



**PAAC and FARE joint submission to the
Exposure draft for the Liquor Bill 2019
28 April 2019**

fare

Foundation for Alcohol Research & Education

paac people's alcohol action coalition

About PAAC

The People's Alcohol Action Coalition (PAAC) is an Alice Springs-based community alcohol reform group. It developed in response to a growing awareness of excessive alcohol use and associated harm in the Central Australian region, and provides a platform for community action to reduce alcohol related harm. Its formation in late 1995 followed a public rally in response to alcohol problems instigated by the late Dr Charles Perkins, Aboriginal activist and Australian and Torres Strait Islander Commission (ATSIC) Central Zone Commissioner.

PAAC aims to work towards reducing the impact of alcohol-related harm through a number of strategies, including: developing constructive reforms to the sale of alcohol; advocating controls on public consumption; advocating responsible service of alcohol; and promoting healthy lifestyles.

Members include social workers, lawyers, medical practitioners, Aboriginal organisations, churches, social service organisations and individuals. Collaborating organisations include the Central Australian Aboriginal Congress, Central Land Council, Aboriginal Medical Service Alliance Northern Territory, Northern Territory Council of Social Services, Central Australian Youth Link Up Service, the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (Aboriginal Corporation) and the Public Health Association of Australia NT.

About FARE

The Foundation for Alcohol Research and Education (FARE) is an independent, not-for-profit organisation working to stop the harm caused by alcohol.

Alcohol harm in Australia is significant. Nearly 6,000 lives are lost every year and more than 144,000 people are hospitalised making alcohol one of our nation's greatest preventive health challenges.

For over a decade, FARE has been working with communities, governments, health professionals and police across the country to stop alcohol harms by supporting world-leading research, raising public awareness and advocating for changes to alcohol policy.

FARE is guided by the World Health Organization's (2010) *Global strategy to reduce the harmful use of alcohol* for stopping alcohol harms through population-based strategies, problem directed policies, and direct interventions.

If you would like to contribute to FARE's important work, call us on (02) 6122 8600 or email info@fare.org.au.

Table of Contents

.....	1
PAAC and FARE joint submission to the Exposure draft for the Liquor Bill 2019	1
About PAAC.....	2
About FARE	2
Introduction	5
This submission	6
List of recommendations	6
Section 1: Application processes and community engagement.....	10
The decision-making model	10
Public interest and community impact assessment	11
Reviewing applications and making objections and complaints	12
<i>Notifying key stakeholders of an application.....</i>	13
<i>Lack of information</i>	14
<i>Time period to make an objection insufficient.....</i>	14
<i>Grounds for objection and eligibility to object restrict consideration of the public interest</i>	14
<i>Support for community participation in liquor licensing processes is needed</i>	15
Section 2: The Risk-based Licensing Framework	17
The RBL Framework does not align with the intent of the recommendations from the Riley Review	17
<i>Base fee and categories of licence</i>	17
<i>Late night authorities.....</i>	18
<i>Tier multiplier</i>	18
<i>Trading hours multiplier.....</i>	19
<i>Discounts.....</i>	19
<i>Breach loading</i>	20
Gaming the system	20
<i>Rethink the use of average hours in the hours multiplier</i>	20
<i>Transfer breaches with a licensee</i>	21
<i>Estimate a tier multiplier for the first year of operation.....</i>	21
<i>Incorporate interstate and online retailers into the RBL system</i>	21
The Government should be increasing rather than reducing transparency	22
<i>Information on the average PAC and opening hours has been removed from the table of authorities.....</i>	22
<i>No information is available on how the tier volume multiplier will be calculated when RBL is introduced.....</i>	22
Revised approach.....	22

<i>The base fee is the base fee</i>	22
<i>Additional fees should be based on the factors that increase risk of harm for patrons and others</i>	23
<i>Fees should reflect the risk associated with a venue and deter high risk operations</i>	23
Section 3: Other matters.....	25
The purpose of the Liquor Act	25
<i>Section 36 – Interstate retailers licence Online purchase and delivery of alcohol</i>	25
Credit services in-store and online	27
Conditions on licences	27
Ability to appeal decisions	28
Alcohol sales data	28
Liquor licence exceptions.....	28
Transfer of licence and substitution of premises	29
<i>Ability to object to the transfer of a licence is not specified</i>	30
Take-away authority moratorium.....	30
Advertising and promotion	30
Minimum price.....	32
Responsible drinking.....	32
Harm minimisation audits.....	32
Inedible substances.....	33
Point of sale intervention.....	33
Political donations.....	34
References	36

Introduction

The Foundation for Alcohol Research and Education (FARE) and the People's Alcohol Action Coalition (PAAC) welcome the opportunity to provide comment on the Exposure Draft of the Liquor Bill 2019 (the Bill). As an outcome of the Alcohol Policies and Legislation Review (Riley Review), the rewriting of the *Liquor Act 1978* (the Act) provides the Northern Territory (NT) Government with a unique opportunity to reduce the harm caused by alcohol in the NT by strengthening the regulatory framework for the control of liquor, underpinned by the principle of harm minimisation.

The NT Government has demonstrated strong leadership by taking decisive action to address high levels of alcohol harm in the NT. In response to the Riley Review's recommendations, it moved swiftly to instigate an alcohol reform process which has included introduction of a minimum unit price for alcohol and the establishment of the independent Northern Territory Liquor Commission (the Commission).

The NT Government's actions are already resulting in positive change, but there is still a long way to go. Alcohol harm continues to be too high in the Territory with 9124 alcohol-related emergency department presentations a year, 3578 alcohol-related assaults,¹ and alcohol involved in around 65 per cent of all family violence incidents.² These high levels of alcohol harm will only be addressed if the Government stays the course and resists pressure from the alcohol industry aimed at undermining the great work currently being done. Alcohol policy reform measures must be implemented as intended by the Riley Review in order to be effective.

The review of the Act is a key part of this process. FARE and PAAC welcome the inclusion of a number of positive changes in the Bill. These include: changes to ensure that a licensee who wishes to substitute one licensed premises for another must apply for a new licence; the strengthening of responsible service of alcohol requirements; and the introduction of annual licence fees within a risk-based licensing framework.

However, FARE and PAAC also have concerns that certain details in a number of proposed sections in the Bill will be counter-productive, and undermine the implementation of the Riley Review recommendations. These concerns are the primary focus of this submission and include: inadequate provision for community consultation and input in licence applications; the approach adopted in the risk-based licensing (RBL) model, which is in contrast to the approach successfully adopted in other jurisdictions; the absence of provisions aimed at regulating the online purchase and delivery of alcohol; gaps in the provisions aimed at regulating the advertising and promotion of alcohol; and exceptions for some businesses and service providers from compliance with the Act. .

FARE and PAAC have identified four principles for more effective regulation of liquor licencing matters, consistent with general principles and guidelines for regulatory best practice:

- Processes should be transparent, consultative, timely and reduce the burden on community stakeholders.
- Decision-making bodies should develop regulatory structures in line with harm minimisation principles.
- Regulation should be supported by data and evidence.
- Responsibility for regulating liquor licensing should be independent of industry interests.

These principles should guide future developments to the regulatory systems in the Northern Territory and underpin the governance of the liquor commission.

This submission

FARE and PAAC's submission should be read in conjunction with the Bill, the RBL Framework, and the applications process and complaints process flowcharts. The submission is in three parts. The first section examines the application process, with a focus on effective community consultation. The second section examines the proposed risk-based licensing framework. The third section addresses other issues within the Bill including online sales.

List of recommendations

1. The decision-making process should be underpinned by a publicly available risk model, be transparent, timely and regularly reviewed.
2. A definition of harm should be incorporated into the definitions section and specifically encompass harm relating to the sale, supply and consumption of alcohol including, but not limited to:
 - 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.
3. Strengthen s41(1) of the Bill to clearly state that the Commission may only issue, transfer, vary or substitute a licence or an authority if satisfied that all applicants complete a community impact assessment under s 43.
4. Include data on the current state of alcohol harm within the locality and evidence of the effect of the licence on alcohol harm as essential information for the community impact assessment in s42(2).
5. Ensure that harm minimisation is the primary consideration for the Commission when reviewing an application under s41.
6. Insert a requirement in to the Bill to outline proper consideration by the authority of the applicant's documentation, including challenging witnesses and evidence, to provide greater confidence in the process of assessing the impact of the licence on the community.
7. Make the community impact assessment publicly available on the Licensing NT website to give community members the opportunity to determine their own views on the application and provide greater transparency.
8. Amend the Bill to require the Commission to consult with the community in assessing the potential impact of a licence application.
9. Amend the Bill to require the applicant to consult with the community in order to assess the potential impact of a licence application when preparing a community impact assessment.

Amend s48 (4) of the Liquor Bill 2019 to include a requirement for the Director to advise other relevant agencies or government bodies, in addition to notifying the Police Commissioner, CEO of the Agency administering the Health Act and the relevant Local Government.

