse of mouthwash containing up to 26% alcohol peaked in Alice Springs in 2007. At the time the ABC reported a 500 % increase in sales. Since then considerable work has been done between community youth organisation CAYLUS and local retailers to try to restrict access to the product by storing it behind the checkout counter or by locking it away. In recent months a surge in use has been detected in Darwin since the introduction of the minimum floor price for alcohol was introduced in 2018 although the exact cause and scale is hard to determine.

Rather than rely on unregulated and voluntary actions by retailers NTCOSS believed these high alcohol products require regulation to limit access and ensure retailers a framework that supports them to limit supply, refuse sale and reports suspicious sales.

NTCOSS endorses the recommendation from PAAC and FARE requiring retailers to develop a management plan for these products that ensures that products “not be displayed on the shelves, but kept at the checkout in a secure receptacle; sold only to adults on the production of photo ID; restricted to one container per person per day; and sold in containers no larger than 500 millilitres.”

Retailers may be required to keep a register and to report any suspicious attempts to purchase, and would have discretion to refuse such purchases.

NTCOSS recommends legislating for the implementation of management plans to secure intoxicating products including mouthwash and methylated spirits, and to restrict their sales in order to reduce their misuse.

ⁱ Alcohol Public Policy Group, *Alcohol: No Ordinary Commodity –a summary of the second edition*, Addiction, 2010, P773