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Richard Coates
Chairperson
Northern Territory Liquor Commission
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2 October 2018

Dear Richard,

RE: Proposed Universal Volumetric Alcohol Restrictions for Greater Alice Springs

I write to you as CEO of Tangentyere Council Aboriginal Corporation (TCAC) on behalf of our Directors; Corporate and Individual Members; and stakeholders to propose (1) 'Universal Volumetric Alcohol Restrictions for Greater Alice Springs'; and (2) the repeal of Alcohol Protected Area status for the Alice Springs Town Camps. TCAC acknowledges that the second proposition sits outside the scope of the 'Review of Takeaway Licence Conditions in Alice Springs' being undertaken by the Liquor Commission. This second element has been included because it provides relevant context.

1. Background

TCAC wrote to the Attorney General, the Honorable Natasha Fyles on the 2nd May for the purpose of sharing a number of recommendations including the proposal to implement 'Universal Volumetric Alcohol Restrictions for Greater Alice Springs'. The response from the Attorney General received on the 3rd May outlined that no liquor restrictions were currently being considered for Alice Springs.

Whilst TCAC stopped short of calling for a reduction in trading hours, there is support for the package of restrictions in place in Tennant Creek. Overall TCAC supports stronger regulation and restrictions provided that these are not discriminatory. The designation of Alcohol Protected Area status over the Alice Springs Town Camps is discriminatory and is connected to a number of issues including that of secondary supply. Stronger regulation and volumetric restrictions will help to ameliorate the impacts of secondary supply and other alcohol related harm.

2. 'Universal Volumetric Alcohol Restrictions for Greater Alice Springs'

'Universal Volumetric Alcohol Restrictions' for Alice Springs would ideally be analogous to those in place in Tennant Creek. TCAC does not recommend a further reduction in trading hours for Alice Springs on the basis that this aspect is not likely to receive broad community support. TCAC is concerned that opposition to reduced trading hours is likely to undermine the passage of 'Universal Volumetric Alcohol Restrictions for Greater Alice Springs'.

TCAC supports supply restrictions that are: (1) universal; (2) based upon regulation and not prohibition; and (3) enforced by the Banned Drinkers Register and Alcohol Restriction Monitoring System (ARMS).

The following restrictions currently in place in Tennant Creek are supported by TCAC for implementation in Alice Springs:

Volumetric Supply Restrictions	<ul style="list-style-type: none">➤ 30 cans/stubbies of mid-strength/light beer; or➤ 24 cans/stubbies of full strength beer; or➤ 12 cans/bottles of Ready to Drink mixes; or➤ 1 x 2 litre cask of wine; or➤ 1 bottle of fortified wine; or➤ 1 bottle of green ginger wine; or➤ 2 x 750 ml bottles of wine; or➤ 1 x 750 ml bottle of spirits.
Prohibitions	<ul style="list-style-type: none">➤ port; and➤ wine in a glass container >1 litre;➤ beer in bottles of 750ml

3. Repeal or Modification of Alcohol Protected Areas

The Alice Springs Town Camps are currently designated as Alcohol Protected Areas. Section 75B of the Stronger Futures in the Northern Territory outlines the consequences for possession and consumption of alcohol in an Alcohol Protected Area as follows:

1) *A person commits an offence if:*

a) *The person:*

i) *Brings liquor into an area; or*

ii) *Has liquor in his or her possession, or under his or her control, in an area; or*