10. Amend s49 (2) to require that all licence applicants notify residents, business and other relevant parties, including schools, health services, and vulnerable groups within the primary trade area of a licence application.
11. Amend s48 (4) to include a requirement for the Director to advise other relevant agencies or government bodies, in addition to notifying the Police Commissioner, CEO of the Agency administering the Health Act and the relevant Local Government.
12. Update the Licensing NT webpage to include clear information on the liquor licensing process, including how the community can make objections and complaints.
13. Establish a free digital notification service to which community members may subscribe and which will provide regular updates about the lodgement and progress of liquor licence applications.
14. Reinstate the 30 day time period currently allowed under the *Liquor Act 1978* to lodge an objection and apply this to low-risk applications, and mandate a longer objection period for higher risk licences, to allow sufficient time for community objectors to compile evidence and respond.
15. Amend s53(1) to allow objections to be made against applications to transfer liquor licences from a licensee to another person or entity.
16. Extend s53(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.
17. Provide greater clarity in s53 so that peak bodies, public health groups and other bodies concerned about community safety and well-being are eligible to object.
18. Insert a requirement for the Commission to make the completed application available to the public within 5 days of the publication of the notice for the licence application, and extend the timeframe to object to a minimum of 30 days, with additional time allowed for complex applications, at the discretion of the Commission, to allow sufficient time for applicants to be able to review the application.
19. An independent Community Defender's Office should be established to support communities in licensing matters.
20. Develop a fund to support communities engaging with NT Liquor Commission hearings associated with objections, where needed.
21. Amend the RBL model to require licensees to pay the fee for each licence authority held so that the total fee is the sum of the fees for each type of authority.
22. Extend the RBL model to ensure that all licence types that trade past midnight pay the late night authority fee. The late-night authority fee must be commensurate with the risk associated with late trading hours.
23. Amend the RBL model to remove any multipliers used to calculate fees that would reduce the loading below the base fee or a fee applicable to a risk factor included in the model.
24. Remove the ability to apply discounts to the base fee in the RBL model.
25. Amend the proposed RBL model to ensure that not only do breaches stay with a venue following the transfer or sale of a licence, but that they are linked to licensees should the licensee seek to apply for additional licences or to sell or transfer the licence associated with the breaches.

26. Increase the percentage value for breaches of licence conditions in the RBL model.
27. Estimate a tier multiplier for the first year of operation by basing calculations on available information such as floor size, patron capacity, projected sales for the first year, and volume sold by similar businesses.
28. Incorporate online retailers into the RBL scheme proportionate to their share of the administrative, health and social costs associated with the sale of alcohol in the NT.
29. Introduce additional loadings to licence fees, based on patron capacity and location of venue.
30. Ensure that licence fees paid by licensees are sufficiently high to reflect the risk associated with a venue and the administrative, health and social costs associated with the sale of alcohol in the NT.
31. Amend the purposes of the Bill to reflect the primary purpose of the Bill as currently described in s3(1) and remove reference to the secondary purpose of stimulating the tourism and hospitality industries described in s3(2)(d).
32. Amend section 36(8) of the Bill to convey that the identification system requirements under Part 6, Division 1, do apply to an interstate retailer's licence, and establish a system for use by such retailers.
33. Amend the Act to include a requirement that interstate retailers must supply quarterly returns in the same manner as to NT licensees under the Act.
34. Amend s36(5) of the Bill to convey that an interstate retailer's licence is subject to the proposed risk-based licensing.
35. Extend the ban on in-store credit for alcohol within s41(2)(h) to encompass 'buy now pay later' services and similar quasi-credit.
36. Amend s41(4) of the Liquor Bill 2019 to give the Commission power to limit the size of an outlet as a mechanism to mitigate a possible adverse impact on the community or achieve some other objective.
37. Insert a provision to direct the Northern Territory Civil and Administrative Tribunal to consider a fee waiver for public interest objectors.
38. Amend Part 3, Division 1 and Part 4, Division 4 of the Bill of the Liquor Bill 2019 to include provisions requiring the Director of Licensing to compile both wholesale and retail alcohol sales data from the quarterly returns, and release this data to the public within twenty-eight days of its being supplied.
39. Amend s35 to remove any exceptions so that in all circumstances where the NT has jurisdiction, any business or organisation that sells or serves alcohol in all circumstances is required to obtain a liquor licence.
40. 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.
41. Amend s77 of the Bill of the Liquor Bill 2019 to explicitly state that the take-away authority moratorium does not prevent the transfer of an authority within the same licence category or authority only.

42. Amend the Bill to include specific provisions to restrict or prohibit promotional activity and undesirable liquor products. These provisions should address promotions by both on- and off-licence premises with equal weight and cover a range of mediums that include, but are not limited to, signs, banners, flyers, posters, newspapers, SMS text messages, online and social media.
43. Amend the Bill to declare the following as prohibited promotional activity:
 - 'shopper docket' (liquor promotion vouchers on the receipts for purchases)
 - harmful price discounting such as the sale of alcohol at half, or less than half, of the usual price, and
 - the display of point of sale promotional materials for liquor (such as 'happy hours', free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) on and around licensed premises where minors are likely to be present.
44. Amend the Bill to ban alcohol advertising on publicly owned assets, such as public buses.
45. Remove the provisions under section 112 (2) (a) and (b) of the Bill that provide licensees with the ability to serve one standard drink free of charge in specific circumstances.
46. Add a requirement to s126 of the Bill that any person required to attend a refresher course on the responsible service of alcohol under s126(2) must in addition pass an assessment that tests competency in this area.
47. Remove ss4 of s137 of the Bill requiring the Director of Licensing to give licensees written notice of a pending harm minimisation audit.
48. Amend the Bill to include the implementation of management plans to secure intoxicating products including mouthwash and methylated spirits, and to restrict their sales in order to reduce misuse.
49. The use of the POSI powers as they extend to persons in vehicles in the vicinity of take-away outlets should be accurately recorded and monitored so as to ensure there is no unauthorised extension by officers.
50. Amend the *Electoral Act* 2004 to ban political donations from the liquor industry and its representatives in the interest of greater transparency and the avoidance of influence on alcohol policy.

Section 1: Application processes and community engagement

This section of FARE and PAAC's submission will address the sections of the Bill regarding the licencing process, including community impact and input. This includes the licence application process, public interest and community impact assessments, and making objections and complaints, as outlined under Division 3 – *Issuing licenses and authorities*.

In making suggestions to improve the draft Bill, PAAC and FARE note in particular the guiding principles:

- Processes should be transparent, consultative, timely and reduce the burden on community stakeholders.
- Responsibility for regulating liquor licensing should be independent of industry interests.

In order for the public to engage effectively in licensing matters they must be appropriately supported and informed, processes must be transparent and the regulators should be sufficiently resourced and should act with the highest levels of objectivity and impartiality. Community participation in licensing matters is a function of democratic governance and procedural fairness. When implemented as intended, it enables community input into decision-making on local health, safety, and amenity issues related to alcohol. Informing the public of licence applications and supporting them to exercise their rights to object or submit complaints, underpins regulatory decision-making to best serve the 'public interest', encourages community engagement, and is consistent with the Purpose of the Bill.

The decision-making model

The aim of the Riley Review was to develop an alcohol harm reduction framework that will prevent and reduce harms associated with alcohol misuse.³

Consideration of the impact of a licence application on the community should be guided by a risk-based model to support decision-making and provide fairness and consistency. The risk-based model must be underpinned by harm minimisation principles, and the findings must be supported by evidence to substantiate their claims.

The sophistication of the risk-based model should increase as risk increases, with decisions on the level of detail to be provided guided by a framework that clearly outlines thresholds for evidence. A framework for decision-making will provide more consistent and fair outcomes than the subjective process referred to in the draft guidelines. This involves applicants discussing their application with the Commission to determine what level of detail is expected and the definition of 'community area' that applies to their particular application. This framework should be publicly available.

Transparency is fundamental to good governance which is why government decisions should be open to scrutiny. Making information publicly available enables decision-makers to be held accountable for the decisions they make and supports the integrity of the process.

The effectiveness of the assessment process should be reviewed on a regular basis to ensure that it continues to meet the objective of preventing and reducing harm. This is extremely important since no policy intervention operates within a vacuum. Regular reviews represent good corporate governance when designed to determine whether processes are effective in achieving objectives, consider changing environments, and identify potential risks and opportunities.

Recommendations

1. The decision-making process should be underpinned by a publicly available risk model, be transparent, timely and regularly reviewed.
2. A definition of harm should be incorporated into the definitions section and specifically encompass harm relating to the sale, supply and consumption of alcohol including, but not limited to:
 - d. the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community);
 - e. the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community);
 - f. the adverse effects on a person's health;
 - g. alcohol abuse or misuse; and
 - h. domestic violence and/or anti-social behaviour, including causing personal injury and property damage.

Public interest and community impact assessment

PAAC and FARE welcome the requirement for all new licence applications, and applications to change an existing licence, to demonstrate that the application is in the public interest, and the requirement for a community impact assessment to be conducted.ⁱ To avoid any misunderstanding, s41 (1) of the Bill should clearly state that the Commission may only issue, transfer, vary or substitute a licence or an authority if it is satisfied that all applicants have completed a community impact assessment under s43. For the benefit of all stakeholders, the flow chart for the application process should include the requirement for licence applications to provide a community impact assessment.

The harm from alcohol should not be underestimated. The United Kingdom Chief Medical Officer has recently warned that there is no safe level of alcohol consumption.⁴ The primary consideration when assessing the licence application should be that there is no increase in alcohol harm arising from the application, consistent with the Purpose of the Bill to minimise harm and the Government's alcohol reform program to reduce alcohol harm.

As such, s41 should make it clear that greater weight must be given to the impact on harm than consideration of a commercial benefit to the community when the Commission is assessing whether the licence is in the public interest. Contributions made by the liquor industry to pay for services needed to address the very harms that it creates should not be considered as an acceptable alternative to preventing the harm in the first place or as a way of compensating for increased harms.

Section 42 (2) outlines information to be included in the community impact assessment but excludes information concerning alcohol harm. The Bill should specify that when undertaking a community impact assessment, the applicant is required to state the current data on alcohol harm within the locality, including violent and non-violent crime data and hospitalisation data.

FARE and PAAC are concerned that as currently drafted this section of the Bill relating to the community impact assessment guidelines places higher importance on perceived potential benefits than on current levels of harm and potential increases in harm as a result of issuing the licence.

ⁱ Under Section 65(2), applications to transfer a licence will be treated as if they were a new application. Licensees wishing to substitute other premises for the licensed premises will need to apply for a new licence for the new premises (Section 68) and under Section 15, the Commission is required to consider the public interest and community impact requirements.

