



Australian Hotels Association (NT Branch)

Submission in response to:

Stronger Futures in the Northern Territory Bill 2011

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1. About the AHA

The Australian Hotels Association (AHA) is a federally registered organisation of employers in the hotel and hospitality industry. Its membership of more than 5,000 licensed hotel businesses includes three, four and five-star accommodation hotels and pub-style hotels located in each state and territory. The AHA has branches located in every Australian capital city and a Canberra-based national office.

The AHA (NT) was established in 1979, and is the peak body representing the Territory's hospitality industry. As well as hotels, the AHA (NT) also represents community clubs, wayside inns and restaurants throughout the Territory including regional areas such as Alice Springs, Tennant Creek, Katherine, Uluru, Groote Eylandt, Gove and Jabiru.

The AHA (NT) has prepared this submission to highlight the specific circumstances facing licensed venues in the Northern Territory relevant to the consideration of the *Stronger Futures in the Northern Territory Bill 2011 (the SFNT Bill)* particularly surrounding the workability and unintended consequences of section 15 not only on the hospitality industry but the community as a whole.

2. Background

2.1 Overview of alcohol in the Territory and AHA's position

The Northern Territory's per capita consumption of alcohol rate is about 1.5 times the National average. There is no doubt that the Northern Territory has a significant problem with alcohol-misuse. The AHA (NT) is, and has always been, keen to be part of the solution in reducing alcohol related harm in the Territory and we will never be successful in doing so without all stakeholders sitting at the table.

The AHA (NT) supports initiatives that achieve real outcomes in the reduction of alcohol misuse and related harm in the Territory. The AHA (NT) does not support bandaid measures that are implemented just so that it looks like something is being done to address the problem. It is important to understand that in order for any measure to work, they must firstly be supported by the community and to receive such support, they must be initiatives that result in real and meaningful outcomes in addressing the problem.

For over 30 years, bandaid measures targeted at supply have been tried and tested in the Northern Territory with little to no success in reducing alcohol consumption, including reduced trading hours and product restrictions. Targeting supply will never on its own work to reduce alcohol related harm in the Territory – if anything it creates a very lucrative black market or pushes problem drinkers to alcohol based products not intended for drinking or other dangerous substances eg, metholated spirits, mouth wash, vanilla essence, petrol, marijuana, kava, illicit drugs. It is often the case that many problem drinkers don't just have a drinking problem but a drug problem. Illicit drugs and inhalants are increasingly becoming a problem in our community.

2.2 Perceptions created by media

Since the airing of the ABC's Lateline story "Grog still flows in Alice Springs" on 18 August 2010, an unhealthy perception surrounding a handful of Alice Springs hotels and the harm flowing from them has become endemic.

The Lateline story contained assertions and information which were largely incorrect surrounding alcohol-related problems in Alice Springs (and across the Territory). The story outrageously insinuated that just a few hours of drinking at 3 hotels, was responsible for a large number of Aboriginal deaths in Alice Springs.

Firstly, these hoteliers are not breaking the law and are operating their businesses in accordance with their licence conditions – no different to the numerous other hotels and community clubs across Australia which start trade at 10.00am.

Further, in an attempt to clarify the other inaccurate accusations in the program, I can confirm:

- (a) Light beer may only be served in all licensed venues in Alice Springs from 10.00am to 11.30am.
- (b) The bars in question are not closed at 2.00pm however patrons do start to leave the bars shortly before 2.00pm to purchase takeaway alcohol from a bottleshop or takeaway liquor store. Takeaway hours commence in Alice Springs from 2.00pm (in accordance with the current liquor supply plan which has been in force for a number of years). There is, of course, much greater value in purchasing alcohol for consumption away of licensed premises then drinking on-premise. For example, the average price of a heavy beer (375ml) to drink at a hotel or licensed club is \$6.00 and when purchased in bulk at a liquor store or bottleshop it is roughly \$2.10.
- (c) Food is available for purchase at the Todd Tavern and Gapview Tavern from 11.30am and 12 noon respectively which is not dissimilar to the kitchen hours of licensed venues across the Territory.
- (d) All licensed venues, including the hotels in question, have a responsibility not to serve anyone drunk, are heavily regulated, have licensed security, prohibition of underage drinking and are frequently visited by Licensing Compliance Officers and the Police.

Drinking on-premise is in fact the safest environment for people to drink. It is a controlled environment monitored by onerous responsible service obligations, standard pours, CCTV and licensed security. Drinking away from licensed premises in completely uncontrolled environments is where the overwhelming majority of alcohol-related harm occurs.

