

# **NORTHERN TERRITORY LIQUOR COMMISSION**

## **(SHORT) REASONS FOR DECISION**

APPLICATION:	Request for hearing pursuant to Sec. 33(2) of the Liquor Act
PREMISES (LICENSEES):	Mac's Liquor Katherine (Woolworths (SA) Pty Ltd) Crossways Hotel (O'Neill Management Pty Ltd) Katherine Foodstore
DATE OF HEARING:	4-6 August 1999, 9-11 August 1999, 5-7 October 1999
HEARD BEFORE:	Mr Peter Allen (Chairman) Mr John Withnall (Member) Ms Shirley McKerrow (Member)
APPEARANCES:	Mr Colin McDonald QC, for Mac's Liquor Mr John Reeves QC, for Crossways Hotel Mr George Watkins, Counsel Assisting the Commission

---

The hearing by the Northern Territory Liquor Commission which has become known as the hearing into liquor trading hours in Katherine was requested by four liquor licensees in Katherine after they received written notification from the Commission dated 1 April 1999 that it was proposed to vary the conditions of their licence by reducing their trading hours.

The right of a licensee to request a hearing in such circumstances is contained in Section 33(2) of the Liquor Act.

The notification of reduction of hours referred to a growing public dissatisfaction within the Katherine community with the level of alcohol-related public disorder in the town, and to the Liquor Commission's perception of the needs, wishes and expectations of the community being a vital factor in the responsible regulation of the sale of liquor.

The notification went on to advise that in issuing the notice the Commission was persuaded that the existing liquor trading hours were no longer consonant with the needs and wishes of the broad Katherine community.

In particular, the Commission accepted that the meeting on 24 March 1999 of "Community, Business And Government Representatives To Consider Further Options To Combat Anti-social Behaviour In Katherine" was sufficiently representative of the Katherine community for the Commission to be persuaded to implement the resolution of unanimous support passed at that meeting for a reduction in trading hours for licensed premises as a measure agreed on to combat anti-social behavioural problems in the town (per clause 2.2 of the minutes of that meeting).

Given the Commission's perception of the representative nature of that meeting, it was the Commission's view that its statutory duty required it to heed such an expression of public concern and public initiative.

Quite early in the hearing process, Katherine Foodstore, one of the four licensees who initiated the proceedings, indicated that it would take no active part in the hearing, and was not thereafter represented in the proceedings. However, in the Commission's view that licensee remains a party to the proceedings, and will be directly bound by applicable orders made as a result of the hearing.

Prior to the hearing getting under way, the new operators of the Katherine Hotel/Motel also advised that they would not be represented at the hearing, and indeed the new licensee of that hotel now queries whether it is even a party in the proceedings, given that the licence was the subject of a transfer subsequent to the outgoing licensee's request for a hearing. That issue is of significance to the present licensee in terms of the legal mechanism necessary to apply the consequences of the decision which the Commission has reached as a result of the hearing.

The Commission's ruling on this issue is that the new licensee is not a party to the proceedings; it inherited the Katherine Hotel licence with the Commission's proposal to vary that licence already formally notified in terms of section 33, so that while the new licensee was under no obligation to continue with the challenge to the notified changes, its election not to seek to be a party to the proceedings leaves the Section 33 notice to take effect according to its terms in due course.

To the extent that the Commission's decision as a result of the hearing imposes variations to trading conditions which did not form part of the notice, an appropriate further Section 33 notice covering those other changes will be given at the appropriate time, (a situation which also applies to all licensees in Katherine who were given a Section 33 notice on 1 April 1999 and who chose not to challenge it).

At the commencement of the hearing in Katherine on 4th August 1999, legal counsel for the licensee of the Crossways Hotel announced that his client was not participating in a joint hearing, and submitted that each of the applications for a hearing should be treated separately, and that insofar as the Crossways application was concerned they would simply make submissions and then in effect retire from the field, to leave the Commission to hear whatever evidence it so chose.

Counsel assisting the Commission rightly pointed out that while the Crossways Hotel was of course perfectly entitled not to examine any of the witnesses giving evidence, as a party requesting a hearing the licensee of the Crossways will nevertheless be directly bound by the orders the Commission may make as a result of the hearing.

In his submissions on behalf of the Crossways Hotel, Mr Reeves QC delineated what he saw as the limitations on a hearing under Section 33 (2) of the Act, submitting that the hearing was not a hearing into social misbehaviour or antisocial behaviour in Katherine, or indeed into public drunkenness in Katherine. He denied that the Liquor Commission was empowered to conduct a wide-ranging enquiry into anti-social behaviour or public drunkenness as part of its hearing into the proposed changes to licence conditions.