Consideration also needs to be given to whether it is appropriate for the applicant to be responsible for undertaking the community impact assessment. While arguments may previously have been presented in favour of this approach, the unintended outcome is that the applicant will draft the community impact assessment in a way that offers the applicant the best chance for success. It is unlikely that an applicant will provide an assessment that is unfavourable to its application. This doesn't mean that the assessment shouldn't form part of this process. It simply means that the Commission should explore alternative ways to conduct the assessment or, at the very least, provision should be made to ensure that there is proper scrutiny of the applicant's documentation.

In the interest of transparency, community impact assessments should be made public on the Licensing NT webpage to give community members the opportunity to determine their own views on public interest. They should also be afforded more time to formulate a complaint to the application if they wish to do so.

Recommendations

3. Strengthen s41(1) of the Bill to clearly state that the Commission may only issue, transfer, vary or substitute a licence or an authority if satisfied that all applicants complete a community impact assessment under s 43.
4. Include data on the current state of alcohol harm within the locality and evidence of the effect of the licence on alcohol harm as essential information for the community impact assessment in s42(2).
5. Ensure that harm minimisation is the primary consideration for the Commission when reviewing an application under s41.
6. Insert a requirement in to the Bill to outline proper consideration by the authority of the applicant's documentation, including challenging witnesses and evidence, to provide greater confidence in the process of assessing the impact of the licence on the community.
7. Make the community impact assessment publicly available on the Licensing NT website to give community members the opportunity to determine their own views on the application and provide greater transparency.

Reviewing applications and making objections and complaints

Community members and other interested parties who are concerned about the impact of liquor outlets on community health, safety and well-being should be supported to make these concerns known to the Commission and to NT Licensing. Enhancing community awareness, engagement and input in licensing matters accords with the principles of participatory governance and serves to make policy decision-making more responsive to local community interests in harm minimisation.

Section 41 of the Bill requires that the Commission consider the public interest and community impact in assessing applications for a licence. Community impact assessment guidelines have been developed to assist in this process, but there is no requirement for the Commission or the community impact assessment to engage with the community in determining this impact.

The community has a legitimate role in the demonstration of public interest and community impact. The Bill should clearly articulate a requirement for consultation with the community when assessing an application. However, community members face a number of barriers to engaging with this process including:

- Finding out about an application
- A lack of information on which to base a complaint
- Restrictions on who may object to an application and the grounds for objection
- Short timeframes in which to respond
- Limited support for objectors, and
- Limited access to resources.

These barriers lead to a lack of equity in the current application process. The current consideration of the Woolworths' application to open a Dan Murphy's 'big box' outlet is a case in point, where individual community members and small not-for-profit organisations are competing with the vast commercial resources, power and experience of the Woolworths' empire.

Notifying key stakeholders of an application

Enhancing community awareness, engagement and input in licensing serves to make policy decision-making more responsive to the increasing community concern about the high levels of alcohol harm. Stakeholder consultation assists in understanding the potential impact of a licence on a community and enables community members to have the opportunity to raise any concerns.

The current system does not provide adequate notice of applications to local residents, businesses and community groups. As these groups are required to be considered within the public interest and community impact assessment test, they should be notified directly of an application, to ensure they are aware of the application and have sufficient time to object, should they wish to do so. FARE's submission to the Riley Review highlighted the inadequacies of public notification. Without proper notification of a licence application, communities are unable to participate effectively in licensing processes.

Section 49 (2) states that an applicant must post a notice at the proposed premises and publish a notice of the application as required by the Director. According to the 'Advertise a liquor licence application' guidelines,⁵ details of the proposed liquor licence must be advertised in a local newspaper or in any other way specified by the Director of Licensing for 30 consecutive days. There is no requirement within the Bill or the guidelines for the applicant to notify residents, businesses and community groups within the locality.

Western Australia and New South Wales liquor regulators require notification of liquor licence applications to residents and businesses within a 200m radius of the proposed premises. Although the locality of a building can be described in metres, alcohol-related trade is mostly described in kilometres.⁶ In the case of off-licence premises, catchment areas from which premises may draw customers can extend several kilometres from the positioning of a 'big box store', meaning the impact of a liquor licence extends well beyond 200m of the premises.

Notification should be given to all residents, businesses and community groups (as identified in the community impact assessment) within the locality. The NSW Land and Environment Court considers locality as a relative concept in that 'the nature of the development and its impacts will influence the scope of the locality to be considered' (para 24).⁷ FARE and PAAC submit that the primary trade area for a licensed premise should be considered as the locality for potential impact. Licensees will have already assessed their primary trade area when considering the financial viability of their business model.⁸ Making primary trade area the locality will therefore place no additional evidentiary onus on applicants. It will also make the licence application process more transparent and consultative by increasing the number of community members within the area who must be notified.

The Bill states that within 14 days of accepting an application, the Chief Executive Officer of the Agency administering the *Public and Environmental Health Act 2011*, the Commissioner of Police, and the Chief Executive of the local government council should be advised that a liquor licence application has been made. FARE and PAAC support this requirement and believe this should go further to include other relevant government bodies or agencies. Alcohol-related domestic violence, child maltreatment and road accidents are well documented and should be considered when assessing liquor licence applications.

Additionally, the Licensing NT webpage should be updated to provide easy to find information about the liquor licensing process and current licence applications. The publication of licence applications on the regulator's website is common practice in other jurisdictions. For example, Liquor & Gaming NSW has established a Liquor Application Noticeboard.

A subscription notification tool should also be developed that sends regular updates of applications in relevant suburbs or local government areas to inform community members, similar to the 'opt-in' online notification tool used to notify the community about planning applications in their vicinity.⁹ This service could generate an automated email within a particular suburb or postcode when a licence application is received. Community members could also opt in for a weekly update.

Lack of information

Community members who wish to object have very little information on which to base their objection. The information available to them includes the notice in the paper and the green sign placed at the location that applies to the application. The details of the application, the findings of the community impact assessment or other information associated with the application are not available to them at the time when they are making an objection. This severely limits the ability of the community to object.

Time period to make an objection insufficient

Objectors currently have thirty days to lodge an objection, however this has been reduced to 28 days in the Bill. The time period to lodge objections should be at least 30 days in order to provide sufficient time for an objection to be prepared for low risk applications. A longer time period should be allowed in the case of higher risk applications where the potential for harm is greater and the issues requiring consideration are more complex. The ability to object is made more difficult without appropriate notification of an application and objectors are unable to refer to the application and associated community impact assessment.

Grounds for objection and eligibility to object restrict consideration of the public interest

The Bill outlines grounds for making an objection under s53 (2). These relate to whether issuing the licence or authority, varying the conditions, substituting other premises or making the material alteration would adversely affect:

- a. the amenity of the neighbourhood of the licensed premises or proposed licensed premises;
or
- b. the health, education, public safety or social conditions in the community of the licensed premises or proposed licensed premises.

While these are important considerations, objectors should be able to address other factors, such as whether the applicant is considered a fit and proper person to hold a licence, government priorities to reduce alcohol harm or other factors that may be relevant in a particular case.

Section 55 also states that a person or body making an objection under s53 must not, during the course of any determination, inquiry, review or hearing under this Bill or under the *Liquor Commission Act 2018*, raise any new grounds for the objection that are not specified and relied on in the objection.

This provision is unreasonable in light of the current situation where objectors submit an objection on the basis of very little information and without knowing what claims and information the applicant has used to support their application.

Applicants should have access to the application prior to making an objection. Thirty days from the time the application is available must be allowed for objectors to prepare their objection, particularly for more detailed applications. Applications can be lengthy, potentially running into thousands of pages. It would be unreasonable to expect that objectors could read through an application of this length and analyse its contents in such a short period of time.

The current list of objectors in s53 is so narrow that many groups representing the interests of people affected by the licence application may not be clearly entitled to object. Section 53 should contain clear language that supports a range of objectors, including but not limited to, peak bodies, public health groups and other bodies concerned about community safety.

Support for community participation in liquor licensing processes is needed

Community objectors do not necessarily have the resources that are needed to meet the burden of proof in licensing matters, in terms of understanding their rights and the processes involved, time, finances, and research capacity. This is further compounded by the lack of targeted support for communities to interact with the liquor licensing or planning systems, resulting in unsuccessful objections and complaints, and a lack of engagement with these systems.

In recognition of the substantial barriers the community faces in effectively engaging with the licence application process, an independent Community Defender's Office (CDO), based on the Alcohol Community Action Project (ACAP),¹⁰ should be developed and funded. The CDO should consist of an advisory service and central information service, with staff that have appropriate skills and expertise in alcohol-related planning and licensing systems, including legal skills and an understanding of community needs and expectations. This would help individuals and communities to navigate the liquor licensing system.

Recommendations

8. Amend the Bill to require the Commission to consult with the community in assessing the potential impact of a licence application.
9. Amend the Bill to require the applicant to consult with the community in order to assess the potential impact of a licence application when preparing a community impact assessment.

Amend s48 (4) of the Liquor Bill 2019 to include a requirement for the Director to advise other relevant agencies or government bodies, in addition to notifying the Police Commissioner, CEO of the Agency administering the Health Act and the relevant Local Government.

10. Amend s49 (2) to require that all licence applicants notify residents, business and other relevant parties, including schools, health services, and vulnerable groups within the primary trade area of a licence application.
11. Amend s48 (4) to include a requirement for the Director to advise other relevant agencies or government bodies, in addition to notifying the Police Commissioner, CEO of the Agency administering the Health Act and the relevant Local Government.