The real issue that needs to be addressed in Alice Springs is why are so many people at the pub drinking from 10.00am on a *daily* basis and then purchasing takeaway alcohol to write themselves off? Why are these people not at home with their families or at work? This is the problem which will not be addressed by more liquor restrictions or closing down the hotels in question. We need to start looking seriously about how to tackle this problem at a grass roots level to both reduce the current demand for alcohol by problem-drinkers and to put a stop to the cycle of alcohol-abuse.

With greater restrictions being placed on certain pubs in Alice Springs, we have already seen a displacement of those problem drinkers who would otherwise patronise them to other clubs and pubs in the town.

2.3 Territory Government's Enough is Enough Alcohol Reforms

The Northern Territory has the toughest laws in the country regulating the sale of liquor. The Banned Drinker Register (**BDR**) was only introduced in July last year and the AHA (NT) has taken a lead role in working with the Northern Territory Government to implement the electronic identification scanning equipment that monitors BDR.

Over 70% of alcohol in the Territory is consumed away from licensed premises in uncontrolled and unsupervised settings. No responsible service, no CCTV, no licensed security, no standard drinks or pours, no regulation of supply to children – completely unregulated.

The BDR in our view is a targeted initiative aimed at problem drinkers. The Federal Government has even acknowledged that these laws are tough and targeted [at problem drinkers]^[1].

The BDR has already been touted by the NT Police Commissioner as one of the most substantial tools available to the Police to manage problems with alcohol misuse in the NT.

The AHA (NT) supported the Northern Territory Government in the implementation of the BDR and the installation of the electronic identification systems in takeaway liquor venues across the NT. The AHA (NT) supported the Northern Territory Government in this initiative because of the measures' clear attempt to actually target problem drinkers rather than the more common, and to date unsuccessful, approach of targeting hours of trade and product restrictions.

Also welcomed was a very refreshing approach by the Northern Territory Government to deal with the problem in a much more multi-faceted approach of addressing the issues of treatment and rehabilitation. The fact is that no measures will work in achieving a real reduction in alcohol-misuse in the Territory without significant resources placed into education, rehabilitation and jobs.

According to the Northern Territory Government's *Enough is Enough Alcohol Reform Report* dated 20 October 2011, as at 30 September after just 3 months into the introduction of the BDR 1,576 people were placed on the BDR and more than 3,500 purchases were declined^[2]. Of even more significant note was that alcohol-related assaults across the Territory went down by 15.2%^[3]. These early results are extremely promising.

3. Responsibilities of Licensees

3.1 Licensees responsibilities under the *Liquor Act (NT)*

Licensees have very onerous and strict obligations under the *Liquor Act (NT)* and their liquor licenses in respect to the sale and supply of alcohol (see Part IV of *Liquor Act*). The most significant obligation is under section 102 which states:

“A licensee or an employee of a licensee must not sell or otherwise supply liquor to a person who is drunk.”

Drunk is defined under section 7 of the *Liquor Act* as follows:

“A person is *drunk* if:

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

¹ Stronger Futures in the Northern Territory Policy Statement November 2011, pg 6

² Page 3 of the Report

³ Page 6 of the Report

Further under section 121 of the *Liquor Act*, a licensee must exclude or remove a person from the licensed premises if the person is drunk, violent, quarrelsome, disorderly or incapable of controlling his or her behaviour.

Very strict penalties apply for any breaches of the *Liquor Act*, however, contraventions of sections 102 and 112 carry with it the most significant penalties in the Act itself. Consistent breaches or mismanagement can even result in a suspension or cancellation of a liquor licence.

In Minister Macklin's statement in her Media Release of 23 November she indicated that certain licensed venues in the NT are contributing "significant alcohol related harm to Aboriginal people through their serving practices". If this were in fact the case, then why are they not being breached under the *Liquor Act* for serving drunks?

Further Warren Snowdon's comments in the same Media Release states that "sometimes a licensee may run the business in a way that facilitates extremely dangerous drinking" and that the new provisions will "ensure that the right licensing arrangements are operating well".

Licensing Regulation & Alcohol Strategy has seen an increase of 8 Compliance Officers since the Federal Intervention and another 4 for the Territory's 'Closing the Gap' Project. There is about 27 Compliance Officers working across the Territory in addition to Police. We submit that these Compliance Officers as well as Police are monitoring licensed venues right across the Territory and ensuring they are right at this very moment "operating well". If licensed venues were breaching their legal obligations then there are already significant powers under the *Liquor Act (NT)* to bring these venues to account.