Mr Reeves then went on to concede that his client accepted that there was a problem associated with the consumption of alcohol in the town, that in his client's assessment the significant problem was the consumption of four litre wine casks by

a group of Aboriginal people who were not local residents, and occurring mainly, "if not only", on social security pension days.

Mr Reeves asserted that restrictions of the type proposed do not usually prove to be very effective by themselves, referring to extracts from Associate Professor Gray's "Indigenous Usage in Australia, New Zealand and Canada" published by the Cambridge University Press, making the point that the impact of the currently proposed restrictions will be on tourists and the greater majority of the residents of the Town of Katherine who are not part of the problem.

We do not accept the submissions of Mr Reeves as to the limitations on the nature of the hearing. In *Tennant Creek Trading Pty Ltd, Whytecross Pty Ltd, Charles Keith Hallett and Tennant Creek Hotel Pty Ltd v. The Liquor Commission of the Northern Territory of Australia and Julalikari Council Aboriginal Corporation*, NTSC 7 April 1995, Justice Thomas in the Northern Territory Supreme Court characterises a Section 33 hearing as "neither an appeal nor a review", but a "challenge" of the Commission's initial decision.

On that basis the hearing would not be in the nature of an enquiry by the Commission but a hearing of the licensees' challenge to the Commission's original decision, yet Mr Reeves called no evidence on behalf of the licensee of the Crossways.

However, in the present case the licensees were on notice that Counsel Assisting the Commission would provide active assistance by calling a broad range of community witnesses, and it seems unrealistic to argue against the Commission's reception of a broad range of evidence pertinent to those concerns of the community which caused the Commission to take the action it did.

In providing that a Section 33 hearing shall be simply "in relation to the conditions of the licence", with no indication of parameters or guidelines, the Act would seem to at least open the way for a reconsideration of such criteria set out in Section 32 (1) of the Act as the Commission may see relevant to current circumstances, with particular reference of course to Section 32 (1)(d), the needs and wishes of the community.

The Commission does not accept that the needs and wishes of the community must be a "once and for all consideration at the time of application". We note the remarks of Thomas J in the *Tennant Creek Trading* case that the Liquor Commission in a situation very similar to that prevailing in this current matter could properly take cognisance of community needs and wishes at the time of variation.

In any event, if Section 32(1) can be revisited for the purpose of these proceedings, it is settled law that the matters which the Commission may consider under Section 32(1)(g) are unlimited, and the Commission may give such comparative or relative weight to the various considerations required or allowed by Section 32 as the Commission may see fit, and on the basis of evidentiary requirements that may properly vary from case to case in the Commission's discretion (*Lariat Enterprises Pty Ltd and Liquorland (Australia) Pty Ltd –v– Joondanna Investments Pty Ltd and the Liquor Commission of the Northern Territory (1995) NTSC 38*).

The retirement of Mr Reeves from the hearing left Woolworths (SA) Pty Ltd (the licensee of Mac's Liquor in Katherine) as the only licensee affected by the proposed variations to be continuing with the hearing, and the only licensee to actually call any evidence.

In these short reasons for decision, we do not address the evidence of each and every witness individually. A more detailed analysis of the evidence will be found in the full reasons for decision, which the Commission will publish in due course.

Counsel assisting the Commission, Mr Watkins, called the following witnesses:

- Michael Pearce, Co-ordinator of the Wardaman Aboriginal Corporation, and convenor and Chairman for a time of the Katherine Combined Aboriginal Organisations;
- Superintendent Bert Hoffa, Northern Territory Police, with Katherine his area of responsibility;
- Nino Niceforo, Alderman in the Katherine Town Council;
- Leon James, Regional Co-ordinator of the Katherine Alcohol and Drug Association;
- Christina Faye Miller, operator of the Red Gum Caravan Park and Chair of the Katherine Regional Tourist Association;
- Glenn Dooley, a lawyer with the Katherine Aboriginal Legal Aid Service;
- Graham Castine, an ex-Director of the Kalano Association Inc.;
- James Cox, Pastor of the Baptist Church and representative of the Combined Churches Association;
- Graham Cole, Katherine Solicitor and chairman of a series of public meetings in relation to the need for changes to liquor availability in Katherine;
- Anne Shepherd, proprietor of the Katherine Newsagency and Chairperson of the Katherine Region, Chamber of Commerce and Industries;
- Kenneth Lonie, Ex-General Manager of ERA Operations at Jabiru, and one of the convenors of the Gunbang Action Committee;
- Russell Millar, with twenty years experience in the taxi industry in Katherine;
- Toni Tapp Coutts, Alderman with the Katherine Town Council, and member of the Katherine Women's Forum and the Katherine Alcohol and Drug Association;