iii) *Consumes liquor in an area; and*

b) *The area is an alcohol protected area.*

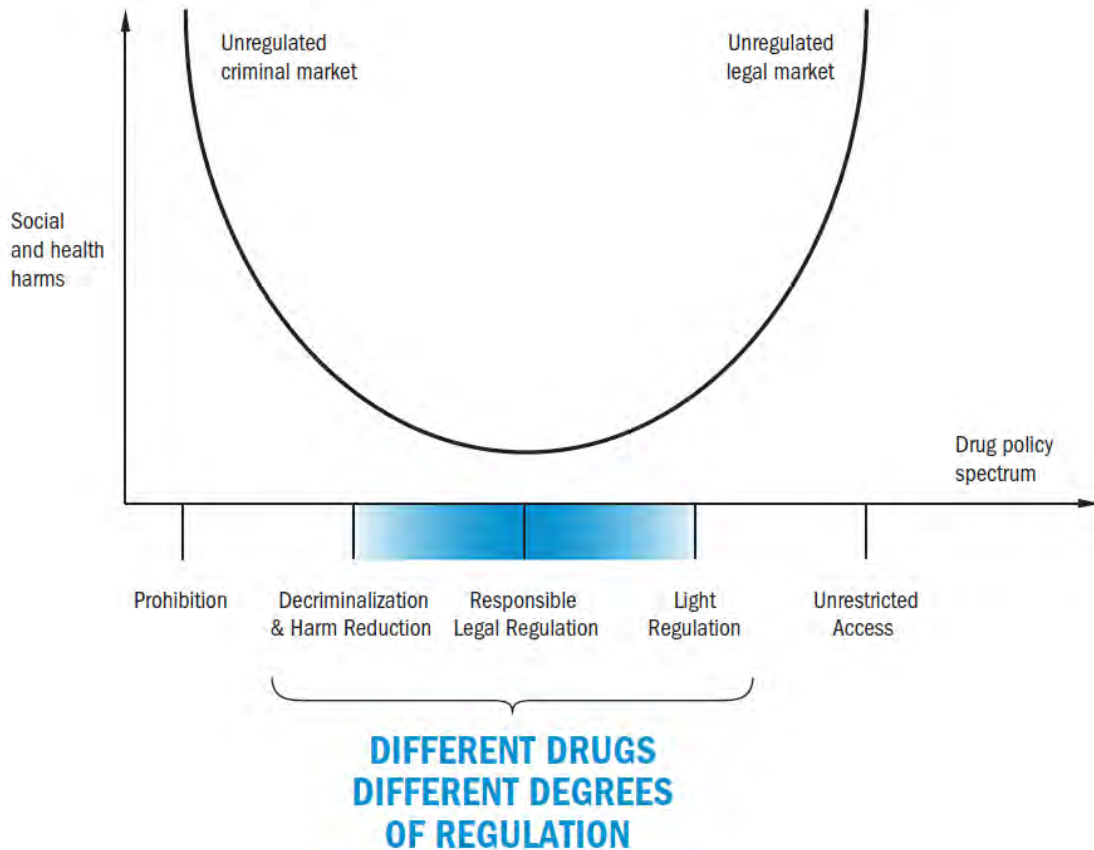
Maximum penalty: 100 penalty units or imprisonment for 6 months.

Each penalty unit is now worth \$210. The penalty is therefore a \$21,000 fine or 6 months imprisonment for the possession and consumption of alcohol on the Alice Springs Town Camps. The prohibition of alcohol is not in accord with the overarching principle of 'harm minimisation'. Harm minimisation is the current drug related policy in Australia governing all drug-related laws and responses. There are three components of the harm minimisation policy: harm reduction, demand reduction and supply control.

TCAC favors the repeal of Alcohol Protected Areas and the implementation of universal restrictions. Universal restrictions are recommended because they: (1) are not discriminatory; (2) tackle the issue of secondary supply by reducing the market and opportunity for illegal alcohol sales; (3) promote a policy and practice environment that supports harm minimisation; and (4) do not rely upon continuous and intensive operation of 'Point of Sale Interventions' by our police. TCAC supports the deployment of police in a manner that is responsive and flexible.

Our position is that universal interventions that do not rely upon prohibition are far more likely to produce the maximum benefit for the biggest number of people. This perspective is supported by the Global Commission on Drug Policy Report '*Taking Control: Pathways to Drug Policies that Work*' (GCDP, 2014).

