



Central Australian
Aboriginal Congress
ABORIGINAL CORPORATION | ICN 7823

Input to the

Three-Year Review of the Northern Territory Liquor Act 2019

March 2023

Submitted to:

Alcohol Policy Coordination Unit
Department of the Chief Minister and Cabinet
GPO Box 4396
DARWIN NT 0801

By email: AlcoholPolicy@nt.gov.au

**Central Australian Aboriginal Congress
Aboriginal Corporation**

ABN 76 210 591 710 | ICN 7823
PO Box 1604, Alice Springs NT 0871
(08) 8951 4400 | www.caac.org.au



**Aboriginal health
in Aboriginal hands.**

Background

1. Congress is a large Aboriginal Community Controlled Health Service (ACCHS) based in Central Australia. We are one of the most experienced organisations in the country in Aboriginal health, a national leader in primary health care, and a strong advocate for the rights of our communities. As such, we have a long history of advocating for an evidence-based, public health approach to limiting alcohol-related harm.
2. Led by our community-elected Aboriginal Board of Directors, Congress strongly supported the Northern Territory Government's 2018 alcohol reform package. The *Northern Territory Liquor Act 2019* is an essential legislative underpinning for this healthy public policy. The effectiveness of the policies and laws can be seen clearly in their effect on decreasing levels of alcohol-related harm across the Northern Territory.
3. Accordingly, Congress and many others in the Aboriginal community found it inexplicable when the Northern Territory Government decided to allow the Australian Government's *Stronger Futures (Alcohol Protected Area)* provisions to expire in July 2022 without similar Northern Territory legislative protection. As predicted, this led to a massive increase in alcohol related harm, much of it suffered by Aboriginal women and children (see [Attachment](#)). Fortunately, the Northern Territory Government has now reversed its position and is once again supporting an evidence-based, public health approach to alcohol in the Northern Territory.
4. We describe this background because it demonstrates the importance of the *Northern Territory Liquor Act* in protecting Territorians from harm. **Given what has happened over the last 12 months, Congress argues very strongly against any relaxing of the *Liquor Act's* provisions at this time.** To do so on the back of the wave of violence and property crime we have just experienced would be, in our view, reckless and irresponsible.
5. We will be making a submission to the consultation process on the *Draft NT Alcohol Action Plan*, outlining a range of evidence-based policy approaches to keeping Territorians safe. In the meantime, in relation to the specific issues relating to the review of the *Northern Territory Liquor Act 2019*, as described in the Discussion Paper, we offer the following.

Response to the Discussion Paper

5.2. Transfer of licences

6. The transfer of a liquor licence from one owner to another provides an important opportunity for community and expert feedback on how the licence has been operating to date, and for the new licensees to document and be held accountable for their plans to address any issues. A public process that re-examines the licence's operations and requires the submission of a new licence application is therefore entirely appropriate and should not be relaxed.
7. Congress supports amending section 72 such that the transfer of a licence can be objected to on the grounds that the new owner is not a 'fit and proper person'. This would ensure consistency with the provisions relating to the issue of a new licence (section 61) which allow this as a grounds for objection.

5.4. Secondary supply of alcohol

8. Congress agrees that the secondary supply of alcohol is a serious problem that has the potential to undermine key policy interventions such as the Banned Drinkers Register (BDR) and dry areas provisions. However, we think it is important that the legislation clearly distinguishes between two types of secondary supply:
 - a. where a person buys a relatively small amount of alcohol to share with family or other close community members, and where there is no attempt to profit monetarily from the supply. In this case, we believe that this should not be criminalised, and that an appropriate sanction is that the supplier is themselves placed on the BDR;
 - b. where a person seeks to supply alcohol to others for profit, whether this is in a remote community or in an urban centre. This should be a criminal offence and the appropriate sanctions should be increased as suggested in the Discussion Paper.