12. Update the Licensing NT webpage to include clear information on the liquor licensing process, including how the community can make objections and complaints.
13. Establish a free digital notification service to which community members may subscribe and which will provide regular updates about the lodgement and progress of liquor licence applications.
14. Reinstate the 30 day time period currently allowed under the *Liquor Act 1978* to lodge an objection and apply this to low-risk applications, and mandate a longer objection period for higher risk licences, to allow sufficient time for community objectors to compile evidence and respond.
15. Amend s53(1) to allow objections to be made against applications to transfer liquor licences from a licensee to another person or entity.
16. Extend s53(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.
17. Provide greater clarity in s53 so that peak bodies, public health groups and other bodies concerned about community safety and well-being are eligible to object.
18. Insert a requirement for the Commission to make the completed application available to the public within 5 days of the publication of the notice for the licence application, and extend the timeframe to object to a minimum of 30 days, with additional time allowed for complex applications, at the discretion of the Commission, to allow sufficient time for applicants to be able to review the application.
19. An independent Community Defender's Office should be established to support communities in licensing matters.
20. Develop a fund to support communities engaging with NT Liquor Commission hearings associated with objections, where needed.

Section 2: The Risk-based Licensing Framework

The Riley Review recommended that an annual fee for liquor licences be introduced under a risk-based licensing (RBL) framework that recognises the risks associated with different categories of licences and venues. It argued that the fee should have several components including:

- A base fee that varies for different types of licences and determined by the risk posed by the licence
- A loading for patron capacity to reflect the increased risk associated with a larger number of patrons
- A loading for sales volume for take-away licences
- An additional fee for extended hours, and
- A loading for poor compliance.

In jurisdictions where RBL has been introduced, the minimum fee payable is the base fee, and loadings are added to the base fee for factors that have shown to increase the risk of alcohol harm. No discounts are applied in other jurisdictions.

PAAC and FARE have identified three areas of concern with the RBL framework released with the Bill: the framework does not align with the intention of the recommendations in the Riley review; it enables licensees to game the system; and it lacks transparency. This section will elaborate on these three issues and identify an alternative RBL model.

The RBL Framework does not align with the intent of the recommendations from the Riley Review

The proposed RBL Framework does not align with the intention of the Riley Review and subverts the principles of RBL as it operates in other jurisdictions, due to a number of factors:

- The base fee for a licence with multiple authorities is the base fee for the authority with the highest risk classification, rather than the total of the base fee for each of the authorities
- Late night authorities will only be required by small or public bars trading from midnight to 2am or midnight to 4am
- The tier multiplier has two tiers that are negative multipliers, allowing the base fee to be reduced
- The hours multiplier can also lead to a reduction in the base fee
- Discounts are offered on the base fee, and
- The minimum a licensee will have to pay is as low as 50 per cent of the base fee.

More information on these is provided below.

Base fee and categories of licence

The base fee is determined by the level of risk associated with each type of authority. The RBL Framework allocates a risk rating for each type of authority (very low, low, moderate, high, very high), and identifies the base fee payable.

The RBL Framework only requires licensees with multiple authorities to pay the fee for the authority with the highest risk classification. This erodes the ability of the RBL Framework to address the aims of RBL, including reducing harm.

The RBL Framework as it stands would make it possible for a venue to expand its operations and acquire additional authorities for a smaller price than the additional authority's stated base fee. For example, a public bar (which is classified as high and has a base fee of \$1,000) could acquire a take-away authority (which is classified as very high and which has a base fee of \$2,000) for an additional

\$1,000, rather than the full \$2,000 paid by venues with only a take away licence. This approach will see take-away authority fees, that is fees for the highest risk licence type, vary in price depending on the other authorities a licensee holds, and provides an incentive to licensees to seek additional authorities which have the potential to increase harm, rather than providing an incentive to reduce the risk associated with their venues and thereby reduce harm.

Likewise, a venue wishing to trade past midnight would only pay the fee specified for the late trading authority. It would not pay the base fee for the licence type. This means that all venues trading past midnight will pay the same fee regardless of the type of licence and the risk associated with the venue.

PAAC and FARE strongly oppose this arrangement. The base fee should be classified as the total of all the authority fees for the licence so that base fees are in fact base fees. The cost of base fees should send a price signal to all licensees that they are trading in a product that contributes to high levels of harm.

Late night authorities

In the draft RBL Framework, a late-night authority would have been required wherever a licensee operated beyond midnight, beyond 2am and beyond 4am. This is no longer the case. Under the RBL Framework in the Bill, a late-night authority is only required to be held by a small bar or public bar if it is trading between midnight and 2am or midnight and 4am. This has the effect of theoretically allowing other venues, such as take-away outlets or casinos, or any category introduced in the future, to trade during these hours – the hours when the highest levels of harm occur – without the need for an additional authority to do so. This is very concerning since decisions on trading hours are at the discretion of the Liquor Commission.

This creates an inequitable system as some types of licences may receive a financial advantage by paying a lower additional cost for trading during late hours than would other licences. The following example demonstrates how this could occur. The base fee for a small bar is \$500 while the base fee for a take-away outlet is \$2000. Should the Commission approve a late-night authority for both types of licences in the future, the takeaway outlet will not need to pay any additional fee to obtain a takeaway authority, while a small bar will pay an additional \$1500.

Any licensee who uses late trading hours should be required to have an additional authority to do so, and should be required to pay an additional fee that reflects the higher risk associated with late night trading hours and the risk associated with the type of licence, as is the case in every other Australian jurisdiction with an RBL system.

Tier multiplier

The RBL Framework factors in the volume of alcohol when determining the risk associated with a particular type of licence. It does this by considering the amount of alcohol purchased within the previous year by the licensee, known as the licensee's Pure Alcohol Content, or PAC. Licensing NT will determine the licensee's PAC using wholesale data. There are then six tiers, each with its own multiplier. The licensee's PAC will determine which tier multiplier is used in the RBL Formula.

This approach differs from that in the draft RBL Framework in that a comparison of a licensee's PAC to a standard volume for the type of authority concerned has been removed. Accordingly, the approach for determining the risk loading for volume will no longer address variations between different types of licences. However, this approach will address variations on volume across all categories and allow comparisons to be made regarding the size of a licence with regards to volume.

The most pressing concern regarding the proposed tier multiplier is that the first two multipliers are negative. This has the effect of reducing the base fee for licensees who purchase amounts of alcohol that correlate with the two lowest tiers. One of the illustrative examples in the RBL Framework demonstrates how this will occur. The particular example relates to a supermarket, which sold 7,000L of PAC in the preceding year. This means the supermarket falls into Tier 1, which has a multiplier of 0.75. In the example in question, the base fee is subsequently reduced from \$2,000 to \$1,500 as a consequence of the tier multiplier.

PAAC and FARE oppose the base fee being reduced in this way. Tier 1 should represent the base fee with higher volumes of PAC attracting an increasingly higher fee. This approach would provide an incentive for licensees to reduce volume sold so that they only pay the base fee and act as a disincentive to increase volume sold. The base fee should be the lowest fee payable by a licensee and this should be set a level that acknowledges the risks associated with the sale of alcohol and the costs associated with selling alcohol. Negative multipliers that allow the base fee to be reduced should be removed. The tier multiplier by definition should be additive; it should only be used to increase the base rate according to the volume of alcohol being purchased.

Trading hours multiplier

A similar multiplier is used to determine the loading for trading hours. As with the volume multiplier, a licensee is able to reduce the base fee by reducing trading hours below the authority average. There is no requirement for the licensee to reduce the hours posing the highest risk to customers or other members of the community in order to achieve a discount on their fee. Indeed, the model allows a licensee to reduce the least risky trading hours, that is, the hours that will have little or no effect in reducing alcohol harm, and still obtain a discount on the base fee if it reduces the venue's hours to less than the authority average.

One of the illustrative examples in the RBL Framework demonstrates how this will occur. The particular example relates to a supermarket, which has 47 liquor trading hours a week. The current store average is 65 hours a week according to the example in the Framework. The hours multiplier for the supermarket is then calculated by dividing the liquor trading hours by the authority average. Accordingly, the hours multiplier is 0.723. In this example, the base fee is subsequently reduced from \$1,500 to \$1,084.50 as a consequence of the hours multiplier. FARE and PAAC oppose the base fee being reduced in this way. Applying the same logic against negative multipliers based on volume of alcohol sold, the hours multiplier by definition should be additive; it should only be used to increase the base fee according to liquor trading hours.

If the RBL system is to be effective, negative multipliers must be removed so they do not subvert the Riley Report's intent for RBL.

Discounts

The proposed RBL framework offers discounts on the base fee if licensees introduce certain measures outlined in the RBL Framework. There are eight discounts available under the RBL Framework, two more than under the draft RBL Framework, including additional security and or CCTV, provision of local entertainment, membership of an industry body or a Liquor Accord (they can receive a discount for both if they are members of both), or a good compliance record. Each item reduces the annual risk-based licensing fee by five per cent.

The premise of an RBL scheme is that the higher the risk of a venue, determined by the evidence of actions that have been shown to increase harm, the higher the fees paid. Risk loadings are added to the base fees as the risk increases. This creates an incentive to reduce fees by reducing the risk factors

that lead to loadings being added, with low risk venues having no additional loadings applied so that they only pay the base fee for their licence.

While the discount for each item has been reduced from ten per cent in the draft RBL Framework, licensees are still able to access discounts on their licence fees of up to 40 per cent under the RBL Framework. While this is an improvement on the 70 per cent that was possible in the draft RBL Framework, FARE and PAAC strongly argue that there should be no discount available on the base fee.

Another concern is that there is no evidence to suggest that the measures for which licensees are able to obtain a discount have any substantial impact on reducing alcohol harm. Indeed, some of the proposed discounts will potentially increase the power of the alcohol industry to lobby the Government to weaken, delay or withdraw the very reforms it is introducing to reduce alcohol harm.

Furthermore, a discount calculated as a percentage of the base fee means that the higher the licence risk, the greater the discount available to the licensee. Future increases in fees will also mean that greater discounts will be available in dollar terms to licensees of riskier licence types.

