

Northern Territory Licensing Commission

Final Liquor Supply Plan for Tennant Creek and Threeways

Background

Over the past nine (9) months, the Commission has been conducting a review of the current liquor restrictions in place in Tennant Creek. The stated purpose of the review was to determine the effectiveness of the current restrictions and to evaluate whether they had reduced alcohol-related harm in the Tennant Creek region.

The current restrictions have been in force for many years and include three (3) main restrictions as follows:

- The restrictions prohibit the sale of “take-away” liquor and front-bar trading on Thursdays. Lounge bars may open but only from Midday. Meals must be available and dress standards apply.
- Takeaway sales also prohibit liquor of any type being sold or supplied in a container larger than two (2) litres.
- No liquor other than light beer may be sold between the hours of 10:00 and 12:00 on Monday, Tuesday, Wednesday (excluding public holidays). Light beer is defined as beer, lager or other brewed beverage with an alcohol content of **not** more than 3.0% by volume. No Hotels and Clubs to open before midday on Fridays.

In October 2005, the Commission received a number of written submissions from various interested individuals, agencies and organisations. These included a number of Tennant Creek and Threeways Licensees, local business operators and residents, Julalikari Council Aboriginal Corporation (JCAC), the Tennant Creek Town Council, Aboriginal Medical Service Alliance-Northern Territory (AMSANT), Anyinginyi Health Aboriginal Corporation (AHAC) and the Barkly Regional Coordination Committee.

Verbal submissions from concerned residents, business operators, government and non-government agencies were also obtained when the Commission visited Tennant Creek for a public meeting in November 2005. Finally, statistical data was obtained from many sources including AHAC, BRADAAG, JCAC, the Director of Licensing, the Department of Health and Community Services, the Northern Territory Police and the Department of Education to assist us in our decision making.

The statistics prepared by Racing Gaming and Licensing showed a slight decrease in the wholesale figures for fortified wine and spirits in the Barkly region in 2004-05 when compared with 2003-04 and a significant recent increase in cask wine sales for the same period. Presentations for treatment at Tennant Creek Hospital showed the highest rate on Saturdays with the lowest on Thursdays. Sundays also showed a low rate of presentations for treatment. Presentations for treatment for assaults were lowest on Thursdays and Sundays and for alcohol intoxication on Tuesdays and Sundays.

The Police confirmed that the level of incidents recorded by them decreased significantly on Thursdays and Sundays. Finally, Tennant Creek Primary School did not experience lower rates of attendance at school on Thursdays. The main day that beneficiaries receive their Centrelink benefits remained Thursdays but a significant number chose to receive their benefit payments on other days of the week.

Following a review of the written and oral submissions, evidence and statistics, the Commission formed the view that whilst the current restrictions had made some impact on alcohol consumption and related patterns of drinking in Tennant Creek on certain days, they had not been successful in decreasing the harmful level of alcohol consumption per capita in Tennant Creek. For example, statistics provided to us confirmed that “Thirsty Thursdays” were successful in decreasing the

number of callouts attended by police and the number of presentations at the Hospital and the Night Shelter run by BRADAG is closed on that day. There were concerns however that antisocial behaviour and alcohol consumption on the days surrounding Thirsty Thursdays was higher as a result. Further, there was a wide spread lack of community support for the Thursday restrictions continuing. The Commission did not accept the submission from some quarters that all restrictions should be lifted but agreed with the majority that there was need for changes to be made to the Liquor Restrictions.

Proposed Changes

In February 2006, the Commission publicised proposed changes (see below) to the current restrictions to be implemented by way of variations to the licence conditions of licensed premises in Tennant Creek. It was intended that these changes to supply of liquor would not stand alone but would support and complement a Liquor Management Plan for the area. Such a plan will address issues such as prevention, early intervention and treatment and will require considerable discussion and negotiation with a diverse group of key stakeholders including the Council of Elders and Respected Persons. Any supply restrictions will be supported by a Liquor Accord between Licensees to ensure responsible service of alcohol principles were accepted and agreed to by them as a group. The Accord will also mean that as a group the Licensees combine together to tackle problem drinkers and antisocial behaviour. It has also been anticipated that, A Core Problem Drinker Strategy; and a Communications Strategy (for both Locals and Tourists to ensure that the restrictions imposed are publicised and understood).