The Commission also received into evidence a report "Alcohol-related problems in Katherine" prepared by Dr Peter d'Abbs of the Menzies School of Health Research in Darwin, and Professor Dennis Gray of the National Centre for Research into the Prevention of Drug Abuse, Curtin University in Perth.

Mr Watkins subsequently called Dr. d'Abbs to speak to that report under oath.

Also in evidence was:

- A petition presented to the Legislative Assembly on 1 June 1999 by more than 750 residents of Katherine seeking the implementation "as a matter of urgency" of the proposed reduction in take-away alcohol trading hours;
- A series of statistical graphs relating to liquor purchases over several years by Katherine liquor licensees;

- Correspondence from the Jawoyn Association.

On behalf of Woolworths, Mr McDonald QC called the following witnesses:

- Robert Meagher, the National Licensing Manager for Woolworths, and Retail Manager;
- Allen Doak, Store Manager of Woolworths in Katherine for four years;
- Francis Simper, the Director of the market research firm “Research Partners” and a member of the Market Research Society;
- James Miers, the Property and Development Manager for Woolworths in South Australia and the Northern Territory.

Mr McDonald also tendered a written statement by Dr John Cook who did not attend the hearing.

In the Commission’s view it is abundantly clear from the evidence that there is a level of liquor related anti-social behaviour in Katherine, which is unacceptable to the majority of the residents of the Katherine area, both aboriginal and non-aboriginal alike.

It is clear that the problems are caused mainly by a core group of about a hundred aboriginal people who are chronic alcoholics of no fixed abode within the town area. This group is augmented at various times by other aboriginal people coming into town from outlying communities on an event-driven basis such as for football matches, concerts, visiting hospitalised relatives and the like. These people too for the most part have nowhere to go or stay whilst in Katherine.

We are positively persuaded that the broad community in Katherine requires action to be taken to stem the level of public disorder in and about the main street of Katherine and adjoining parks and vacant allotments. Even the Woolworths Katherine Manager testified that he was personally saddened by what he saw happening to the town in this regard.

On the evidence, we do not see the new drinking area adjoining the Walpiri Camp as likely to have any significant role in solving or relieving the problem.

With the exception only of Mr Millar, who preferred to see trials of various measures he suggested, all the other witnesses called by Mr Watkins testified that the groups they represented were wholly in support of the reductions in the trading hours which the Commission had proposed to implement.

Admittedly several of the witnesses did not expect the reduction in trading hours of itself to solve the problem, advocating the need for an overall strategy, a multifaceted approach to the problem, characterised by Dr d’Abbs as the need for Katherine to create a corporate view of necessary action.

However, Dr d’Abbs was generally supportive of the measures proposed to be taken by the Liquor Commission, and did not agree that it would be inappropriate to proceed with those measures until some ideal process was in place.

The Commission does not see that it should refrain from exercising its powers until some future time when some ideal community-structured plan may eventuate. Indeed, we believe that the Commission may be failing in its statutory duty if it did not now take such steps within its own jurisdiction as it deems to be an appropriate

balance between the demonstrated needs and wishes of the Katherine community and the legitimate expectations of liquor licensees.

The case for Woolworths was based mainly on that company's apprehension of customer inconvenience, and mainly reliant in that regard on the survey "A Quantitative Survey of the Needs and Wishes of Mac's Customers Regarding Trading Hours for Sales of Take-away Alcohol in Katherine" conducted in September 1999 by the market research firm "Research Partners".

No evidence was adduced as to any apprehension of loss of business or frustration of legitimate commercial expectations. Woolworths' major concern was with customer inconvenience.

A structured written proposal by Woolworths for the recasting of its trading hours and conditions featured the suggestion that it be able to sell liquor from 9.00am to 8.00pm on Sundays to "non residents of the Northern Territory".

However, since the conclusion of the hearing, the Legislative Assembly of the Northern Territory has approved new regulations under the Liquor Act expressly prohibiting supermarkets from trading in liquor on Sundays. The removal of any possibility of Sunday trading on the part of Woolworths unfortunately leaves their proposal in some disarray.

