

Northern Territory

LIQUOR COMMISSION

NOTICE OF PROPOSED VARIATION OF THE CONDITIONS OF THE FOLLOWING LICENCES

LICENSEES

LICENCE NUMBERS

5 Star Supermarket Nightcliff	80900858
Adelaide River Inn	81301156
Adelaide River Show Society	81401681
Airport Tavern	80100307
Alyangula Golf Club	81403495
Anula Foodland	80900814
Aralia Supermarket	80900119
Banyan Tree Resort	81115510
Beachfront Hotel	80315200
Berry Springs IGA X-press	80903666
Berry Springs Tavern	80318712
Bestfoods Darwin	80916778
Boab Resort	80900070
Buff Club	81401025
BWS - Beer Wine Spirits (Bakewell)	80919180
BWS - Beer Wine Spirits (Cavenagh Street)	80917513
BWS - Beer Wine Spirits (Gateway)	81018420/FLL1004
BWS - Beer Wine Spirits (Karama)	80904482
BWS - Beer Wine Spirits (Leanyer)	80903527
BWS - Beer Wine Spirits (Nightcliff)	80901630
BWS - Coolalinga	80916856
BWS - Katherine	80900131

BWS - Nhulunbuy	80904537
BWS Beer Wine Spirits - Humpty Doo	80904426
BWS Beer Wine Spirits- Casuarina	80903616
Casuarina All Sports Club	81415370
Cazalys Palmerston	81416400
Cooinda Lodge Kakadu	81200350
Corroboree Park Tavern	80304179
Daly River Inn	81200388
Daly Waters Pub	81303324
Darwin Bowls and Social Club	81401469
Darwin Golf Club	81401431
Darwin IGA X-press	80901929
Darwin River Tavern	80304941
Darwin Sailing Club	81401392
Darwin Ski Club	81401269
Darwin Surf Lifesaving Club	81405009
Darwin Trailer Boat Club	81401081
Dinah Beach Cruising Yacht Association	81404283
Douglas Daly Park	81204990
Dunmarra Wayside Inn	81200366
Fair Price Foodland	80903795
Frontier Hotel	80100274
Fusion On The Wharf	81118453
Gateway Select Wine, Beer & Spirits	81019034/FLL1019
Gove Country Golf Club	81401770

Gove Yacht Club	81401564
Gray Supermarket	80915260
H Hotel	80218601
Happy Foodland Supermarket	80900808
Hi Way Inn	81201209
Hibiscus Tavern	80303086
Howard Springs Supermarket	80901218
Howard Springs Tavern	80303036
Humpty Doo & Rural Area Golf Club	81416621
Humpty Doo Hotel Motel	80100418
Jabiru Golf Club	81403051
Katherine Club Inc	81400598
Katherine Country Club	81401075
Katherine General Store	80900703
Katherine Hotel	80101789
Lake Bennett Wilderness Resort	80315760
Liquor Downunder NT	81018776
Liquorland Casuarina Shopping Centre	80900175
Liquorland Casuarina Village	80903600
Liquorland Coolalinga	80918948
Liquorland Mitchell Centre	80917125
Liquorland Northlakes	80903416
Liquorland Palmerston	80903361
Liquorland Pinelands (Holtze)	81018823
Litchfield Motel	80104092

Malak Supermarket	80900725
Malandari Store	80903761
Mataranka Supermarket	80900058
Milikapiti Sports & Social Club	80803649
MINT Club	81401031
Moil Supermarket	80900820
Moulden Supermarket	80904159
Nightcliff Sports Club	81401342
Noonamah Tavern	80315190
Northern Territory Rugby Union	81416080
Novotel Atrium Darwin	80104103
NT Oriental Emporium	80900103
Palmerston Game Fishing Club Inc	81416460
Palmerston Golf & Country Club	81403928
Palmerston Tavern	80303220
Parap Fine Foods	80901852
Parap Road Store	80901652
Pine Creek Hotel	81301673
Pine Creek Turf Club	81416380
PINT Club	81401481
Pit Lane Liquor	81017321
Plaza Karama Tavern	80304474
Portuguese & Timorese Social Club	81415300
Post Office Store	80900325
Quality Hotel Darwin Airport	80818062/FLL1050