5.6. Extension of moratorium of takeaway licences

9. The five year moratorium on new takeaway licences was a recognition of the particular harms associated with these types of alcohol outlets. Numerous studies¹ have shown that decreasing the physical availability of take-away alcohol decreases per capita consumption and reduces violence and property damage. Further, the consumption of take-away alcohol in home or community settings, rather than on licensed premises, is associated with domestic violence². The majority of harm caused by alcohol, especially the harm to others, is from the unregulated consumption of take-away alcohol rather than the more regulated consumption of alcohol on license.
10. Accordingly, Congress strongly supports extending the moratorium on new take away alcohol licences in the Northern Territory for another five years. To end the moratorium in 2023, after the traumatic events of the second half of 2022 would be both counter to the evidence and a matter of national public concern.

5.7. Risk Based Licensing model

11. The Risk-Based Licensing model is an excellent example of legislative best-practice in preventing alcohol-related harm. However, to be fully effective, it requires penalties that are significant enough to act as a deterrent. Congress therefore supports the position that penalties for breaches should carry tougher penalties.

5.8. Banned Drinker Register

12. The key gaps in the application of the BDR provisions are secondary supply (see 5.4 above) and the fact that those on the BDR continue to drink alcohol at on-license venues as these venues are unable to determine whether a patron is in fact on the BDR unless they have been advised of the fact by police. We suggest that, in line with Section 7 of the *Alcohol Harm Reduction Act 2017* which says that someone on the BDR "*is prohibited from purchasing, possessing or consuming alcohol during the period for which the order is in force*", licensed pubs and clubs should be required to scan patrons' identification on entry to confirm that they are not on the BDR. Those who

¹ For example Sherk A et al *Alcohol Consumption and the Physical Availability of Take-Away Alcohol: Systematic Reviews and Meta-Analyses of the Days and Hours of Sale and Outlet Density*. J Stud Alcohol Drugs. 2018 Jan;79(1):58-67. PMID: 29227232;

² Wilson I M, Lightowlers C, and Bryant L, *Home drinking during and post-COVID-19: Why the silence on domestic violence?* Drug and Alcohol Review, 2022

are on the BDR should be refused access to the premises. The supply of alcohol at a licensed pub or club to a patron who is on the BDR should be an offence. Note that many pubs and clubs already require patrons to sign in and provide identification, either electronically or on paper.

Other Issues (1): Grocery store sales

13. Section 53 of the *Liquor Act Regulations* (Grocery store authority ancillary operations) specifies "the gross value of the sales of liquor by the licensee on the licensed premises must not exceed 25% of the gross value of the sales of all products by the licensee, during each quarter". We suggest amending this to reduce the gross value of alcohol sales to 15% of that of all products, as originally recommend by the Riley Review (Recommendation 2.5.19, page 55).