The ability to discount the base fee is clearly a win for the alcohol industry.

PAAC and FARE strenuously oppose the application of discounts to the base fee. These discounts further erode the aims of RBL and ultimately will likely undermine the sustainability of these reforms and efforts to reduce alcohol harm. The base fees should be set sufficiently high to send a price signal to all licensees that they are trading in a product that contributes to high levels of harm.

Breach loading

The RBL Framework includes a breach loading in the RBL Formula. The breach loading is a percentage value and it increases with each breach, up to the fifth breach.

The breach loading provisions in the RBL Framework are insufficient. The percentage value for each breach is too low and needs to be increased. It appears that the percentage value is the same regardless of the severity of the breach. There are no additional penalties for licensees who repeatedly breach their licence conditions year after year. This is not the case in other jurisdictions. In support of its RBL system, NSW runs two schemes to address high-risk venues, the Violent Venues Scheme,¹¹ which focuses on acts of alcohol-related violence that are prescribed offences under the *Crimes Act*, and the Three Strikes Scheme,¹² under which venues that repeatedly commit serious breaches can lose their liquor licence. These penalties provide an added incentive to licensees to better manage their premises and reduce their risk.

Additionally, under the RBL Framework, each breach will only be counted for two years. FARE and PAAC consider two years to be too short a time period and this should be extended. The NT could follow Victoria's lead where breaches last for three years.¹³

Gaming the system

The proposed approach to risk based licensing provides licensees with the opportunity to make the system work to their advantage, rather than providing incentives to make changes to their business model that will have a substantial impact on reducing harm.

Rethink the use of average hours in the hours multiplier

The Framework outlines that the 'hours multiplier' is based upon the average hours for the relevant authority or similar business.

While the intention of the multiplier is to provide an incentive to reduce trading hours, this element of the RBL system could be gamed by licensees in two ways:

- a) Licensees could reduce their average total hours by closing for longer during low-risk (and low business) times while remaining open during high-risk times. Closing for longer during low risk times would potentially lower the fee but not decrease the risk profile of the venue.
- b) This approach could provide an incentive to licensees to increase their trading hours to achieve a higher average of total hours, resulting in fewer venues of the same licence type paying higher fees. Instead of driving down total hours, the current proposal could ensure that long and late hours are the norm.

FARE and PAAC strongly recommend that this element of the RBL system be revised. An hours' multiplier should be based upon increased fees for being open during higher risk hours. An incremental late-night hours RBL system like this is in place in the ACT.^{14,15}

Transfer breaches with a licensee

An additional concern is the inadequacy of the provisions for breaches. The Framework outlines that breaches are not reset by the transfer or sale of a licence. FARE and PAAC welcome this important safeguard and recommend that this be made more explicit in the Bill, for instance in s67 (2). However, in order to prevent licensees from gaming the system, breaches should also be linked to licence holders. This would allow for greater accountability of people and corporations, and help NT Licensing and the Liquor Commission to identify whether licensees are fit and proper persons to hold a licence.

The *Victorian Liquor Control Reform Act 1998* provides for breaches to be linked to the licence holder. That way, breaches incurred by a person are taken into account when that person applies to take on a new licensed premise (see VIC *Liquor Act* s32 (2) (ac); and s28 (1) (ab)). The Bill could be strengthened along these lines, for example by making an explicit reference to breaches in s51 (3)(i).

Estimate a tier multiplier for the first year of operation

The Framework proposes that in the event of a new licence application being approved, there will be no tier multiplier for the volume of alcohol sold because no wholesale data will be available until a year after operation. There is no justification for this position, given that there should be sufficient information provided in the licence application to allow for a projected calculation. If the application does not contain sufficient information on which to estimate a projection, then the application review process will have failed in assessing the scale of risk to the community.

A projected volume should be calculated based on available information such as floor size, patron capacity, projected sales for the first year, and volume sold by similar businesses.

Incorporate interstate and online retailers into the RBL system

Under existing arrangements, online retailers have a distinct advantage over bricks and mortar stores since they are only required to obtain an online licence in one state or territory, but are able to sell to customers in all Australian jurisdictions. Online retailers should be required to have a licence to sell in each State and Territory so that they can contribute to the costs associated with the sale of alcohol in each jurisdiction. Licensees already have the ability to identify where a customer is located and whether there are any restrictions on the sale of alcohol to that location, such as alcohol-prohibited areas, alcohol management plans, pricing and other restrictions.

The RBL scheme **must** apply to every single business selling liquor in the Territory, including those selling online.

The Government should be increasing rather than reducing transparency

While a consultation was conducted on the draft risk-based licensing model, the process in developing the draft was less than transparent and changes to the model following the consultation on the draft have reduced transparency of the model itself.

Information on the average PAC and opening hours has been removed from the table of authorities

In the Framework, average PAC and opening hours have been removed from the table of authorities. This is a backward step in terms of transparency because it makes it more difficult for stakeholders and the community to understand how fees will be calculated.

As much information as possible should be available to stakeholders and the community so that they can understand and have confidence in the RBL scheme.

No information is available on how the tier volume multiplier will be calculated when RBL is introduced

The Framework explains that the tier multiplier will be calculated using wholesale data for each licensee from the previous year. The Alcohol Reform Implementation Team (ARIT) has advised that volume data is not yet available at the level of individual licences to allow this calculation to take place, an issue that was highlighted in FARE's submission to the draft RBL Framework consultation. This does not appear to have been taken into account, or if it has, it is not clear how this issue has been addressed.

Revised approach

In light of the concerns raised above, PAAC and FARE have developed a revised approach for the RBL framework. We have done this because it is important to get this model right and to do so from the outset. A strategy that seeks to get a model in place and then adjust the fundamentals at some later date is flawed, particularly in the current environment. 'Later' never comes and any attempts that are made to upgrade an inferior scheme will be strongly challenged by the alcohol peak bodies, whose position will be strengthened under the proposed model.

The ACT experience has shown that despite what some stakeholders may be forecasting, an effective risk-based licensing model will not lead to the collapse of the industry in the NT. When the ACT introduced risk-based licensing there was no significant change in the number of on-premises licences.¹⁶ There were, however, reports that a few high-risk operators chose to close their business prior to RBL being introduced, rather than operate in the new licence environment, demonstrating the potential of RBL to be effective in reducing the risk of harm to the community.

The base fee is the base fee

The annual fee should comprise a base fee with additional fees determined by risk factors such as trading hours, patron capacity, annual turnover, and location of venue, as recommended in the Riley Review. With this approach, venues are provided with an incentive to reduce their risk profile so that they can minimise their fees and potentially pay no more than the base fee.

FARE and PAAC support the determination of the base fee according to the risk associated with the type of licence; however, more information is needed on how this risk has been calculated.

The proposed RBL scheme is a significant change for licensees who have long enjoyed a system with a low application fee and no annual fees, and therefore no contribution to the costs associated with the sale of alcohol. The proposed base fees are modest, however, particularly for low risk licence types, who can pay as little as \$100 for a licence to sell a harmful product. No discounts should apply to the

base fee and licensees should gain no benefit for actions that do not effectively reduce alcohol-related harm.

Additional fees should be based on the factors that increase risk of harm for patrons and others

The RBL Framework uses volume purchased, trading hours and breaches in order to determine any additional costs (and reductions) to the base fee. Other risk loadings that should be considered include the patron capacity of the venue, the location of the venue, and the number of venues owned by a licensee.

Other sources of information on the risk posed by a licence may become available in the future. The Cardiff Model, where high risk venues are identified by recording ‘place of last drink’ for alcohol-related presentations at hospital Emergency Departments, is a case in point. This model has been successfully implemented in the United Kingdom and is currently being trialled in the NT. Consideration should be given to how this information can be incorporated into the RBL Framework in the future.

Fees should reflect the risk associated with a venue and deter high risk operations

RBL fees should be set at a level high enough to be effective. The fees need to be sufficiently high to reflect the risk associated with a venue and to operate as a deterrent to high-risk operations. Currently, the external costs associated with the sale of alcohol, that is, the costs of addressing the harm, are paid by the community, including through health, police, the criminal justice system and social services. These costs would be more reasonably borne by the producers and sellers of alcohol products if they were incorporated into annual licence fees.

Recommendations

21. Amend the RBL model to require licensees to pay the fee for each licence authority held so that the total fee is the sum of the fees for each type of authority.
22. Extend the RBL model to ensure that all licence types that trade past midnight pay the late-night authority fee. The late-night authority fee must be commensurate with the risk associated with late trading hours.
23. Amend the RBL model to remove any multipliers used to calculate fees that would reduce the loading below the base fee or a fee applicable to a risk factor included in the model.
24. Remove the ability to apply discounts to the base fee in the RBL model.
25. Amend the proposed RBL model to ensure that not only do breaches stay with a venue following the transfer or sale of a licence, but that they are linked to licensees should the licensee seek to apply for additional licences or to sell or transfer the licence associated with the breaches.
26. Increase the percentage value for breaches of licence conditions in the RBL model.
27. Estimate a tier multiplier for the first year of operation by basing calculations on available information such as floor size, patron capacity, projected sales for the first year, and volume sold by similar businesses.
28. Incorporate online retailers into the RBL scheme proportionate to their share of the administrative, health and social costs associated with the sale of alcohol in the NT.
29. Introduce additional loadings to licence fees, based on patron capacity and location of venue.

30. Ensure that licence fees paid by licensees are sufficiently high to reflect the risk associated with a venue and the administrative, health and social costs associated with the sale of alcohol in the NT.

