

30 June 2017

BY EMAIL: Alcohol.Review@nt.gov.au

Mr Trevor Riley
Chairperson – Alcohol Policies and Legislation Review
Department of Health
PO Box 40596
CASUARINA NT 0811

Dear Mr Riley,

RE: ALCOHOL POLICIES AND LEGISLATION REVIEW

We refer to your letter dated 23 May 2017 and thank you for the opportunity to comment on the issues paper regarding the Northern Territory Alcohol Policies and Legislation Review.

Coles Liquor is one of Australia's largest liquor operators with 867 stores and 89 hotels nationally (of which we have 8 stores in the Northern Territory that employ more than 52 team members).

Coles Liquor is committed to the responsible service, supply and promotion of alcohol and supports the Northern Territory Government's aim of striking the right balance between harm minimisation and continuing to ensure the proper development of the industry in line with community and consumer expectations.

We have reviewed the issues paper and offer the following comments for the Expert Panel's consideration:

Recent actions by the Northern Territory Government

We are aware that the Government has taken a number of actions in recent times which have had and will continue to have a significant impact on the alcohol regulatory framework in the Northern Territory. These include:

1. Introducing new Director General guidelines on the granting of take away liquor licences;
2. Introducing legislation to limit Sunday trading;
3. Introducing legislation to limit the floor space of take away alcohol stores;
4. Introducing guidelines setting out the requirement for public hearings where objections have been lodged against liquor licence applications; and
5. Introducing the Banned Drinker Register (BDR) in take away alcohol stores commencing 1 September 2017.

We note the above actions represent substantial changes to the licensing landscape in the Northern Territory, most of which have not yet been fully tested or evaluated (or in the case of the BDR,



commenced yet) as to whether they address the objectives and aims of the alcohol policies and legislation in the Northern Territory.

We are conscious that there will need to be sufficient time to allow the Government, community and all stakeholders in the industry to analyse the impact of the above measures. Coles Liquor believes there is merit in this review addressing these actions at some level.

Determining new licence applications

As referred to above, one of the recent measures introduced has been a change to the criteria for a new take away liquor licence application. There have also been very recent changes as to how a contested licence application is to be determined by way of public hearings. We submit that while these changes are yet to be evaluated and it is difficult to determine their impact at this early stage, it remains critical for the licensing authority to balance the objectives of harm minimisation with the appropriate development and regulation of the liquor industry.

One of the factors in this balancing exercise is the relationship between alcohol related harm and outlet density. We understand that outlet density may well be a relevant factor in the determination of an application but it must be taken into account as part of a broader consideration of the objects of the legislation and having regard to the merits and facts and circumstances of each particular licence application. The types of impacts which may arise from the granting of a new licence will be influenced by many factors including the nature of the existing situation, the measurable impacts of a grant of a new licence and any measures put in place to mitigate any adverse impacts and enhance positive impacts.

Further, as applications are no longer determined on whether there is a public “need” for a new licence, it is important to ensure decisions are made on evidence based assessments of the positive and negative impacts of that particular licence application, the site, its surrounds as well as the suitability of the applicant. We note that the new take away guidelines provide for consideration of an application in very limited circumstances and for our purposes, essentially in ‘greenfield’ sites only. However, we submit thought should be given to expanding the criteria and taking into account evidence based impact assessments (which weigh the positive and negative impacts of the proposal) which, together with the licensing framework generally, provide adequate protection for the community and increase public confidence in decision making as opposed to prohibitions or restrictions on the granting of certain types of licences in certain locations.

Finally, Coles Liquor believes that a robust liquor licensing framework is one that adequately balances the needs of the majority of consumers who consume alcohol responsibly and appropriately deals with the minority who consume alcohol at a harmful level.

Coles Liquor looks forward to confirmation of receipt of this submission and would welcome a meeting or further consultation with you or the Expert Panel in due course.

Should you require any further information, please do not hesitate to contact me on (03) 9829 6664 or tim.omeara@coles.com.au

Yours sincerely,

A handwritten signature in blue ink that reads "Tim O'Meara". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Tim O'Meara
Legal Counsel
Licensing, Risk and Regulatory Compliance
Coles Liquor