Rum Jungle Tavern	80317827
Sandpalms Tropical Motel	81215590
St Mary's Football Sporting and Social Club	81404811
Stone House Wine and Kitchen	80318998
Stuart Hotel	80100963
Stuart Park Corner Store	80901846
The Bark Hut Inn	81200994 / FLL1005
The Bell Bar and Bistro	80319095
The Cavenagh	80101040
The Hotel Darwin	80300296
The Lazy Lizard Caravan Park	80316511
The Lodge of Dundee	81304562
The Parap Tavern	80315250
Top Springs Hotel	81203330
Tracy Village Social & Sports Club	81401508
United Coolalinga	80901363
United Humpty Doo	80901296
University Pirates Rugby Union Football Club	81416818
Victoria River Roadside Inn	81200372
Vintage Cellars	81000258
Virginia Store	80900092
Wagait Supermarket	80904232
Wagaman Supermarket	80901274
Walkabout Tavern	80316140
Wanguri Supermarket	80901824

Wharf Oyster Bar and Takeaway	81104982
Winnellie Cellars	81000208
Winnellie Hotel	80101056
Winnellie Supermarket	80900614
Woodroffe Fresh Food Supermarket	80915420
Wulagi Supermarket	80900864
Zuccoli IGA Fresh	80919500/FLL1023

LEGISLATION: Section 113, *Liquor Act 2019*.

CONSIDERED BY: Mr Richard Coates (Chairperson)
Ms Jodi Truman (Deputy Chairperson)
Mr Bernard Dwyer (Health Member)
Ms Amy Corcoran (Community Member)

INTRODUCTION

1. On 19 May 2021, the Director of Liquor Licensing (the Director) wrote to the Commission and included a request from the Commissioner of Police, Jamie Chalker APM, for the Commission to exercise its powers under section 113 of the *Liquor Act 2019* (the Act) and permanently vary the licence conditions for most takeaway liquor licences across the Northern Territory (NT) apart from those in Alice Springs and Tennant Creek where the PALI system is in place.
2. The request essentially proposed two (2) variations, namely:
 - 2.1. Continuation of conditions imposed by the Director between September 2020 and April 2021 in the exercise of his emergency powers pursuant to the COVID-19 pandemic. Those conditions required licensees to satisfy themselves that purchasers of packaged liquor had a lawful residence at which to consume the liquor within the region in which the liquor was purchased.
 - 2.2. Inclusion of a condition that is similar to a condition already imposed on licensees in Alice Springs and Tennant Creek whereby all licensed packaged outlets must install and maintain CCTV equipment which records the point of sale for all takeaway liquor purchases.
3. As a result of that request the Commission determined to hold a public hearing at which NT Police would be invited to present the evidence in support of their submission as to why the Commission should exercise its own initiative to vary the conditions. The Commission further determined to seek responses from other interested parties within the liquor and hospitality industries and also local government authorities, relevant agencies representing our first nation's people, and bodies with a focus on public health policy development as well as human rights agencies.
4. An invitation for submissions to such a proposal was therefore sent to the following stakeholders:

Minister for Alcohol Policy	Northern Territory Legal Aid Commission
Director of Liquor Licensing	Central Desert Regional Council
Department of Health	City of Palmerston
NT Police	Coomalie Community Government Council
Hospitality NT	East Arnhem Regional Council (Nhulunbuy)
Endeavour Group	Litchfield Council
Liquorland (Australia) Pty Ltd	MacDonnell Regional Council
Retail Drinks Australia	Roper Gulf Regional Council
MGA Independent Retails	Victoria Daly Regional Council
City of Darwin	West Arnhem Regional Council
Aboriginal Medical Services Alliance Northern Territory (AMSANT)	West Daly Regional Council
Danilla Dilba Health Service	Aboriginal Peak Organisations Northern Territory (APO NT)
Anti-Discrimination Commission	Central Australian Aboriginal Congress (CAAC) Alice Springs
Larrakia Nation Aboriginal Corporation	Town Camps Futures
North Australian Aboriginal Justice Agency (NAAJA)	

5. As a result of that invitation, the Commission received submissions from the following stakeholders:

Minister for Alcohol Policy	Retail Drinks Australia
Department of Health	Roper Gulf Regional Council
Hospitality NT	Department of Territory Families , Housing and Communities
City of Darwin	Victoria Daly Regional Council
Danila Dilba Health Service	Central Desert Regional Council
Liquorland (Australia) Pty Ltd	Litchfield Council

6. Following receipt of those submissions, the Commission held a public hearing on 22 September 2021 under section 115 of the Act at which the Commissioner of NT Police (NT Police), Hospitality NT and Retail Drinks Australia were represented and made submissions. In addition, the Director was in attendance to provide information to the Commission as requested.
7. Preliminary submissions were sought in relation to whether the Commission should impose a condition that required licensees to satisfy themselves that purchasers of packaged liquor had a lawful residence at which to consume the liquor within the region in which it was purchased. After hearing those preliminary submissions from counsel, the Commission determined that for legal reasons it would not

exercise its discretion to vary the relevant licences in such a manner. Accordingly, the further hearing only proceeded on the issue of whether it was appropriate to impose the proposed CCTV condition.