Section 3: Other matters

The purpose of the Liquor Act

Section 3 - Purpose

PAAC and FARE strongly endorse the primary purpose of the Bill to be to regulate alcohol in a way that minimises alcohol harm, in recognition that alcohol is a psychoactive substance that is addictive and carcinogenic. The levels of alcohol harm in the NT are substantial. Alcohol costs the NT \$1,387 million per year¹⁷ for an estimated \$15 million benefit to the community.¹⁸ This places all other purposes as subordinate to the primary purpose of minimising harm.

The secondary purposes of this Bill are:

- a. to protect and enhance community amenity, social harmony and community wellbeing through the responsible sale, supply, service, promotion and consumption of liquor; and
- b. to regulate the sale, supply, service, promotion and consumption of liquor in a way that contributes to the responsible development of the liquor industry and associated businesses in the Territory; and
- c. to facilitate the diversity of licensed premises and associated services for the benefit of communities in the Territory; and
- d. to regulate the sale, supply, service, promotion and consumption of liquor in a way that stimulates the tourism and hospitality industries.

While it is necessary for the Bill to ensure that the alcohol industry is well managed and held accountable, PAAC and FARE argue that the purpose of the Bill should not be to stimulate the tourism and hospitality industries since this does not need to be regulated and can be achieved through targeted programs.

Recommendations

31. Amend the purposes of the Bill to reflect the primary purpose of the Bill as currently described in s3(1) and remove reference to the secondary purpose of stimulating the tourism and hospitality industries described in s3(2)(d).

Interstate and online retailing

Section 36 – Interstate retailers licence and online purchase and delivery of alcohol

The emergence of online purchasing systems has seen the proliferation of alcohol delivery services in recent years, with online orders estimated to represent four per cent of alcohol sold in Australia.¹⁹ The growth of online sales from 2013 - 2018 was a staggering 54 per cent.

Regulatory systems have not kept pace with changes in this market. IbisWorld industry reports state that online sales operate under low-level regulation and are largely unaffected by state-based legislation governing retail sales through traditional ‘bricks-and-mortar’ approaches.²⁰

The delivery of alcohol ordered online poses a significant risk to all communities and presents a unique set of challenges when compared with traditional models. This system treats alcohol products in the same way as others such as clothes or homewares. The ability to purchase alcohol using a computer or smartphone, have it delivered with virtually no proof of identification and left at the door, works to undermine responsible service of alcohol (RSA) and harm minimisation provisions contained in liquor legislation.

The NT has a unique liquor regulatory environment. Remote Aboriginal communities and land trusts, as well as town camps, are generally alcohol-prohibited areas governed by a combination of Commonwealth and NT legislation. These arrangements have the effect of restricting the geographical areas to which online retailers may deliver alcohol.

The requirement that all persons show approved photo ID when purchasing take-away alcohol to ensure they are not on the Banned Drinker Register does not, however, apply to interstate retailers. They may deliver alcohol to customers in locations in the NT that are not alcohol-prohibited so long as the customer has stated that they are over the age of eighteen. There are currently ninety-seven interstate registered retailers who may deliver in the NT.²¹

Neither the *Act* nor the Bill contain any comprehensive and specific provisions regulating the purchase and delivery of alcohol in the NT.

We note the exclusion in s36(8) of the Bill:

The identification system requirements under Part 6, Division 1, do not apply to interstate retailer's licence, unless the Commission makes the licence subject to a condition that provides otherwise.

Whilst the number of people who are on the BDR and who use online ordering to evade the refusal of service may be small at present, we believe this is a loophole with significant potential for exploitation, especially given the rapid growth in online sales. In addition to the potential to get around the BDR system, the absence of any requirement to obtain or check ID means that anyone who declares that they are over eighteen, and does not live in an alcohol-prohibited area, may purchase take-away alcohol without risk of refusal due to intoxication.

This exception undermines the intent of the BDR and the Government's other considerable efforts to reduce the high levels of alcohol-related harm in the NT.

It also means that NT take-away retailers are held to a more rigorous standard than those who operate online. Under s36(5) of the Bill, interstate retailers are not required to pay an application fee or an annual fee and are therefore not subject to the proposed RBL framework.

They are not obliged to provide quarterly returns as are licensees and wholesalers under the *Liquor Act*. As mentioned, online sales of alcohol are an area of rapid growth. Significant levels of sales by interstate retailers therefore have the potential to contribute to apparent, but not actual, reductions in the sale and consumption of pure alcohol content (PAC) in the Northern Territory. The Government should be able to monitor the level of sales of all alcohol in the jurisdiction.

We acknowledge that this is a difficult area for regulation, but is important that online purchase and delivery services meet the same standards as other methods of alcohol supply. Given the rapid growth and the constantly evolving nature of online purchases and delivery services in other jurisdictions, it is critical that the NT stays ahead of the game.

At this stage, we submit that the *Liquor Act* should at the very least address the ability of online customers to evade exclusion due to being on the BDR, and ensure that interstate retailers provide quarterly returns as NT retailers and wholesalers are required to do.

Section 36(8) should be amended to convey that the ID system requirements under Part 6, Division 1, do apply to an interstate retailer's licence. As to how this would operate in a practical sense, we suggest a system whereby interstate retailers would be required to contact the appropriate NT department to inquire as to whether or not a customer is on the BDR at the time the order is placed.

A requirement for interstate retailers to supply returns should be added.

Section 36(5) should be amended to convey that an interstate retailer's licence is subject to the proposed RBL framework.

Recommendations

32. Amend section 36(8) of the Bill to convey that the identification system requirements under Part 6, Division 1, do apply to an interstate retailer's licence, and establish a system for use by such retailers.
33. Amend the Act to include a requirement that interstate retailers must supply quarterly returns in the same manner as to NT licensees under the Act.
34. Amend s36(5) of the Bill to convey that an interstate retailer's licence is subject to the proposed risk-based licensing.

Credit services in-store and online

Section 41 - Public interest and community impact

Section 41(2)(h) prevents credit being given in sales of liquor to individuals. This is an important provision that protects the health and welfare of people using licensed premises. If a person cannot afford to purchase alcohol at a particular time, they should not be able to use in-store credit for this purpose. Given the growth of online liquor sales and the emergence of quasi-credit lending services used by licensees, including Afterpay and Zipay, FARE and PAAC wish to ensure that Section 41(2)(h) extends this provision to encompass different types of lending.

'Buy now pay later' acts upon the consumer's need or desire to obtain goods or services quickly, rather than waiting until adequate funds are available. By reducing the barriers to purchase by virtually eliminating the upfront cost and providing the ability to pay for alcohol in instalments, buy now pay later enables people to make purchases that they cannot afford at the time, or potentially will not be able to afford in the future.

A reduction in the barriers at the point of sale may have a particular impact on people who struggle with dependant drinking, exacerbated by the delayed financial burden on the consumer. It also undermines pricing policies such as the Minimum Unit Price. While these credit facilities are available for a range of consumer goods and services, they should not be available for alcohol since alcohol is not like these other commodities. The NT Government should ban the use of 'buy now pay later' services for alcohol.

Recommendation

35. Extend the ban on in-store credit for alcohol within s41(2)(h) to encompass 'buy now pay later' services and similar quasi-credit.

Conditions on licences

Section 41 - Public interest and community impact

Section 41 (4) allows the Commission to mitigate a possible adverse impact on the community by issuing a licence or an authority with conditions that limit activities such as the types of liquor that can be sold, the hours of trade, and the number and type of containers that liquor is sold in. The Commission should also have the power to limit the size of an outlet in view of the high levels of alcohol harm in the Northern Territory and the risk rating of the licence being sought.

Recommendation

36. Amend s41(4) of the Liquor Bill 2019 to give the Commission power to limit the size of an outlet as a mechanism to mitigate a possible adverse impact on the community or achieve some other objective.

Ability to appeal decisions

Section 29 – Review by NTCAT

While FARE and PAAC support the ability to appeal a decision, we would like to highlight that for many objectors, the cost required to lodge an application for a proceeding with the Northern Territory Civil and Administrative Tribunal (\$410 as at 1 July 2018)²² is a financial barrier and a deterrent.

Recommendation

37. Insert a provision to direct the Northern Territory Civil and Administrative Tribunal to consider a fee waiver for public interest objectors.

Alcohol sales data

Part 3, Division 1 – Wholesales of liquor

Part 4, Division 4 – Conditions related to information

PAAC and FARE note the requirement for both wholesale and retail licensees to keep records of sales and to supply these to the Director, as well as the penalties for non-compliance.

PAAC has consistently argued for the timely release of sales data in the NT as a way of keeping the public better informed. This is particularly important since the implementation of alcohol policy reforms such as the Minimum Unit Price, the Banned Drinker Register and, in regional towns, the stationing of police or PALIs at take-away liquor outlets.

As at April 2019, data was available only to the end of 2017. This does not accord with the Government's commitment to transparency and does not allow the public to keep up with changes in sales, and therefore consumption in the NT. Provisions must be included requiring the Director of Licensing to compile alcohol sales data from the quarterly returns, and publicly release this data within twenty-eight days of it being supplied.

Recommendation

38. Amend Part 3, Division 1 and Part 4, Division 4 of the Bill of the Liquor Bill 2019 to include provisions requiring the Director of Licensing to compile both wholesale and retail alcohol sales data from the quarterly returns, and release this data to the public within twenty-eight days of its being supplied.

Liquor licence exceptions

Section 35 – Exceptions from licence requirement

FARE and PAAC do not support the proposed exceptions from the requirement to hold a liquor licence, where the NT has jurisdiction.

As noted in the Riley Review and acknowledged by the NT Government in its acceptance of the majority of that review's recommendations, alcohol is 'no ordinary commodity'; rather, it is a drug, albeit a legal one, that needs to be regulated.

We see no reason for businesses and organisations that sell or serve liquor to be exempt from applying for a licence to do so; this includes those listed in s35(2) (b) as being limited to the provision of two standard drinks a day: hospitals retirement homes and residential care facilities. These types of facilities should be monitored so as to ensure that alcohol is properly accounted for, and so their patients or clients do not use alcohol to excess.