The Global Commission on Drug Policy Report *'Taking Control: Pathways to Drug Policies that Work'* (GCDP, 2014) outlines that responsible regulation and not prohibition produces the greatest reduction in alcohol related harm:



The Alcohol Protected Area status of Town Camps is analogous to prohibition and creates an opportunity for the secondary supply of alcohol to Town Camp residents and visitors. Secondary supply by individuals seeking to profit from discriminatory alcohol policy has meant that alcohol remains widely available and outside of government regulation. The repeal of Alcohol Protected Area status on Town Camps combined with universal restrictions would greatly reduce the scope for secondary supply of alcohol. Additionally it is our view that the designation of Town Camps as Alcohol Protected Areas means that the consumption of alcohol is more likely to be unsafe. This issue of unsafe drinking is characterized by the consumption of large amounts of alcohol consumed quickly (in order to avoid detection and penalty).

4. Tripartite Action Needed

In 2009, 11 Town Camp Housing Associations and 3 Aboriginal Corporations entered into tripartite Alice Springs Living Area Subleases with the Executive Director of Township Leasing (EDTL) on behalf of the Commonwealth and the CEO of Housing on behalf of the Territory. The EDTL then entered a Housing Management Agreement with the Northern Territory Government making the Department of Housing and Community Development (DoHCD) the Housing Authority for the Alice Springs Town Camps.

It is recognized that the Territory cannot repeal or alter the status of Town Camps as being Alcohol Protected Areas and on this basis TCAC recommends the establishment of a tripartite working group. Such a working group needs to reflect the composition of the Advisory Housing Forum mandated by the Alice Springs Living Area Subleases. The Advisory Housing Forum includes delegates from the Commonwealth, Territory and TCAC.

Once the status of Town Camps has been amended TCAC and its members recommend further changes including:

- The extension of Alice Springs Township Public Restrictions to Town Camp common areas;
- The review and amendment of instruments for the designation of Alcohol Restricted Premises so that this status can be applied to targeted households on the Town Camps. Targeted houses would include those with a history of antisocial behavior, problem drinking, violence and crime.

In our previous correspondence to the Attorney General (see background) we included Senator the Honorable Nigel Scullion in his capacity as the Minister for Indigenous Affairs as a carbon copy recipient in recognition of the fact that aspects of our proposal require a tripartite discussion between TCAC on behalf of our Town Camp Corporate Members; the Commonwealth and the Northern Territory Government. In this previous correspondence we also included the Chief Minister the Honorable Michael Gunner MLA, Senator Malarndirri McCarthy, Mr. Warren Snowdon MP, the Honorable Dale Wakefield MLA, Mr. Chansey Paech MLA, Mr. Scott McConnell MLA and Ms. Robyn Lambley in recognition that this issue requires the support of all key stakeholders from both levels of government.

5. Key Points

TCAC recommends that:

- 'Universal Volumetric Restrictions' similar to those currently in place in Tennant Creek be implemented in Alice Springs;
- 'Universal Volumetric Restrictions' should be enforced by extending the technology used for the BDR so that it can operate as an Alcohol Restriction Monitoring System (ARMS). TCAC understands that this is the case in Tennant Creek;
- The Alcohol Protected Area status of the Alice Springs Town Camps should be repealed or amended to reflect Public Restrictions in place elsewhere in Alice Springs;
- Instruments for the designation of Alcohol Restricted Premises are amended so that this status can be applied to targeted houses on the Town Camps with a history of alcohol related harm. This status should also be available on a voluntary basis;
- The BDR should be amended to reflect the designation of Alcohol Restricted Premises for individuals from targeted houses.

The need for tripartite discussions to repeal or amend the Alcohol Protected Area status of the Alice Springs Town Camps in no way impedes the implementation 'Universal Volumetric Alcohol Restrictions' for Alice Springs. TCAC would however appreciate the input of the Liquor Commission with respect to our proposed amendments to Commonwealth, Alcohol Protected Areas.

Stronger Futures sunsets during 2022 and it is the view of TCAC that work needs to be done immediately to consolidate alcohol public policy under one legislative framework. In our view alcohol policy and regulation needs to sit with the Territory and not the Commonwealth.

Please contact Michael Klerck on 0438891722 should you have any comments or queries.

Thanks for your assistance.

Yours,



Walter Shaw
Chief Executive Officer