There were submissions on behalf of Woolworths that the reduction of take-away trading hours by 50% is too severe and too radical, again pitched in terms of the expectations of Woolworths customers. This is by no means borne out by the Woolworths customer survey, and Dr d'Abbs points out that "trivial reductions have trivial effects". In his view what the Commission proposed in relation to trading hours could not be described as trivial, but at the same time did not really interfere with people's capacity to buy liquor.

It was submitted on behalf of Woolworths that the so-called "Mike Reed Committee", which is to say the body referred to in the second paragraph of these reasons, suffered from being a body that had insufficient aboriginal representation, and was insufficiently broadly based. However, the Jawoyn were well represented in that body, and on evidence before us in the hearing the Jawoyn are the traditional owners of the Katherine town area.

In any event, there is now also the express support of the Wardaman Community and the Kalano Association for the proposed reduction in trading hours.

We also note the evidence of Anne Shepherd who testified that as a member of the Katherine community for 32 years she is able to say that the Katherine community was broadly represented by the bodies who participated in the Mike Reed Committee. She pointed out that the Chamber of Commerce and Industries was a participant in the Mike Reed Committee, and that Woolworths was a member of the Chamber.

It was submitted on behalf of both Woolworths and Crossways that the reduced availability of take-away liquor would impact disproportionately on tourists, yet far from there being any evidence to that effect the evidence was that the tourist industry is a major supporter of the proposed measures, and sees the improvement in the town's tourist image as being of prime importance to the industry.

It was submitted on behalf of both Woolworths and Crossways that the problems of and created by a minority should not be allowed to impact adversely on those who

are not part of the problem. However, it is clear from the evidence that most of those elements of the Katherine Community who are not part of the problem, which is to say most of the Katherine community, far from feeling adversely affected are in fact supporters of the reduction of liquor trading hours.

It was submitted on behalf of Woolworths that the problems of a minority should not be able to hold an “overwhelming majority” to ransom. It seems to the Commission, however, that the picture of a majority being held to ransom by the minority is more descriptive of the situation as it currently stands.

An “overwhelming majority” of the Katherine community supports the Commission’s proposed measures.

Given the evidence as to the approximate total adult population of Katherine, the Commission views the petition of 1<sup>st</sup> June 1999 as being highly significant, and even the survey of Woolworths own customers in no way supports a submission as to the disaffection of an “overwhelming majority” of the whole community.

Only just over 50% of the surveyed Woolworths customers acknowledged a preference for licensing hours for take-away liquor in supermarkets to remain unchanged. Almost 50% wanted a reduction in take-away hours. When confronted with a range of reduction options, a majority designated 2.00pm to 8.00pm as suitable to them. When asked to designate which of nine specified reduction options was most suitable to them, the 2.00pm to 8.00pm option was the second most favoured. Indeed, the “option considered most suitable” graph (chart 19 in exhibit 32) shows an overwhelming majority, over 70%, opting for an opening time later than 10.00am.

It was submitted on behalf of Woolworths and Crossways that there is a lack of evidence of any connection between drinking hours and excessive consumption. However, Dr d’Abbs testified that there is clear evidence both within Australia and beyond that changes to drinking hours can and do have an effect on reducing alcohol-related harm.

Mr McDonald urges the Commission to approach the issue of whether there is to be a variation in trading hours in a neutral and open manner on what the evidence presents.

Whilst we certainly agree that we must not have commenced the hearing with a mind prejudiced in favour of a conclusion already formed, we believe that reference to neutrality does not address the reality of a situation such as this where the very qualification to be one of the decision makers at the hearing ensures that the members of the hearing panel will have had some prior knowledge of the circumstances which gave rise to the issues for determination.

The requirement, according to the authorities, is for a “fair and unprejudiced mind”, which is not necessarily a mind which has not given thought to the subject matter or not formed any views or inclinations of mind upon or with respect to the subject matter, but a mind which will be susceptible to persuasion by the evidence presented at the hearing.

What we are persuaded of by the evidence is that the Katherine community supports the proposed reduction in hours for liquor licensees. We accept the submission of Mr Watkins that with the possible exception of only the Woolworths survey of their

own customers there has been not any evidence of a contrary view within the community.

However, we also accept Mr McDonald's call for a trial period, to be closely monitored as hereinafter described.

A monitored trial will effectively assess the validity of these apprehensions.