It may be that the proposed exceptions arise from a desire to reduce bureaucratic involvement. On balance, we do not believe that such an aim justifies the exceptions. It is important that government is able to estimate as accurately as possible the supply, and therefore consumption, of alcohol in the NT as it attempts to pull back the unacceptably high levels of drinking and the consequences.

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.

In relation to flavour extracts, vanilla essence in particular is known to be a substance that is abused to its high alcohol content and, in some places, easy availability.

In Alice Springs, retailers vary in their approach to the problem. Some do not stock vanilla essence with an alcohol content, whilst others keep it at the checkout. CAYLUS, the Central Australian Youth Link-up Service, has worked with retailers to try to limit access by those who would misuse vanilla essence.

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. There are suitable NGOs that could take on the job of working with retailers to advise them of how best to secure products, instruct staff and also deal with customers.

Flavour extracts should 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 report any attempts to purchase large amounts, and would have discretion to refuse such purchases.

Experienced NGOs could be funded to assist retailers to develop a management plan.

It would be preferable to provide a legislative framework for such management plans. This would ensure better compliance and would also give retailers confidence and support in the implementation of these plans.

Recommendations

39. Amend s35 to remove any exceptions so that in all circumstances where the NT has jurisdiction, any business or organisation that sells or serves alcohol in all circumstances is required to obtain a liquor licence.
40. 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.

Transfer of licence and substitution of premises

Division 7 – Transfer of licence

FARE and PAAC recommend that s64 be amended to state clearly that licences can only be transferred within the same licence category or authority. We welcome the requirement that the Commission must consider the public interest and community impact requirements when making a decision on transfer.

Ability to object to the transfer of a licence is not specified

Section 53(1) of the Bill states that objections can be made to applications to issue, vary, substitute or materially alter a licensed premise, but makes no provision for objections to be made where applications are made to transfer a licence. Community members should be able to object to the transfer of a licence and the Bill should be amended to reflect this.

FARE and PAAC also support the strengthening of the substitution of premises clauses (s68) to require a licensee to apply for a new licence for the new premises.

Recommendations

39. Amend section 64 of the Bill of the Liquor Bill 2019 to clearly state that licences can only be transferred within the same licence category/authority.

40. Amend Section 53(1) to enable community members to object to the transfer of a licence.

Take-away authority moratorium

Section 77 – Limits on authorities

FARE and PAAC note that the take-away authority moratorium (s77(3)) does not prevent ‘the transfer of an authority under s74’ (s77(5)(a)). We recommend that s77 be amended to explicitly state that the take-away authority moratorium does not prevent the transfer of an authority, but only *within the same licence category or authority*. This is required to maintain the intent of the moratorium by preventing any increase in the availability of alcohol that may occur through a transfer process.

Recommendation

41. Amend s77 of the Bill of the Liquor Bill 2019 to explicitly state that the take-away authority moratorium does not prevent the transfer of an authority *within the same licence category or authority* only.

Advertising and promotion

Section 18 – Codes of practice

Section 96 - Advertising and promotions

Section 132 – Prohibiting and restricting promotion of irresponsible drinking

Section 133 – Controlling promotion of undesirable liquor products

Section 290 – Regulations

While FARE and PAAC note that the Bill contains a number of broad provisions aimed at regulating the advertising and promotion of alcohol, these do not adequately reflect the relevant Riley Review recommendations.

The limited provisions outlined in the Bill appear to be aimed at on-licence premises only, indicated by the use of wording such as ‘patrons’ and ‘on or in licensed premises’. Such provisions exclude a range of promotions and advertisements given nearly 80 per cent of alcohol consumed in Australia is sold at takeaway liquor outlets,²³ and therefore, not consumed on licensed premises.

In addition, the Bill provisions do not actually restrict, prohibit or provide Licensing with adequate powers to restrict or prohibit certain types of promotions or undesirable liquor products. As per s290,

the Administrator does not have the ability to make regulations under the *Act* in relation to such promotions or products. Section 132 only grants the Director the power to issue a ‘written direction’ to a licensee if the Director believes, on reasonable grounds, that a licensee is engaging in the promotion of irresponsible drinking. As per s132(1), there do not appear to be any offences associated with engaging in the promotion of irresponsible drinking apart from the issuing of a written direction that:

- a. prohibits or restricts the licensee from doing any conduct specified in ss (2)(a) to (e); or
- b. requires the licensee to give the Director a report, within a specified period, about action taken to ensure responsible drinking occurs on or in the licensed premises.

In relation to undesirable liquor products, ss133(1) only provides the Director with the power to ‘issue a direction to prohibit or restrict the sale, supply or service of any liquor product that, in the opinion of the Director, appeals to minors. Again, there do not appear to be any offences associated with supplying an undesirable liquor product.

Given the lack of clear prohibitions and associated offences, the Bill’s advertising and promotion provisions will do little to deter licensees from engaging in irresponsible promotional activities. To address this, FARE and PAAC recommend that the Bill be amended to include specific provisions and or allow for regulations to be made that restrict or prohibit promotional activity and undesirable liquor products. As a start, such provisions could be modelled on those included in the ACT’s *Liquor Act 2010* (s137 and s213) and *Liquor Regulations 2010* (s29), and or the NSW *Liquor Act 2007* (s99-s102A) and *Liquor Regulation 2008* (s50 and s52).

It is important that any provisions aimed at restricting or prohibiting promotional activity and undesirable liquor products, apply to both on- and off-licences. Such provisions must also cover a range of promotion mediums such as signs, banners, flyers, posters, and newspapers, as well as SMS text messages and those undertaken online and via social media (such as Facebook or Instagram).

In addition to the above, the Bill should include measures that limit harmful price discounting such as by banning shopper docket liquor promotions and prohibiting the promotion and sale of alcohol at half, or less than half, of the usual price. Point of sale promotions that encourage impulse purchases with the intention of ‘up-selling’ should also be restricted. Ceasing harmful price discounting will reduce risky alcohol consumption and discourage risky practices such as preloading by minimising the price differential between on- and off-licence premises.

Lastly, the Bill should be amended to protect children from exposure to alcohol advertising by prohibiting alcohol advertisements on state property such as at bus stations and buses.

Recommendations

42. Amend the Bill to include specific provisions to restrict or prohibit promotional activity and undesirable liquor products. These provisions should address promotions by both on- and off-licence premises with equal weight and cover a range of mediums that include, but are not limited to, signs, banners, flyers, posters, newspapers, SMS text messages, online and social media.
43. Amend the Bill to declare the following as prohibited promotional activity:
 - ‘shopper dockets’ (liquor promotion vouchers on the receipts for purchases)
 - harmful price discounting such as the sale of alcohol at half, or less than half, of the usual price, and

- the display of point of sale promotional materials for liquor (such as ‘happy hours’, free gifts with purchase, prominent signage, competitions, price discounts for bulk purchases, and sale prices) on and around licensed premises where minors are likely to be present.

44. Amend the Bill to ban alcohol advertising on publicly owned assets, such as public buses.

Minimum price

Section 112 – Minimum sale price

We strongly oppose the exclusion from minimum pricing of an initial standard drink to patrons on arrival at licensed premises as set out in s112(2) of the Bill.

Our reasons for objecting to its inclusion are that alcohol is no ordinary commodity, but a drug which can be highly addictive and the excessive consumption of which leads to very high levels of illness, injury, offending, child maltreatment and community disruption in the NT.

While to allow one free drink on arrival may appear to be a small and comparatively harmless concession to licensees, we do not believe that the provision of alcohol free of charge sits well with the Government’s attempts to have alcohol misuse taken seriously by the community, including, and especially, licensees.

We are also concerned that some licensees would interpret this provision as a message that it is acceptable to provide customers with free alcohol, and would not necessarily adhere to the limitation of either one drink or to the stipulation that it be supplied only on arrival. We query how such a concession would be monitored with any effectiveness.

We do not believe that the Liquor Commission should be permitted to establish a code or codes of conduct under s18 that allow alcohol to be given away free of charge, or at a cost below the minimum price, by licensees in circumstances where minimum pricing would normally apply.

Recommendation

45. Remove the provisions under section 112 (2) (a) and (b) of the Bill that provide licensees with the ability to serve one standard drink free of charge in specific circumstances.

Responsible drinking

Section 126 – Responsible service certificate

While FARE and PAAC support this clause, it is critical that any refresher course on responsible service of alcohol includes an assessment that tests competency in this area.

Recommendation

46. Add a requirement to s126 of the Bill that any person required to attend a refresher course on the responsible service of alcohol under s126(2) must in addition pass an assessment that tests competency in this area.

Harm minimisation audits

Section 137 – Conducting harm minimisation audit

While FARE and PAAC welcome the inclusion of harm minimisation audits, we recommend the removal of ss4 that requires notice of a forthcoming audit to be given to licensees. Inspections and compliance visits should be regular, unscheduled and ongoing in order to act as a deterrent and

motivator to maintain standards and meet conditions. If licensees are complying with their obligations under the Act unscheduled harm minimisation audits should not concern them.

Recommendation

47. Remove ss4 of s137 of the Bill requiring the Director of Licensing to give licensees written notice of a pending harm minimisation audit.

Inedible substances

Section 139 – Application AND Section 140 Control of inedible substances

FARE and PAAC are pleased to see that the problem of drinking mouthwash is addressed to some extent in the Bill, with powers to search, seize and dispose of inedible substances containing alcohol. While we welcome the inclusion of these provisions, we believe that more needs to be done to deal with this problem and to avoid it becoming more significant.

The misuse of mouthwash has been problematic in central Australia, although at present CAUYLUS reports that there is a bigger issue with methylated spirits, the consumption and supply for consumption of which are offences under the NT *Medicines, Poisons and Therapeutic Goods Act 2012*. We understand the consumption of mouthwash has become more sought after in the Darwin area since the introduction of the minimum price on alcohol.