3.2 Examples of penalties issued by NT Licensing Commission

As mentioned above, there are already considerable and adequate penalties for licensees who do not comply with liquor licensing laws. Recent examples include:

- (a) In 2007, Tiwi Supermarket's liquor licence was cancelled after a hearing into selling to a minor. The liquor licence was cancelled and the licensee was declared not a fit and proper person to hold a liquor licence.
- (b) In 2006, the Licensing Commission cancelled the Borraloola Hotel's liquor licence after a number of complaints being received. Prior to the hearing of the complaints, the Licensing Commission has used its power under section 48A of the *Liquor Act* whereby they immediately stepped in and varied the licensing conditions of the Hotel including significantly reducing trading hours and restrictions on the type of liquor sold. These actions were taken and reviewed every 7 days from 19 September 2006 to 16 October 2006 when the licensee then abandoned the hotel.
- (c) In 2008, the Todd Tavern's bottleshop licence was suspended for 2 days – Saturday and Sunday – as a result of a breach relating to a staff member not scanning identification of the customer prior to purchase. This was despite the licensee having Staff policies and procedures and training the employee on the liquor licensing laws.

These are just some of the examples of the serious ramifications for licensees who are not complying with their licensing conditions which are already in place under Northern Territory laws. They are by no means lenient in nature.

3.3 Licensees responsibilities under the *Anti-Discrimination Act (NT)*

It is an offence under the *Anti-Discrimination Act (NT)* to discriminate against another person on the grounds of race (section 19).

Further, section 41(1) of the *Anti-Discrimination Act* states that a person who supplies goods, services or facilities (whether or not for reward or profit) shall not discriminate against another person:

- (a) by failing or refusing to supply the goods, services or facilities; or
- (b) in the terms and conditions on which the goods, services or facilities are supplied; or
- (c) in the way in which the goods, services or facilities are supplied; or
- (d) by treating the other person less favourably in any way in connection with the supply of the goods, services or facilities.

A licensee cannot refuse service to an Aboriginal person because of their race. They can and must of course refuse service if a person is drunk or violent, quarrelsome, disorderly or incapable of controlling his or her behaviour notwithstanding their race.

3.4 Protection from *Anti-Discrimination Act (NT)*

- (a) Special measures provisions under *Racial Discrimination Act* is not enough to protect licensees

There could be the ability under the *Racial Discrimination Act 1975* to review possible licensing options under the special measures provisions². This option may allow for special licensing conditions which would permit licenses to reflect the wishes of the local identified community in restricting product sales or service. These agreements must be driven at the community level only and cannot be driven by the licensee.

One example of such arrangement is at the Curtin Springs Roadhouse south of Alice Springs where restrictions were placed on the liquor licence based on an agreement between the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Aboriginal Corporation (representatives of Aboriginal Pitjantjatjara communities) and the licensee of the Curtin Springs Roadhouse.

This agreement was developed after widespread, extended, lengthy and very complicated community consultation. It was developed under the special measures provisions and prohibits the sale of any alcohol to Aboriginal people from the identified communities. **It is important to note that the written agreement and licensing conditions are in fact not a legal protection from discrimination claims.**

In October 1999 the Darwin-based Menzies School of Health Research released a report entitled Evaluation of restrictions on the sale of alcohol from Curtin Springs Roadhouse Northern Territory. The report acknowledged that restrictions on the sale of alcohol is not in itself the answer to the social and health problems associated with excess drinking however, a number of findings were encouraging in relation to how these special measures could assist with community support.

- (b) General protection from prosecution

² s8 of the *Racial Discrimination Act 1975*

A recent matter in South Australia highlights the huge problem with laws such the ones proposed under section 15 of the Bill. A finding of racial discrimination against a bottle shop for refusing service to an aboriginal woman underlines the need for liquor retailers to have adequate protection from laws which require licensees to make decisions outside of their normal legal obligations.

The Equal Opportunity Tribunal of South Australia in December upheld a complaint by a woman, who was refused service by the Ceduna Foreshore Hotel Motel in the state's west.

In October 2009, new licence conditions were imposed on the hotel banning it from packaged liquor sales to anyone believed to be residing in or travelling to nearby 'dry' indigenous communities. The following month, the employee of the hotel's drive-through bottle shop refused to sell the woman a cask of wine on these grounds, wrongly assuming that she and her passenger were headed to the banned community.

