# PAAC-FARE submission to the Exposure draft for the NT Liquor Bill 2019

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The Exposure Draft provided a good foundation for the new Liquor Bill, but some areas required further attention. FARE and PAAC provided 50 recommendations in their joint submission to strengthen the Bill and provide a strong regulatory framework for the future.

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## 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.
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.
10. 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.

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## Recommendations

1. 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.
2. 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.
3. Update the Licensing NT webpage to include clear information on the liquor licensing process, including how the community can make objections and complaints.
4. 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.
5. 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.
6. Amend s53(1) to allow objections to be made against applications to transfer liquor licences from a licensee to another person or entity.
7. 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.
8. 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.
9. 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.
10. An independent Community Defender’s Office should be established to support communities in licensing matters.

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1. Develop a fund to support communities engaging with NT Liquor Commission hearings associated with objections, where needed.
2. 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.
3. 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.
4. 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.
5. Remove the ability to apply discounts to the base fee in the RBL model.
6. 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.
7. Increase the percentage value for breaches of licence conditions in the RBL model.
8. 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.
9. 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.
10. Introduce additional loadings to licence fees, based on patron capacity and location of venue.

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## Recommendations

1. 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.
2. Amend the purposes of the Bill to reflect the primary purpose of the Bill as currently described in in s3(1) and remove reference to the secondary purpose of stimulating the tourism and hospitality industries described in s3(2)(d).
3. 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.
4. 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.
5. Amend s36(5) of the Bill to convey that an interstate retailer’s licence is subject to the proposed risk-based licensing.
6. Extend the ban on in-store credit for alcohol within s41(2)(h) to encompass ‘buy now pay later’ services and similar quasi-credit.
7. 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.
8. Insert a provision to direct the Northern Territory Civil and Administrative Tribunal to consider a fee waiver for public interest objectors.
9. 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.
10. 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.

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## Recommendations

1. 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.
2. 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.
3. 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.
4. 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
   * 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.
5. Amend the Bill to ban alcohol advertising on publicly owned assets, such as public buses.
6. 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.
7. 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.
8. Remove ss4 of s137 of the Bill requiring the Director of Licensing to give licensees written notice of a pending harm minimisation audit.
9. 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.
10. 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.
11. 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.

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