

Response to

**Application for Authorisations A91201
& A91202 lodged by the Casuarina
Precinct Stakeholders Committee**

January 2010

1. The ADF offers support to the proposal by the Casuarina Precinct Stakeholders Committee to seek authorization for a Liquor Accord that would subsequently enable members of the Accord to restrict the provision of particular alcohol products, and in particular quantities, to the public in the Casuarina business district.
2. The ADF understands that the proposal follows Recommendation 11 of the Crime Prevention Review Through Environmental Design (CPTED) that was commissioned by NT Police. That recommendation suggested a limit be placed on the sale of large quantities of alcohol by local outlets in an attempt to reduce anti-social alcohol fuelled behaviour that is prevalent in the precinct.
3. In summary, the products that would not be available for sale under the proposal include packaged wine and fortified wine products in containers greater than 2 litres; ready to drink products in containers greater than 500ml; and packaged wine and fortified wine products in containers greater than 4 litres. The proponents of the Accord envisage other measures to improve amenity in the precinct and reduce anti-social behaviour will be negotiated with NT Police.
 - 3a. The ADF is unsure of the legal status of the proposal for the Accord signatories to refuse sale of all alcohol products to persons who are aged under 25 years, if the age of purchase is set by statute at eighteen years in the Northern Territory. However, in the view of the ADF, that proposal is not central to the question of the capacity of the Liquor Accord to restrict the sale of items listed in (4) to the general public.
4. The ADF understands the effect of the proposal would restrict the capacity of relevant liquor outlets that join the proposed Liquor Accord to sell alcohol freely to consumers and, as that restriction may constitute anti-competitive practice under the Trade Practices Act, the prior approval of the Australian Competition and Consumer Council is required.
5. The ADF view that this proposal would not injure competition policy takes into account the paper by Marsden Jacobs Associates on the subject of competition policy and regulation of the sale of alcohol for consumption off-premises (Marsden Jacobs 2005). Their paper makes the following observations:
 - There is not a necessary conflict between National Competition Policy and regulation. Alcohol is a product that needs regulation even if it reduces competition on occasions.
 - Increased competition is not always in the public interest as it may exacerbate alcohol-related problems.
 - Measures of regulation which do not discriminate between sellers of liquor have a negligible effect on competition. (The proposal under consideration would apply to all signatories to the Accord equally. While ratification of the Accord may be voluntary the evident aim of the proponents is that all relevant packaged liquor outlets in the precinct would join the Accord.)

6. The Australian Drug Foundation believes the public benefit of this proposal outweighs the impact on economic competition that implementation of the proposal might entail. In the ADF's view the strictures of competition policy should not be applied to alcohol without careful consideration and that in many instances alcohol should be exempted from national competition policy.

7. The ADF believes that the profound negative effects of alcohol consumption on individual lives and on the social and economic fabric of Australian society that are identified in the current national alcohol strategy (MCDS 2006) justify the marginal limitation on competition that would result from the implementation of this proposal.

8. Although alcohol can be consumed in relative safety when taken in small doses, (although not absolute safety), it constitutes a dependence-producing, potentially lethal psychoactive drug that deserves careful handling and treatment. The National Health and Medical Research Council advises that young people aged less than eighteen years should avoid drinking if possible and that those aged under sixteen years avoid all drinking (NHMRC 2009). The NHMRC advises adults that they should drink no more than four standard drinks on any single day in order to remain at 'low-risk' for harm arising from the acute consumption of alcohol.

9. While the public has a right to purchase and consume alcohol that right should be tempered by a community's responsibility to take reasonable action to prevent foreseeable harm, both to the consumer of alcohol and to other people who may suffer harm due to the behaviour and actions of drinkers.

10. Vendors of alcohol have a responsibility to take reasonable action to reduce the risk of preventable harm, both to the purchaser and consumer of alcohol and other people. Liquor Accords are a feature of many localities in Australia.

11. The ADF notes that this proposal to restrict certain products and large quantities of alcohol will not prevent consumers from purchasing other alcohol products in the outlets affected by the proposal; and that consumers who prefer the products that would not be available in those outlets have the option of purchasing those same products in other outlets at a reasonable distance from the precinct.

12. The restriction of liquor availability under the proposed Accord is consistent with the Australian Government policy of harm minimisation that designates a reduction in the supply of problematic drugs as one means of reducing drug problems. (As an example the additional excise added to ready-to-drink products through national legislation in 2009 is an example of authorities seeking to reduce access to an alcohol product that it judged high risk for some people within the population.)

13. The ADF would be pleased to make further representation on this matter should the need or opportunity arise.

References

Marsden Jacob Associates, 2005. Identifying a framework for regulation in packaged liquor retailing. Report for the National Competition Council as part of the NCC Occasional Series, Melbourne.

Ministerial Council on Drug Strategy, 2006. National Alcohol Strategy 2006-2009. Commonwealth of Australia, Canberra

National Health and Medical Research Council, 2009. Australian guidelines to reduce health risks from drinking alcohol. Commonwealth of Australia, Canberra.

SIGNED

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29 January 2010