Despite the Tribunal accepting that the employee's actions were "for noble, and even if altruistic reasons took it upon himself to err on the side of caution" but said he had nonetheless made a series of unfounded assumptions based "at least partly" on the women's race. The Tribunal ordered the hotel to pay the woman \$3,000 on account of injury to her feelings that arose as a consequence of the discrimination.

Requiring licensees and their staff to make decisions which are based on race is unacceptable and has the ability to cause injury to customers based on their race. Licensees must have legal protection against prosecution when required to regulate something outside a normal objective legal requirement.

4. Section 15 of the SFNT Bill

4.1 General overview

Although many initiatives in the Bill particularly in respect of outcomes in education, employment, housing and health of Aboriginal people are promising, the provisions surrounding liquor licensing are neither genuine nor appropriate attempts to reduce alcohol-related harm in the Territory.

The apparent policy of naming and shaming individual licensed premises is not a meaningful reform agenda. Disclosing individual premises which have been identified by the Federal Government, based on limited facts and understanding, for review by the independent assessor is unacceptable. The impacts of such public disclosure will have significant, if not catastrophic effect on such venues which are in fact complying with their legal obligations.

Many licensed venues in the Territory are already under enormous financial pressure and the announcement of the SFNT Bill further erodes the commercial certainty of venues in the Territory. Without commercial certainty, licensees and property owners can not invest in their venues, which is in fact, the exact opposite outcome to which should be encouraged and developed by Governments both Federal and Territory alike. Many licensed venues are leased by the licensee so the uncertainty spreads not just to the licensees but landlords. The fall out for landlords at no fault of their own is considerable.

We understand that the Federal Government has identified a handful of Territory hotels which will have an independent assessment to consider if such operations are "causing significant harm to Aboriginal people". While just a few venues have been identified at this stage, the powers through the proposed legislation will allow for additional venues to be identified for such assessment.

The impacts of these powers are not only extensive and have the potential to significantly affect those venues identified but they are completely unnecessary and will do nothing to tackle alcohol-related harm in the NT.

4.2 Lack of detail

There are a number of questions which the AHA (NT) is trying to seek clarification in respect to section 15 of the *Stronger Futures in the Northern Territory Bill*:

- (a) How will the Minister determine that “the *sale or consumption* of liquor *at or from the premises* is causing substantial alcohol-related harm to Aboriginal people”^[4]?

This provision is flawed. A licensee must ensure that a patron is not drunk when they purchase alcohol be it for consumption on or away from licensed premises – that is the bottom line. The effect of this provision is requiring a licensee to in fact be racially discriminatory. This is an additional step outside of legal compliance and in our view completely unacceptable.

Firstly, how can a licensee possibly control how a person consumes alcohol purchased from their premises but consumed somewhere else? How will that licensee be able to determine if someone is doing harm to themselves or someone else?

This is a dangerous precedent and appears to be legislating a duty of care which is completely unreasonable. Will the Federal Government make all retailers responsible for groceries or other goods sold and how they are consumed or used once purchased? For example, is Woolworths responsible for a customer who purchases a bottle of mouthwash or metholated spirits who then unbeknownst to Woolworths drinks that bottle rather than uses it for its proper purpose?

How, without breaching the *Anti-Discrimination Act (NT)*, can a licensee determine on race whether or not alcohol is causing a person or other persons alcohol-related harm when that person is not drunk at the time of being served?

Is the Labor Government suggesting that licensees must exclude Aboriginal people from their venues or treat them differently from any other person of any other race?

As discussed in clause 3.4(b), licensees must have legal protection from prosecution if a licensee or their staff are expected to make judgements outside their usual legal obligations based on race.

From reading the Bill, the Labor Government is not concerned with any alcohol-related harm resultant on any person other than Aboriginal people.^[5] Alcohol-related harm is not something that only affects Aboriginal people, it cuts right across our community.

- (b) What is the process for determining if and when an independent assessor is asked to assess a particular venue? That is, what evidence is required for the Federal Minister to “reasonably believe” the sale or consumption of liquor at or from the premises is causing substantial alcohol-related harm to Aboriginal people?

⁴ s15(1)(a) of Stronger Futures in the Northern Territory Bill

⁵ s15(1)(a) of Stronger Futures in the Northern Territory Bill

What assessment criteria will be applied by the Minister to determine “substantial alcohol-related harm to Aboriginal people”?