While some retailers respond positively to requests to manage the sale of substances such as mouthwash, there are no relevant legislative provisions.

PAAC and FARE would like to see the sale of intoxicating substances such as mouthwash and methylated spirits regulated through a legislative framework for management plans. This would offer retailers support as well as placing an obligation for compliance on them

Under such a plan, these products would, for example, 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.

Experienced NGOs could be funded to assist retailers to develop a management plan.

Recommendation

48. Amend the Bill to include the implementation of management plans to secure intoxicating products including mouthwash and methylated spirits, and to restrict their sales in order to reduce misuse.

Point of sale intervention

Section 238

PAAC and FARE support the use of Point of Sale Interventions and the employment of Police Auxiliary Liquor Inspectors at take-away liquor outlets, and note the significant reduction in alcohol-related assaults and alcohol-related Emergency Department presentations since they began full coverage in Alice Springs in October 2018.

We also note that the definition of ‘customer’ has been broadened in relation to Point of Sale Interventions to include someone who has already bought take-away alcohol, as well as a person who

appears to be purchasing, or who intends to purchase. Further, anyone who is simply in possession of liquor within twenty metres of a liquor outlet or its car park is defined as a customer.

These changes empower police or PALIs to ask the newly-defined customers to follow reasonable directions to allow the officer to exercise their powers under the Liquor Act, for example, to inspect the vehicle even where a person in a vehicle has not entered, or tried to enter, a bottle shop; or when they have left the outlet and are back in the vehicle.

The extended power to stop vehicles with customers inside does not require police or PALIs to have a reasonable suspicion that an offence is being, or will be, committed:

Section 238

(7) If the customer is in a vehicle, an inspector or a police officer may:

- a) require the driver of the vehicle to stop the vehicle; and
- b) require the driver and passengers to follow any reasonable direction to allow the inspector or police officer to exercise a power under ss (2) to (6).

We have some concern that allowing a lower than usual threshold of suspicion in this instance presents a risk of abuse of power; that officers could, for example, engage in unrelated questioning and vehicle checks.

Recommendation

49. The use of the POSI powers as they extend to persons in vehicles in the vicinity of take-away outlets should be accurately recorded and monitored so as to ensure there is no unauthorised extension by officers.

Political donations

FARE and PAAC wish to raise the issue of political donations from the liquor industry in the NT, as we did previously in our submissions to the 2017 Riley review. That Review of course did not address the matter because at the time, the Mansfield Inquiry into Options for the Reform of Political Funding and Donations in the Northern Territory was in progress.

It transpired that Mr. Mansfield QC's focus was quite narrow, looking at particular matters such as that involving connections between liquor industry donations and the formulation of Cabinet policy, specifically the policy regarding maximum floor space for take-away alcohol outlets.

Mansfield did not recommend in favour of a ban on political donations from the liquor industry, relying instead on the establishment of an ICAC to address any problems. We submit that prevention through the banning of liquor industry donations is preferable to investigations after the fact.

As we noted in our submissions to the Riley review, the general public has serious doubts. More than half – fifty-five per cent – of Australians believe that the alcohol industry makes donations in order to influence government decision-making.²⁴ Even more – seventy-two per cent – believe that political parties should not be able to receive donations from the alcohol industry.²⁵

We agree with former World Health Organization Director Margaret Chan²⁶ that the alcohol industry has no place in the formulation of alcohol policies. For what reason would the industry donate other than because it hopes to exert influence?

Greater transparency in the political sphere, rather than perceptions of industry influence, is not what the NT system needs in the jurisdiction with the highest alcohol consumption in the country, notwithstanding the many admirable current reforms.

New South Wales has, since 2010, had a ban on political donations from the liquor industry, upheld by the High Court.

Recommendation

50. Amend the *Electoral Act 2004* to ban political donations from the liquor industry and its representatives in the interest of greater transparency and the avoidance of influence on alcohol policy.

References

- ¹ Northern Territory crime statistics viewed on 26 April 2019 at <https://www.pfes.nt.gov.au/Police/Community-safety/Northern-Territory-crime-statistics.aspx>
- ² Foundation for Alcohol Research and Education (FARE) (2015). *National framework for action to prevent alcohol-related family violence*. Canberra: FARE
- ³ Riley T (2017) *Alcohol polices and legislation review* Final report Northern Territory Government
- ⁴ Department of Health (2016) *UK Chief Medical Officers' Alcohol Guidelines Review, Summary of the proposed new guidelines* UK Government
- ⁵ Northern Territory Government (Updated 22 December 2015). *Advertise a liquor licence application*. Retrieved 17 April 2019 from <https://nt.gov.au/industry/hospitality/advertise-a-liquor-licence-application>
- ⁶ Ziller, A. (2014). Social impact assessment in alcohol-related decisions. In Manton, E., Room, R., Giorgi, C., Thorn, M. (Eds.), *Stemming the tide alcohol: liquor licensing and the public interest* (pp62-70). Canberra: Foundation for Alcohol Research and Education in collaboration with The University of Melbourne, 2014.
- ⁷ Milne v Minister for Planning & Anor [No. 2] [2007] NSWLEC 66.
- ⁸ Foundation for Alcohol Research and Education (FARE). (2013). *Breaking down barriers: community involvement in liquor licensing decisions in NSW*. Canberra: FARE. Retrieved from <http://fare.org.au/wp-content/uploads/research/Breaking-Down-Barriers-FINAL.pdf>
- ⁹ Open Australia Foundation *Planning alerts* viewed on 26 April 2019 at <https://www.planningalerts.org.au>
- ¹⁰ Alcohol Community Action Project (ACAP). (2014). Funded by Australian Rechabite Foundation and the Foundation for Alcohol Research and Education (FARE). Accessed 11 July 2017: <http://acap-nsw.org.au/>
- ¹¹ Liquor and Gaming NSW *Violent venues scheme* viewed on 30 January 2019 at <https://www.liquorandgaming.nsw.gov.au/resources/violent-venues-scheme>
- ¹² Liquor and Gaming NSW *Three strikes scheme* viewed on 30 January 2019 at <https://www.liquorandgaming.nsw.gov.au/resources/three-strikes-scheme>
- ¹³ *Liquor Control Reform Act 1998* (VIC) s. 86J. Retrieved from [http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/7626715F29B34723CA2583AF0017FB81/\\$FILE/98-94aa091%20authorised.pdf](http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/7626715F29B34723CA2583AF0017FB81/$FILE/98-94aa091%20authorised.pdf)
- ¹⁴ ACT Government (2018) *Liquor (Fees) Determination 2018*, available at <https://www.legislation.act.gov.au/LegViewer/TextView?itemPath=%7Cdi%7C2018-190%7C&versionPath=%7Cdi%7C2018-190%7Ccurrent&fileName=2018-190.rtf&resultList=%2Fisysquery%2F330C946B-8516-4E05-9113-C9235D414E6D%2F1-1%2Flist%2F&searchFormQuery=sQuery%3DLiquor%2B%28Fees%29%2BDetermination%2B2018%2B%26sCategory%3DcAct%26sCategory%3DcSub%26sCategory%3DcDis%26sCategory%3DcNot%26sMinister%3D0%26sDirectorate%3D0%26sStatus%3DCurrent%26sYearFrom%3D%26sYearTo%3D%26saction%3Dsearch&url=%2Fisysquery%2F330c946b-8516-4e05-9113-c9235d414e6d%2F1%2Fdoc%2F>
- ¹⁵ Access Canberra *Liquor Licence Calculator* ACT Government available at <https://www.rgoonline.act.gov.au/cgi-bin/fccgi.exe?w3exec=PrepLicCalc&w3ServerPool=bdmact&BackKey=S&Mth=1>
- ¹⁶ Mathews, R. & Legrand, T. (2013). *Risk-based licensing and alcohol-related offences in the Australian Capital Territory*. Canberra: Foundation for Alcohol Research and Education (FARE) and the Australian Research Council (ARC) Centre of Excellence in Policing and Reporting, p.10.
- ¹⁷ Smith J, Whetton S & d'Abbs P (2019) *The social and economic costs and harms of alcohol consumption in the NT* Darwin, Menzies School of Health Research
- ¹⁸ NT News (2019) Dan Murphy's to create 40 jobs, bring \$15 million into NT economy, Liquor Commission hearing told *NT News* 26 February 2019
- ¹⁹ IBISWorld. (2018). Online beer, wine and liquor sales. Australian specialised industry reports. IBISWorld.
- ²⁰ IBISWorld. (2018). Online beer, wine and liquor sales. Australian specialised industry reports. IBISWorld.
- ²¹ Northern Territory Government Department of Attorney-General and Justice. (2019). *Interstate liquor retailers*. Retrieved April 24, 2019, from <https://justice.nt.gov.au/regulatory-services/licensing-boards-committees-and-advisory-councils/liquor-commission/interstate-liquor-retailers>
- ²² NTCAT. (2019). *NTCAT Fees as at 1 July 2018*. Retrieved from the NTCAT website: <https://ntcat.nt.gov.au/getting-started/fees#>
- ²³ Euromonitor International (2012) *Alcoholic drinks in Australia* Euromonitor International Ltd London
- ²⁴ Foundation for Alcohol Research and Education (FARE) (2017). *Annual alcohol poll 2017: Attitudes and behaviours*. Canberra: FARE.

²⁵ Foundation for Alcohol Research and Education (FARE) (2017). *Annual alcohol poll 2017: Attitudes and behaviours*. Canberra: FARE

²⁶ Chan, M. (2013). Doctors and the alcohol industry: an unhealthy mix? *BMJ* 2013; 346: f1889. Retrieved from: <http://www.bmj.com/content/346/bmj.f1889/rr/640534>