The Proposed Changes to Liquor Supply publicised in February 2006 were as follows:

Takeaway

- 1) The current restriction prohibiting the takeaway sale of liquor on Thursdays is removed.
- 2) With the exception of bush orders, takeaway sales of liquor from hotels, roadside inns and clubs shall be only be allowed during the following hours:
 - a. On Monday, Tuesday, Wednesday and Thursday – from 14:00 hours to 20:00 hours only;
 - b. On Friday - from 14:00 hours to 21:00 hours only;
 - c. On Saturday, Sunday and Public Holidays - from 12:00 hours to 21:00 hours;
 - d. No trading on Good Friday and Christmas Day.
- 3) With the exception of bush orders, takeaway sales of liquor from stand-alone liquor outlets shall be only be allowed during the following hours:
 - a. On Monday, Tuesday, Wednesday and Thursday – from 14:00 hours to 20:00 hours only;
 - b. On Friday from 14:00 hours to 21:00 hours only;
 - c. On Saturday and Public Holidays from 12:00 hours to 21:00 hours;
 - d. No trading on Sunday, Good Friday or Christmas Day.
- 4) Bush Orders, being legitimate orders from bush communities or cattle stations remote from Tennant Creek, are exempt from the takeaway restrictions in paragraphs 2 and 3. Legitimate bush orders must be placed on accounts and received by telephone, facsimile or email at least one day in advance. All documentation must be retained for each order and made available to Licensing Inspectors upon request.
- 5) With the exception of wine in casks and Darwin Stubby Souvenir packs takeaway sales of liquor of any type being sold or supplied in a container larger than one (1) litre is prohibited;

- 6) Wine in casks cannot be sold or supplied in containers larger than two (2) litres.
- 7) Takeaway sales of wine in casks is restricted to a maximum of two (2) litres per person per day;
- 8) Sale of wine in glass containers of a capacity greater than (1) litre are prohibited;
- 9) Takeaway sale of Port in any container is prohibited;
- 10) No sales of takeaway alcohol to taxi drivers and commercial drivers where the driver is acting as purchasing agent;

On Premises

- 11) The current restrictions prohibiting front-bar trading in hotels on Thursdays is removed;
- 12) The trading hours for the sale of liquor for consumption on licensed premises may commence at 10:00 hours for all premises Sunday to Saturday. (The midday opening for some premises on Fridays is removed.) Apart from a right to open late and close early, Licensees shall not impose their own time restriction on the sale of liquor during licensed hours.
- 13) No liquor other than light beer may be sold between the hours of 10:00 hours and 12:00 hours for all premises Sunday to Saturday. (Light beer is defined as beer, lager or other brewed beverage with an alcohol content of NOT more than 3.0% by volume.)
- 14) Both in Tennant Creek and Threeways, the price of alcohol products shall not be advertised:
 - a) on the external surfaces of the licensed premises;
 - b) on billboards and blackboards etc outside the premises; or
 - c) in free newspapers, promotional pamphlets, circulars or posters.
- 15) Appropriate camera surveillance as required by the Director of Licensing shall be required in the two (2) hotel outlets and stand-alone liquor outlets.
- 16) Adequate security at licensed premises shall be provided in the manner approved by the Director of Licensing.
- 17) Darwin Stubby Souvenir pack shall only be sold for consumption away from the premises. The souvenir pack shall only be sold at room temperature and in the presentation box provided.
- 18) A current licence condition relating to some hotel bars which prohibits the sale or supply of wine unless accompanied by a meal is removed and replaced with a condition that wine and port are only to be sold or supplied in those bars when accompanied by a meal. Further, the current licence condition for Bootleggers Bar & Grill, Goldfields Hotel prohibiting the sale of any liquor without a meal is retained.