8. At that hearing, the Commission received evidence from Acting Assistant Commissioner Travis Wurst (AC Wurst) on behalf of NT Police. AC Wurst expressed a strong view that it was essential that police have recourse to CCTV footage to monitor compliance with obligations of licensees with the BDR.
9. He identified particular concern in relation to remote outlets some of which are close to dry communities where there is no permanent police presence. AC Wurst noted that CCTV would enable police and licensing officers to ensure licensees are complying with their responsibilities under the Act. He referred to particular problems that have emerged at Larrimah where there was an outbreak of alcohol related offending arising from the sale of takeaway liquor from those premises and where there was no CCTV operating.
10. AC Wurst also stated that such CCTV footage can also assist with the detection of grog running and sale of liquor to underage and intoxicated persons.
11. In relation to this evidence, the Director had also informed the Commission that CCTV is the “best tool” his licensing officers have for ensuring compliance.
12. Although submissions were made that most reputable licensees are complying with their obligations in respect of their licences; the Commission has found that breaches of the BDR have occurred across a range of different types of takeaway outlets and that such breaches are likely to have only come to light through the examination of the CCTV footage.
13. During the course of his evidence, AC Wurst informed the Commission that he had caused inquiries to be made to determine the approximate cost of a CCTV system that would comply with the proposed variation and noted such a system would cost approximately \$830, *excluding* installation. AC Wurst stated that in order to comply with the proposed variation all that NT Police were seeking was a single camera over the point of sale.

14. Mr Walters on behalf of Retail Drinks Australia provided submissions that the cost of compliance would be significantly more expensive however it was clear to the Commission that his assessments appear to include upgrading a much larger system which a licensee would not necessarily be required to undertake in order to comply with the proposed variation.
15. The Commission is not seeking by this proposed variation for licensees to install a large 10 camera system, but in fact a system which potentially could be achieved with a single camera over the point of sale that recorded information regarding the items purchased, the use of the BDR scanner, interactions between the purchaser and the salesperson, the appearance of the purchaser and the appearance of the salesperson and could store such information for a period of 14 days.
16. The Commission does however accept that for some remote areas there would be potential additional time and cost that may be required if the system were to be professionally installed and therefore agrees that some discretion would need to be afforded to those licensees.
17. In addition, on the evidence of the Director, most licensees already have CCTV installed covering the point of sale and other than a requirement to now maintain the operation of that equipment and retain the footage for at least 14 days there would be no additional obligations or cost placed upon a large number of such licensees. This is a matter that the Commission has previously noted in its decision that most takeaway outlets have their own systems installed at their own instigation to monitor the point of sale for both security and staff safety reasons together with management and control issues.
18. As noted previously, the Commission wrote to Endeavour Group and Liquorland (Australia) Pty Ltd who are the two (2) largest packed liquor outlets in the Northern Territory via Woolworths/BWS and Coles. Although Endeavour Group did not respond, Liquorland (Australia) Pty Ltd indicated it “would not object to these requirements”.

19. The Commission also notes that it has already included such conditions in Alice Springs and Tennant Creek. In addition, the Commission has also included such conditions for a number of other take away outlets who have been found to have been in breach of the BDR requirements.
20. It is for these reasons that it is the Commission's present view that there would be benefit in having all takeaway outlets install CCTV surveillance at the point of sale to ensure compliance with BDR requirements and to reduce the incidence of sales to intoxicated and/or underaged persons, in addition to any other breaches of the Act.
21. Accordingly, the Commission proposes to insert the following condition in the licence for all licensees outlined at the commencement of this Notice with such condition to come into effect within 60 days of it being confirmed within the subsequent decision notice unless the licensee satisfies the Director that; having regard to existing infrastructure, remoteness of the premises, cost of compliance relative to business size and any other relevant practical consideration, a longer period is required to install the CCTV surveillance system:

Closed Circuit Television Condition

The Licensee must install, maintain and operate a camera surveillance system in compliance with the requirements and guidelines prescribed by the Director of Liquor Licensing (the Director), including CCTV camera surveillance at the point of sale designed and operated so as to record information regarding the items purchased, the use of the BDR scanner, interactions between the purchaser and the salesperson, the appearance of the purchaser and the appearance of the salesperson. The licensee must retain all data captured by the camera surveillance system for not less than 14 days.

INVITATION TO LICENSEE TO RESPOND

22. Pursuant to section 113(2) of the Act, the Commission invites the Licensees listed at the commencement of this Notice to respond to the proposed variation within 28 days of this notice.

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a series of connected loops and a long horizontal stroke ending in a sharp point.

CHAIRPERSON

Northern Territory Liquor Commission

29 October 2021