



Liquor Amendment Bill 2020 – Northern Territory ADF Submission

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Recommendations:

1. That the Committee recommend that Liquor Amendment Bill 2020 not pass.
2. That the Liquor Act 2019 be amended to explicitly state that “substitution of premises” only refers to “like for like”.

Background

1. This Bill reflects the Northern Territory Chief Minister’s support to establish a Dan Murphy’s liquor store in Darwin.
2. On September 20, 2019, the Liquor Commission rejected Woolworth’s “substitution application” to establish a Dan Murphy’s liquor store in Darwin. This would have created an outlet many times larger than the previous BWS store. “However, as we have found that the moratorium does not apply to this application, we have dealt with it on its merits, in accordance with the law and on the evidence before us. It is most unfortunate that the Applicant did not engage in consulting the local community prior to committing to this site because it would, in our view, have come to the realisation that this was not an appropriate position for any liquor store, let alone one the size of Dan Murphy’s.”
3. On December 23, 2019, the Northern Territory Civil and Administrative Tribunal (NTCAT) dismissed Woolworth’s application for a review of the Liquor Commission’s decision. “The applicable liquor licensing laws had the effect that substitution of non-existent premises was not permitted. Under those laws, the fact the Dan Murphy’s premises had not yet been built would not have prevented Woolworths applying for a new liquor licence for those premises; however, the Liquor Commission would not have been able to grant such a licence, because there is a five-year moratorium on the grant of new takeaway liquor licences.”

The Chief Minister has expressed a desire to revisit the legislation to pave the way for Dan Murphy’s to operate in Darwin.

4. Woolworth's is appealing NTCAT's decision in the Supreme Court. The hearing has been pushed back to late March 2020 due to the Bill.

The Bill

1. The Bill's Explanatory Memorandum states: "This Bill amends the Liquor Act 2019 to clarify that the Liquor Commission may approve substitution of premises despite where the proposed premises are yet to be constructed or are still under constructions, amends the Liquor Act 2019 to remove the 'like for like' requirement for a substitution of premises application, and clarifies that the Liquor Commission may impose conditions on the grant of approval of a substitution of premises application."

Alcohol and Drug Foundation Response

1. The Alcohol and Drug Foundation supports the Liquor Commission's conclusion that the application was not in the public interest. The decision complements the Northern Territory government's alcohol policy reforms and sets a benchmark for future Commission decisions that would benefit the community.
2. As the Northern Territory government has publicly noted, these reforms appear to have delivered promising early results such as a 44 per cent reduction in alcohol-related assaults in Alice Springs between September and December 2018 compared to the same period in 2017; and a 24.5 per cent decrease in alcohol-related Emergency Department presentations in NT hospitals in December 2018 compared to December 2017. (Northern Territory Government, 2019).
3. All liquor licenses should take into account the local community and to ensure proper consideration for social impact and public health. While not all harms associated with outlet density arise from packaged liquor outlets, these account for more than 80% of the alcohol sold in Australia. (Euromonitor International, 2019) Supermarket owned, ware-house style liquor outlets are dominating the market – nearly 30% of dollars spent by

Australians on alcohol in 2016 was at Woolworths owned Dan Murphy's. (Morgan., 2018)

4. Australian and international research has demonstrated an association with outlet density and alcohol-related problems such as rates of alcohol related hospitalisations, assaults, family violence, incidence of alcohol-specific disease and increased consumption by adolescents. (Livingston, 2008, Livingston, 2011a) (Rowland et al., 2014)
5. Importantly, the Liquor Commission found "that approving the application would lead to a significant increase in the level of alcohol related harms which already exist in this community." Longitudinal research conducted in Victoria over a 10-year period found that a 10 percent increase in the density of packaged liquor outlets was associated with 3.3 per cent increase in domestic assaults. Each new packaged liquor outlet per 1000 residents within a postcode increased family violence by an average of 29 per cent. (Livingston, 2011b)
6. The 2017 Alcohol Policies and Legislation Review (Riley Review) noted "drinking culture in the Northern Territory manifestly encourages excessive and harmful drinking" and pointed to "the extremely high density of liquor outlets in the Northern Territory" as a factor. (Northern Territory Government, 2017)
7. Objective 1 of the 2019-28 National Alcohol Strategy is: Strengthen controls on access and availability. The Strategy says a Policy Option for States and Territories is: "Licensing procedures that consider known factors for risks and harms (outlet density, trading hours, impact on amenity). States and Territories." (Government., 2019)
8. The Liquor Legislation Amendment (Licensing) Act 2018 stipulates that "no new takeaway liquor licenses may be issued during the moratorium period of 5 years from the commencement of the Liquor Legislation Amendment (Licensing) Act 2018." The proposed change to Liquor Act 2019 would undermine this.
9. The onus should be on big liquor to prove that a new license will not cause harm to the community, instead of community members having to go up against big liquor and prove that a new license will cause harm.

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