Hearing with Licensees

In February 2006, Licensees were advised in writing of the proposed changes to their licence conditions. Five licensees (5) requested the opportunity to be heard on the changes (as is their right under the *Liquor Act*). The Commission returned to Tennant Creek on 8 and 9 May 2006 and heard from the four of the five relevant Licensees. We also sought further submissions from the public. Finally, the Commission took the opportunity to hear from representatives of the relevant support agencies, His Worship the Mayor Mr Rod Swanson and the Honourable Mr Elliot McAdam MLA.

These recent discussions have been very productive in highlighting some changes that we consider should be made to the Proposals published in February 2006. Licensees had clearly given a lot of thought to the issues and many of the submissions made by them accorded with those of the support agencies. Licensees also provided us with a copy of their Liquor Accord that will assist in the responsible service of alcohol at and from licensed premises. We commend their efforts in this regard.

Final Liquor Supply Plan

Following our extensive consultation and consideration, we have decided to make a few changes only to the Liquor Supply Plan that was publicised in February 2006.

Those changes are :

A Standardisation of opening hours for takeaway and on premises consumption being 12:00 hours Monday to Friday inclusive, 10:00 hours on Saturday and Sunday for on premises consumption and 12:00 Saturday and Sunday for off premises consumption :

Concern was expressed from several quarters about the impact of having different opening hours for takeaway liquor and on premises drinking. These concerns included the impact on Tennant Creek businesses if patrons were able to commence drinking on licensed premises from 10:00 hours and then leave en masse at 14:00 hours (or 12:00 hours on weekends) to obtain takeaway. There was a further concern that takeaway drinking (the cheapest option and thus the option most preferred by problem drinkers) would begin later in the day with the effects flowing on into the evening. There appeared to be general agreement that it was preferable to standardise the opening hours both on licence and off licence liquor outlets at 12:00 hours thereby keeping the mornings alcohol free (except Saturday and Sunday) in the hope that problem drinkers were more likely to have consumed their alcohol prior to nightfall.

It was also evident following discussions with Licensees, BRADAAG, Julalikari and the Police that alcohol related crime, antisocial behaviour and injuries tend to occur on Friday night or early Saturday morning rather than on Saturday during daylight hours or on Sunday. There appeared to be general support for on premises drinking to begin at 10:00 hours on Saturdays and Sundays. This allows for workers who enjoy a drink at the Hotel with friends to do so from 10:00 onwards. Sunday is traditionally a quiet day and a similar provision on that day was supported.

No Wine Casks to be sold after 18:00 hours

Whilst it appears that most sales of cheaper alcoholic products to problem drinkers appears to happen before nightfall, a prohibition on the sale of wine casks after 18:00 hours will hopefully assist in preventing problem drinkers from restocking late in the day.

The Final Liquor Supply Plan (with the more recent changes underlined) is outlined below:

Liquor Supply Plan

Takeaway

- 1) The current restriction prohibiting the takeaway sale of liquor on Thursdays is removed;
- 2) With the exception of bush orders, takeaway sales of liquor from hotels, roadside inns and clubs shall be only be allowed during the following hours:
 - a) On Monday, Tuesday, Wednesday and Thursday – from 12:00 hours to 20:00 hours only;
 - b) On Friday - from 12:00 hours to 21:00 hours only;
 - c) On Saturday, Sunday and Public Holidays - from 12:00 hours to 21:00 hours;

