

NORTHERN TERRITORY LICENSING COMMISSION

Evaluation of Liquor Restrictions in Katherine

DECISION ON TRADING HOURS & LICENCE CONDITIONS

Background:

The Licensing Commission has completed its evaluation of the liquor restrictions trialled in Katherine throughout 2000. The restrictions were trialled in two phases, each phase being of six months duration.

During **Phase One** which concluded on 30 June 2000, take-away trading hours were reduced to 2:00PM to 8:00PM and bar sales did not commence before 11:30AM. In **Phase Two** which concluded on 31 December 2000, trading hours for take-away and bar sales returned to normal but restrictions were placed on the sale of 4 and 5 litre wine casks and fortified wines on Wednesdays, Thursdays and Fridays.

The Commission extended the trading hours from Phase Two into 2001 to provide time for a thorough evaluation of the trial restrictions. Other restrictions were imposed by the Commission during the recent flood emergency in the region and by agreement between liquor licensees and the Police.

The Commission, when granting a liquor licence or varying the conditions of a licence is required by the *Liquor Act* to have regard **to the needs and wishes of the community**. The obligation to consider the needs and wishes of the Katherine community is a strict requirement of the Act and was followed by the Commission in its implementation of the trial restrictions and throughout the evaluation.

Community Consultation:

In order to ensure close attention was given to the needs and wishes of the community, the Commission based its evaluation of the restrictions on a program of face to face discussions with a wide range of community organisations and individuals.

The evaluation and consultation process was explained in detail in an information statement published by the Commission in the *Katherine Times* on 10 January 2001. The information statement listed the community organisations the Commission intended to consult with and encouraged "individual members of the community to take advantage of a similar opportunity to speak to members of the Licensing Commission".

A post office box and an e-mail address were made available for written submissions or comments.

Commencing Monday 15 January and over the four weeks that followed the Commission met with representatives of the following organisations.

- Katherine Town Council
- Chamber of Commerce and Industry
- Katherine Regional Tourist Association
- Licensees of Hotels, Clubs, Stores and Supermarkets
- Police
- Kalano Association
- Katherine Taxis
- Territory Health Services
- Katherine Hospital
- Katherine Inter-Church Council
- RAAF Tindal
- Department of Industries and Business
- Women's Crisis Centre

Several of these organisations provided detailed surveys, questionnaires and relevant data collected from their members. All organisations were thoroughly prepared for their meeting with the Commission.

The Commission met with the Member for Katherine and the Member for Victoria River and met with or received letters and e-mails from around fifty members of the general community. Several community members provided data and/or detailed submissions. The Commission also received copies of Petitions, later tabled in the Legislative Assembly.

The enthusiasm and reasonableness of every organisation and community member the Commission met with is noteworthy and was most appreciated by the Commission.

Evaluation Summary:

The opinions and information provided to the Commission was divided between preferring a "Return to Phase One" or "No Restrictions". No one spoke in favour of the continuation of Phase Two.

Broadly speaking, the "Return to Phase One" position was supported by the Town Council, the Police and organisations involved in health, safety and welfare issues. Many members of the business community supported the "No Restrictions" position. Opinions of individual members of the community were divided between the two positions. The Commission noted that surveys conducted by community organisations independently of the Commission also revealed a division of opinion between "Phase One" and "No Restrictions". The Petitions received by the Commission called for "No Restrictions". Information from the Police and the Katherine Hospital clearly indicated the value of restrictions in reducing alcohol related harm and alcohol related incidents.

The Commission's decision on liquor trading hours and licence conditions is designed to strike a balance across the divided and competing opinions of the Katherine community. It is clear from the information received that "business is suffering". It is equally clear that the Commission would be irresponsible if it overlooked the demonstrated benefits of restrictions.

Many organisations and individuals suggested that "restrictions alone will not work". The Commission concurs with this view to some extent, for if restrictions are not supported by other community initiatives, the initial benefits are likely to be lost in the longer term.

The Commission heard information that "problem drinkers" were purchasing at locations outside Katherine and that some Katherine licensees, not affected by the trial restrictions, were trading outside the conditions of their licences. Licensees and other member of the business sector were concerned that tourists and residents of Katherine's regional areas were "bypassing Katherine altogether".

In order to address these concerns the Commission will review the conditions of all licences in the Katherine region including Pine Creek and Mataranka. The review will commence immediately.

Decision – Licence Conditions:

- 1: The restrictions on the sale of wine casks and fortified wine that applied during Phase Two of the trial will be lifted.
- 2: **Trading hours for take-away liquor will be from Midday to 9:00PM.**
- 3: The trading hours for take-away liquor will apply to all hotels, clubs, stores and supermarkets. (Stores & supermarkets are not permitted to trade on Sundays)
- 4: **Trading hours for bar sales will commence at 10:00AM, but only light beer is permitted prior to Midday.** No other type of liquor can be sold. Light beer will be defined as liquor with an alcohol content of not more than 3.0%
- 5: The trading hours for bar sales and the "light beer" conditions will apply to all hotels and clubs.
- 6: Hotels and Clubs with Gaming Machines and TABs are permitted to operate these facilities from 10:00AM, provided they are open for bar trading.
- 7: The Commission will review the conditions of all licences in the Katherine region including Pine Creek and Mataranka to ensure that differences between Katherine licences and others in the region are minimised. The review will include all licences; it will include restaurants, stock and station agents and any special purpose or

continuing special licences. "Bush orders" will be included in the review.

- 8: The guiding principle to be applied by the Commission in its review of licences throughout the Katherine region will be that no "take-away" liquor shall be sold or supplied prior to Midday on any day.
- 9: Restaurant trading hours will remain as 11:30AM to 2:00AM the following day, but in the case of those restaurants with "liquor without a meal" special conditions, only light beer may be served prior to Midday.
- 10: The licence conditions are intended to apply for the foreseeable future. They are not intended as a trial.

Licensees have 28 days from the date they were notified of the Commission's Decision in which to seek a Hearing. If no licensee seeks a Hearing, the new licence conditions will have effect from Monday 7 May.

Peter R. Allen
Chairman

4 April 2001