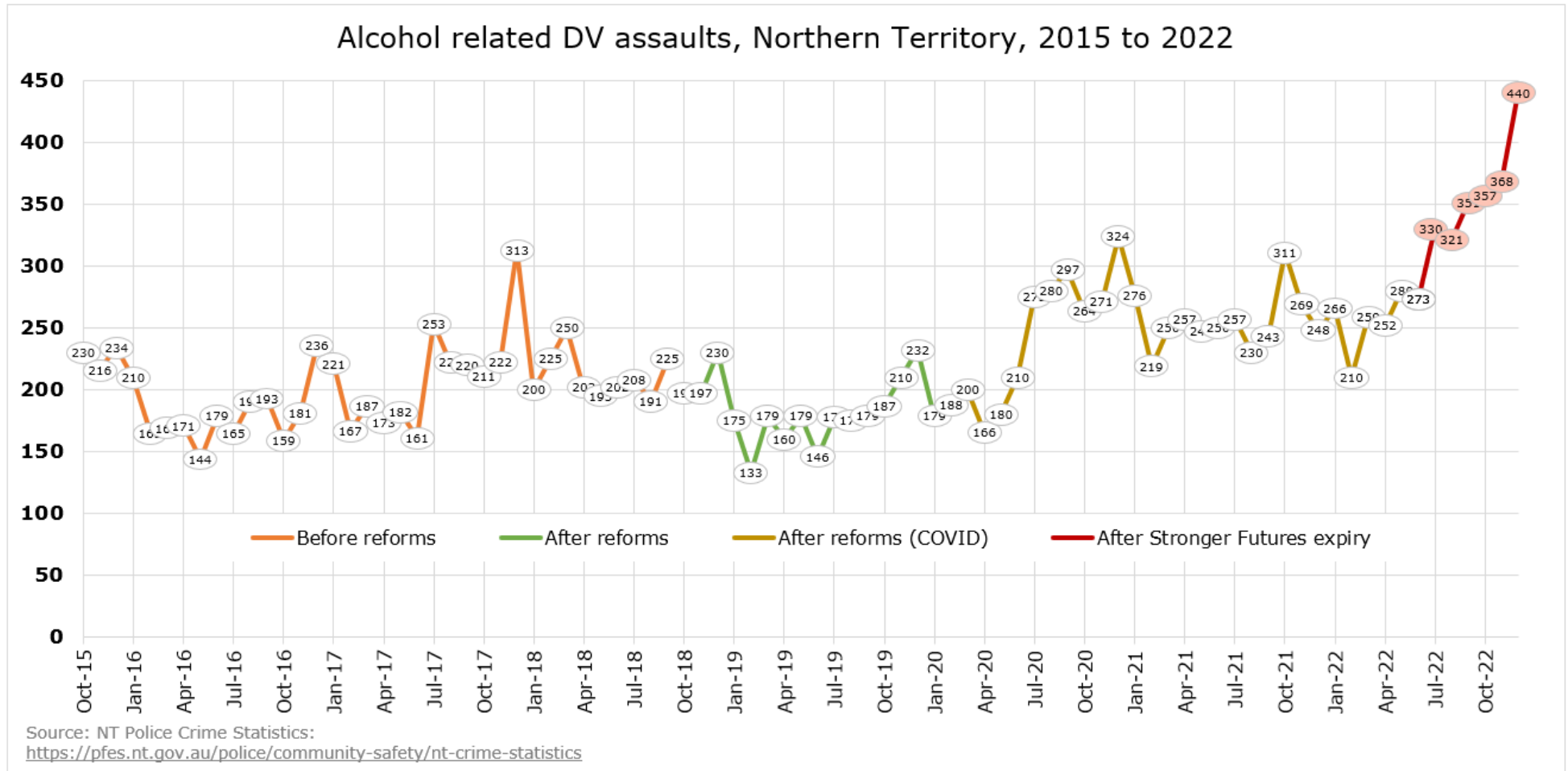
Other Issues (2): Minimum Unit Price

14. Section 121 of the *Liquor Act* (Minimum sale price) specifies that alcohol may not be sold for less than \$1.30 per standard drink. The legislation specifies that this amount is to be indexed from 1 July 2019, with the new price to take effect on 1 July of each year. However, the minimum sale price has remained at \$1.30³, in contravention of the law.
15. We also note an apparent error in the drafting of the Regulations (Section 107) regarding the calculation of the indexation of the minimum unit price. It appears to us that if followed, the calculation method in the Regulations gives meaningless results. Accordingly, we advocate:
 - a. amending the *Liquor Act Regulations* Section 107 such that the \$1.30 minimum unit price is indexed annually on 1 July, based on a simple calculation using the Darwin CPI for the previous calendar year;
 - b. increasing the minimum unit price from 1 July 2023 using an amount indexed by Darwin CPI for the period 1 July 2019 to 31 December 2022, as was clearly originally intended in the legislation. We calculate the new minimum sale price to be \$1.49 per standard drink as at the end of the December quarter 2022.

³ Northern Territory Government (2022) *Alcohol minimum floor price*. Available: <https://industry.nt.gov.au/publications/business/policies/floor-price>

ATTACHMENT

Graph 1



Graph 2