In relation to the later opening times, several witnesses expressed apprehension that (1) bars not opening until 11.30am will lead to problems in relation to larger congregations waiting for the doors to open, and (2) those waiting for the availability of take-away at 2.00pm will already have availed themselves of the opportunity of drinking in the bars that will have opened at 11.30am, a situation which Mr Meagher describes as "a recipe for disaster".

These apprehensions are matters which a monitored trial should effectively clarify.

Also, the many references during the hearing to a well known brand of four litre wine cask being a major factor contributing to the present problems, and the evidence from Woolworths as to the volume of sales of those casks, suggests the advisability of a separate trial period for which the conditions are such that the specific effect of restricting sales of the large casks can be evaluated.

The inclusion of restrictions on the sale of fortified wine in such a trial is a precaution that has reference to page 3 of exhibit 33, the statistical graph showing the extraordinary increase in trade in fortified wine in the Barkly Region following a restriction on four litre casks in that area.

The Commission's formal decision in this matter is therefore as follows.

### **RESTRICTIONS ON THE SALE OF LIQUOR:**

**The Commission will implement a system of restrictions on the sale of liquor in Katherine.**

The restrictions will be implemented on a trial basis for a period of twelve (12) months beginning 1 January 2000 and will be subject to on-going evaluation.

The trial will be conducted in two phases, each of six months duration.

Each phase contains a form of restrictions but the restrictions to be trialled in the first phase are clearly different from the restrictions to be trialled during phase two, thus providing a sound basis for comparison and subsequent evaluation.

Advance notification of the details of each phase will allow licensees the opportunity to arrange their stocks accordingly.

#### **Phase One:**

The trading hours to be applied during the first six months, commencing 1 January 2000, will be those conditions detailed in the notices issued by the Commission to Mac's Liquor of Woolworths and other licensees in Katherine on 1 April 1999.

**For Mac's Liquor, the Katherine Foodstore, the Riverview Motel & Caravan Park and the Red Gum Caravan Park the licensed hours will be as follows.**

- Liquor shall only be sold from Monday to Saturday and only between the hours of 2:00pm and 8:00pm.

- Liquor shall not be sold on Sunday, Good Friday and Christmas Day.

**For the Crossways Motor Hotel and the Katherine Hotel Motel the licensed trading hours will be as follows.**

- Liquor shall only be sold for consumption on or at the licensed premises from 11:30am each trading day.
- The premises may be open to the public prior to 11:30am in order that patrons can access the TAB and other services provided on the premises.
- Liquor for consumption away from the premises shall be sold only between the hours of 2:00pm and 8:00pm, seven days a week.
- Liquor for consumption away from the premises shall not be sold on Good Friday or Christmas Day.

**For the Katherine Sports & Recreation Club, the Katherine Country Club and the Katherine Club.**

- Liquor for consumption away from the licensed premises shall only be sold to financial members and only between the hours of 2:00pm and 8:00pm, seven days a week.
- Liquor for consumption away from the premises shall not be sold on Good Friday or Christmas Day.
- The hours during which liquor may be sold for consumption on or at the premises remain unchanged.

**Phase Two:**

The licence conditions to be applied during the second six months of trial restrictions, commencing 1 July 2000 and concluding 31 December 2000 will be as follows.

- Licensed hours for consumption of liquor on or at the licensed premises will revert to the trading hours applicable prior to 1 January 2000.
- Licensed hours for the sale of liquor for consumption away from the licensed premises will revert to the trading hours applicable prior to 1 January 2000.

The licences of Mac's Liquor, Katherine Foodstore, Crossways Motor Hotel, Katherine Hotel Motel, Riverview Motel & Caravan Park, Red Gum Caravan Park, Katherine Golf & Country Club, Katherine Sport & Recreation Club and the Katherine Club will be varied as follows, with effect 1 July 2000.

- No wines shall be sold in containers of a capacity greater than two litres on Wednesday, Thursday and Friday on any week.
- No fortified wines shall be sold on Wednesday, Thursday and Friday of any week.

**LICENCES OTHER THAN THOSE NAMED ABOVE:**

The following licences are not affected by this decision.

Knotts Crossing Resort, Katherine Low Level Caravan Park, Elders Pastoral, Wesfarmers Dalgety Ltd, Beagle Motor Inn, Café on First, Frontier Motor Inn, Nitmiluk Centre, Olympia Café, Paraway Motel, PGA Lodge, Pine Tree Motel, Regent Court and the Springvale Homestead.