How many Aboriginal people need to suffer substantial alcohol-related harm in order for the licensee to be responsible?

Will the Minister’s assessment criteria be made public and available to licensees?

- (c) What are the assessment criteria^[6] for the independent assessment? How will the independent assessor be able to assess the “level of harm that is being caused to Aboriginal people”^[7] by the individual venues?
- (d) Will the Federal Minister’s request for assessment of a venue be publically announced^[8]?
- (e) At what stage is the venue advised of its inclusion into the independent assessment process and in what form?
- (f) Will the independent assessor’s report be published?
- (g) Will a copy of the independent assessor’s report be given to the licensee?
- (h) What comes of the independent assessor’s report once it has been provided to both the NT Minister and the Federal Minister and how will conclusions or recommendations (if any) in the assessment be dealt with?
- (i) *If an assessor’s report states that a venue is disproportionately contributing to alcohol-related harm to Aboriginal people, how will the Northern Territory Government ensure that practices in venues change as stated by Minister Macklin*^[9]?

At this stage, there is a complete lack of detail in the Bill itself and information available to us to date about how the provisions of section 15 will operate and therefore affect our industry. It is impossible to provide more meaningful submissions on the Bill without answers to many of the questions above.

What is most difficult to comprehend is how levels of harm can possibly be assessed both from an objective perspective by the assessor themselves and then a subjective perspective by a licensee.

5. Recommendations

Alcohol will always be a part of our society. Prohibition has never, and will never, work. We must tackle alcohol-related harm from this mindset and start educating and assisting people (right across our community) on how to live with alcohol.

⁶ Section 15(3)(b)(i) of Stronger Futures in the Northern Territory Bill

⁷ Media Release issued by Jenny Macklin MP dated 23 November 2011

⁸ Section 15(2) of Stronger Futures in the Northern Territory Bill

⁹ “If the independent assessors find that the venues are disproportionately contributing to alcohol related harm to Aboriginal people, the Australian Government will work with the Northern Territory Government to ensure the practices of those venues change,” Media Release issued by Jenny Macklin MP dated 23 November 2011

5.1 Federal Government Intervention

One of the biggest consequences from the Federal Government intervention in 2007 was the displacement of Aboriginal people from their communities and into regional centres. It is accepted that the Northern Territory Emergency Response contributed to increased levels of itinerancy and homelessness amongst Aboriginal people who left their home communities in order to avoid the punitive and paternalistic aspects of the NTER. This has already been acknowledged by the Federal Government when speaking of the influx of visitors to Alice Springs town camps, Jenny Macklin stated there was a ‘pressing need for extra accommodation to combat homelessness and house the town’s large transient Indigenous population’.⁶

Licensed venues have been operating their businesses in accordance with licensing laws and have likely as a direct result of Federal Intervention seen an increase in custom from Aboriginal people due to this influx into regional centres. These are circumstances beyond the control of licensees.

Much work needs to be undertaken to reduce itinerancy in regional centres by assisting people who have been displaced to move back to their communities.

5.2 Enforcing current NT laws aimed at problem drinking

Currently, regional towns such as Alice Springs and Katherine are declared “dry towns” which prohibits drinking in all public areas of the town. Most town camps since the Federal Intervention have also been declared “dry”.

In dry areas, where a person is caught drinking Police can routinely confiscate and dispose of any remaining liquor but in addition they also have a wide discretion to decide whether a further penalty should be imposed such as an “on the spot” fine of \$100 by way of infringement notice or the issue of a contravention notice for a fine of up to \$500.

Given Aboriginal people who are living in town camps are unable to consume alcohol at that camp nor in a public place, their options include breaking the law or consuming alcohol on-premise.

From a visit to towns such as Alice Springs and the significant amount of alcohol beverage litter scattered across the town it is clear that the current laws are not being enforced and many people are drinking in public areas.

The AHA (NT) recommends greater enforcement of the current laws available to reduce problem drinkers from consuming alcohol in public areas.

5.3 Dealing with cross-border trade and internet sales into the Territory

With ever increasing restrictions and regulations for the sale of liquor in the Territory (including reduced trading hours, product restrictions, Banned Drinker Register) there is increased concerns regarding the trading activities of interstate liquor merchants (both telephone and online services) into the Territory.

Online or telephone interstate liquor transactions are becoming extremely popular with very competitively priced liquor being deliverable to anyone, anywhere and at anytime.