- d) No trading on Good Friday and Christmas Day.
- 3) With the exception of bush orders, takeaway sales of liquor from stand-alone liquor outlets shall be only be allowed during the following hours:
 - a) On Monday, Tuesday, Wednesday and Thursday – from 12:00 hours to 20:00 hours only;
 - b) On Friday from 12:00 hours to 21:00 hours only;
 - c) On Saturday and Public Holidays from 12:00 hours to 21:00 hours;
 - d) No trading on Sunday, Good Friday or Christmas Day.
 - 4) Bush Orders, being legitimate orders from bush communities or cattle stations remote from Tennant Creek, are exempt from the takeaway restrictions in paragraphs 2 and 3. Legitimate bush orders must be placed on accounts and received by telephone, facsimile or email at least one day in advance. All documentation must be retained for each order and made available to Licensing Inspectors upon request.
 - 5) With the exception of wine in casks and Darwin Stubby Souvenir packs takeaway sales of liquor of any type being sold or supplied in a container larger than one (1) litre is prohibited.
 - 6) Wine in casks cannot be sold or supplied in containers larger than two (2) litres.
 - 7) Wine in casks cannot be sold or supplied at all after 18:00 hours.
 - 8) Takeaway sales of wine in casks is restricted to a maximum of two (2) litres per person per day.
 - 9) Sale of wine in glass containers of a capacity greater than (1) litre are prohibited.
 - 10) Takeaway sale of Port in any container is prohibited.
 - 11) No sales of takeaway alcohol to taxi drivers and commercial drivers where the driver is acting as purchasing agent.

On Premises

- 12) The current restrictions prohibiting front-bar trading in hotels on Thursdays is removed.
- 13) The trading hours for the sale of liquor for consumption on licensed premises may commence at 10:00 hours for all premises on Saturday and Sunday and at 12:00 hours for all premises Monday to Friday. Apart from a right to open late and close early, Licensees shall not impose their own time restriction on the sale of liquor during licensed hours.
- 14) The Darwin Stubby Souvenir pack shall only be sold for consumption away from the premises. The souvenir pack shall only be sold at room temperature and in the presentation box provided.

Special Conditions

- 15) Both in Tennant Creek and Threeways, the price of alcohol products shall not be advertised:
 - a) on the external surfaces of the licensed premises;
 - b) on billboards and blackboards etc outside the premises; or
 - c) in free newspapers, promotional pamphlets, circulars or posters.

- 16) Appropriate camera surveillance as required by the Director of Licensing shall be required in the two (2) hotel outlets and stand-alone liquor outlets.
- 17) Adequate security at licensed premises shall be provided in the manner approved by the Director of Licensing.
- 18) A current licence condition relating to some hotel bars which prohibits the sale or supply of wine unless accompanied by a meal is removed and replaced with a condition that wine and port are only to be sold or supplied in those bars when accompanied by a meal. Further, the current licence condition for Bootleggers Bar & Grill, Goldfields Hotel prohibiting the sale of any liquor without a meal is retained.

There are some small exceptions to the Liquor Supply Plan in individual licences but in essence all licences conform with the Plan.

We intend that the new Liquor Supply plan will come into force on Saturday 1 July 2006 so as to give Licensees the opportunity to responsibly implement the changes.

Evaluation

Any Liquor Supply Plan needs careful evaluation especially at the outset. We have emphasised repeatedly that these changes will be closely evaluated over the first six (6) months and then at regular intervals after that. Licensees from the three (3) main liquor outlets in Tennant Creek have agreed to provide us with their sales records monthly so that we can ensure that we are aware of the types and quantities of liquor being consumed after port is removed from sale.

We will also be obtaining statistics on a regular basis from the Police, Tennant Creek Hospital and the Sobering Up shelter so that we can monitor trends throughout the first six (6) months. A more detailed evaluation of the data will be undertaken after six (6) months with the conclusions being publicised. If any trends concern us during the six-month period, however, then we intend to immediately respond. In summary, we hope that the new Liquor Supply Plan and the Accord that has been drawn up and put in place by the Liquor Licensees will complement Liquor Management Plan being developed and other initiatives that will assist in controlling the liquor related problems in the Barkly region.

Brenda Monaghan
Presiding Member

31 May 2006