Nevertheless, the Commission will, should it become necessary, ensure that the licence conditions and trading hours pertaining to these premises do not subvert the trial restrictions.

### **EVALUATION OF THE TRIAL RESTRICTIONS:**

In the Commission's view the Liquor Act requires it to have regard to *the needs and wishes of the community* when determining whether to grant a licence and when varying the conditions of a licence.

It is therefore appropriate that the community of Katherine, and at the very least, an appropriate and broadly based selection of community representatives, is intrinsically involved in the evaluation of the trial restrictions.

#### **Katherine Liquor Issues Committee:**

To this end the Commission proposes to establish a community representative group to be known as the Katherine Liquor Issues Committee, or by some other useful title to be agreed upon by the members of the committee.

**The primary function of the committee will be to evaluate the trial restrictions and to recommend to the Commission, the licence conditions and liquor trading hours that should apply after the expiration of the trial period of restrictions.**

The Commission recommends that the committee be comprised of representatives of the following groups or organisations, the Katherine Town Council, the Chamber of Industry & Commerce, the Katherine Regional Tourist Association, the Police, liquor licensees, the Katherine Alcohol & Drug Association, the Jawoyn Association, the Wardaman Aboriginal Corporation, the Kalano Association, Territory Health Services and the Wurliwurlinjang Health Service.

The above list of groups or organisations is intended, at this stage to be indicative only.

Other groups, individuals or organisations are at liberty to approach the Commission and state their case for membership of the committee.

Ideally, the final composition of the committee will be agreed by the Katherine community.

For practical purposes the Commission will retain the final decision regarding the committee's membership.

It is proposed that the Chairman of the Commission be the inaugural chair of the committee and that it be open to the committee to appoint its own chair.

It is recommended that the committee should meet monthly and publish detailed reports of its meetings in the Katherine Times.

It is essential to the effectiveness of the committee in representing the people and interests of the Katherine community that it maintains regular communication with the broader community and consults with it on major decisions.

The processes to be followed by the committee in its evaluation of the trial restrictions should be developed and agreed by the committee early in Phase One of the restrictions.

The committee should complete its deliberations as soon as practicable after 31 December 2000. It may be necessary to extend the licence conditions of Phase Two beyond 31 December 2000 until the evaluation of the trial restrictions is complete.

It does not necessarily follow that the licence conditions and trading hours to be applied at the completion of the evaluation will be those that applied in phases one or two of the trial. As stated earlier in this decision the Committee will recommend to the Commission, the licence conditions and liquor trading hours that should apply after the expiration of the trial period of restrictions.

The process and methodologies used in the review of restrictions in Tennant Creek, completed in November 1999, are recommended for the consideration of the Katherine committee.

The process used in Tennant Creek included an independently conducted community survey.

The Katherine committee is nonetheless free to develop and implement its own process for evaluation of the trial restrictions.

#### **Data essential to a reliable evaluation:**

**In order that the evaluation is based on reliable data it is essential that those organisations with data pertinent to an evaluation of the restrictions, obtain and record such data in a readily available format.**

It is equally essential that all relevant organisations record their data consistently and against the same framework of measurement throughout the full period of the trial restrictions.

Some organisations with data likely to be relevant to a scientific evaluation are as follows.

- **Police** - Liquor related incidents such as street incidents, domestic violence call outs and drink-driving offences.
- **Health services** - Liquor related treatments and admissions.
- **Department of Industries & Business** - Liquor purchase figures of licensees in Katherine and elsewhere.
- **Education providers** - school enrolment and attendance figures.
- **Refuges** - attendance figures
- **Sobering-up shelter** - admission figures

The Commission recommends, most strongly, that the organisations listed above immediately undertake all preparations necessary for the collection of information that may be relevant to the evaluation of the trial restrictions.

The above list is unlikely to be comprehensive and is open to revision by the committee.

**LIQUOR INSPECTOR:**

The Commission recommends that the Department of Industries and Business appoints an Inspector of Licensed Premises to the Katherine Region for a least the period of the trial of restrictions and that the person appointed is resident in Katherine.

In addition to the normal duties of a Liquor Inspector the Commission recommends that the person appointed provides, together with the other staff of the Department's Katherine office, such administrative support as may be necessary for the operations of the proposed committee and for the conduct of the evaluation of the trial restrictions.

**Peter R. Allen**

**CHAIRMAN**

**1 December 1999**