⁶ Jenny Macklin, ‘Short term accommodation for Alice Springs’ (Media release, 1 October 2009) <http://www.jennymacklin.fahcsia.gov.au/mediareleases/2009/Pages/short_term_accom_1oct09.aspx>

Any restrictions or legal obligations placed on local businesses will increasingly see the already growing shift by consumers to online or telephone liquor purchases from interstate due to their convenience, very competitive pricing and lack of local regulation. It is also clear that with the Territory leading the charge on a container deposit scheme, the pricing parody between online interstate liquor merchants pricing and local pricing will be even greater with an increased incentive for cross-border trade.

Interstate liquor merchants who retail into the Territory do not have to conform to any of the Territory laws regarding liquor licensing conditions, restrictions in product and sales.

The AHA (NT) submits that in order to ensure the success of any alcohol reforms in the Territory and protect the commerciality of local businesses any interstate liquor merchants must be made to comply with Territory laws including but not limited to the Banned Drinker Register, product restrictions and any other off-premise delivery of liquor conditions.

5.4 Assisting the NT Government with success of BDR

One of the most important aspects of the Banned Drinker Register and Enough is Enough reforms is ensuring that there is enough support and facilities available to treat and rehabilitate problem drinkers who are identified in the process. Funds to assist the NT Government to provide such assistance is paramount to the success of these reforms and reducing alcohol-related harm.

As the Federal Intervention did, any reforms which make it more difficult for problem drinkers to access alcohol will create further displacement not just within the Territory but across the borders to other states where such laws do not exist. Displacing these people is not a solution to the problem – the only way we can achieve a real reduction in alcohol-related harm is to provide problem drinkers with treatment and rehabilitation options.

5.5 Living with Alcohol Program

From 1992 to 2000, the NT Government committed money to implement the Living with Alcohol (LWA) Program as a whole of government approach to reduce alcohol related harm. The NT Government responded by making money available to the LWA Program to fund a range of media campaigns, treatment and rehabilitation services, community development projects, education, information sessions, training and professional development, research and law enforcement activities.

The primary aim of the LWA Program was to reduce alcohol related harm in the Northern Territory through strategies that encourage people to choose, individually and collectively, to exercise effective controls over their own drinking behaviour.

The LWA program had 3 main areas of action:

- (a) **Culture** is about learning to live with alcohol. If people are to learn to live with alcohol, there must be a change in both individual behaviour and the alcohol 'culture' of the NT. LWA aimed to:
- establish awareness of the links between alcohol misuse and community, family and personal problems
 - provide information about responsible drinking and the consequences of excessive consumption so that people can make informed choices
 - create an environment which actively encourages responsible drinking and discourages hazardous consumption

- support individuals, families and communities in their careful drinking choices, including people and communities that choose not to use alcohol or to restrict the availability of alcohol
- (b) **Control** is about making regulations and changes in the law and policies that affect the availability, promotion, serving and consumption of alcohol.

Some examples are:

- having restrictions on the number of cans of beer that can be purchased on any one day
 - communities becoming 'dry' or having a licensed club
 - strict enforcement of laws about not serving intoxicated or underage people
- (c) **Care** is about having interventions, support, treatment and rehabilitation services for people who have alcohol related problems or who are affected by someone else's drinking.

The LWA program were associated with significant declines in *acute* alcohol-attributable deaths in the NT as well as Indigenous deaths between 1992 and 1997. A significant but delayed decline in *chronic* deaths was evident towards the end of the study period between 1998 and 2002.⁷

6. Conclusion

The AHA (NT) strongly submits that section 15 of the *Stronger Futures in the Northern Territory Bill 2011* will not assist in reducing alcohol-related harm in the Territory. The provision is also completely unnecessary to ensure licensed venues operate well and comply with their legal obligations for the following reasons:

- (a) a licensees' legal obligations under the *Liquor Act* are onerous with penalties for non-compliance significant including but not limited to responsible service obligations;
- (b) if licensees were not operating in accordance with their responsibilities, Police and Compliance Officers already have considerable powers under the *Liquor Act* to deal with licensees to the full force of the law;
- (c) the Amenity Guidelines which are in the process of being implemented by the Northern Territory Licensing Commission will ensure that all licensed venues have amenities which encourage social drinking; and
- (d) the Banned Drinker Register introduced by the Territory Government has only been in effect since July last year and early indications show promising impacts on alcohol-related harm.

⁷ The impact of the Northern Territory's Living With Alcohol program, 1992–2002: revisiting the evaluation; Tanya Chikritzhs, Tim Stockwell, Richard Pascal

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