



10 May 2011

Dr Richard Chadwick
Contact Officer: Yi Liu
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

FILE No:
DOC:
MARS/PRISM:



Dear Dr Chadwick

**Re: CASUARINA BUSINESS PRECINCT LIQUOR ACCORD –
AUSTRALIAN COMPETITION AND CONSUMER COMMISSION
AUTHORISATION NOS. A91201 & A91202**

Please find attached for your information, copy of amended version of the Casuarina Business Precinct Liquor Accord, endorsed by the Northern Territory Director of Licensing on 27 April 2011, in accordance with Section 120D(1) of the Northern Territory *Liquor Act*.

A hard copy of the endorsed Accord is now being circulated to all parties for formal execution.

On 12 May 2010, the Casuarina All Sports Club Inc., on behalf of the members of the Casuarina Business Precinct Stakeholders' Committee, applied for, and was granted authorisation by the Australian Competition and Consumer Commission (ACCC) to implement the above Liquor Accord in the Casuarina Business Precinct, Casuarina, Darwin, Northern Territory (Authorisation Nos. A91201 and A91202) to take effect from 3 June 2010.

Members of the Accord Committee decided to delay implementation at that time due to the Northern Territory Licensing Commission's Decision on 23 May 2010 to place a ban on the sale of four and five litre wine casks in the Darwin, Palmerston and rural areas and subsequent amendments then necessary to align the Accord with that Decision.

Since the Liquor Accord was authorised by the ACCC on 12 May 2010, the Accord has now been amended to incorporate directions contained in the Licensing Commission's decision. Further amendments have been made to Clause 5(a), through discussion and agreement between stakeholders represented on the Committee.



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Yours sincerely

Ben Gill
Centre Manager
Chair - Casuarina Business Precinct Stakeholders' Committee

CASUARINA BUSINESS PRECINCT LIQUOR ACCORD APRIL 2011

CASUARINA BUSINESS PRECINCT STAKEHOLDERS COMMITTEE

The Casuarina Business Precinct Liquor Accord is an initiative of the Casuarina CPTED Stakeholders Committee (the Committee). Stakeholders represented on the Committee include:

- The GPT Group (As owners and managers of Casuarina Square)
- Casuarina All Sports Club Inc.
- Casuarina Village
- Bureau of Meteorology
- Bob Jane T Mart Casuarina
- T & C Investments
- Colliers International representing Trinity Funds Management as Facilities Manager of the Casuarina CasCom Centre
- Centrelink
- The Shak (Australian Red Cross)
- Darwin City Council
- Northern Territory Department of the Chief Minister
- Northern Territory Police
- Northern Territory Office of Alcohol Policy Licensing and Regulation.

APPROVED

D. Maloney
D. MALONEY
DIRECTOR OF
LICENSING

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1. NOTICE

It is acknowledged that in drawing together this alcohol accord that the licensees may engage in practices that could be considered anticompetitive. As such, it was the intention of the Committee to seek authorisation from the Australian Competition and Consumer Commission (ACCC) before implementing any of the proposed strategies. The original Accord was authorised by the ACCC on 12 May 2010.

The Northern Territory Licensing Commission's (Commission) decision to restrict the sale of wine in the Darwin, Palmerston and rural areas in amounts greater than two litres from 1 January 2011 necessitates amendments to the original Accord.

Pursuant to further amendments to the NT *Liquor Act* in July 2010, the Northern Territory Director of Licensing is now able to authorise, vary or terminate local Liquor Accords. Upon authorisation being given by the Director of Licensing, it is the intention of the Committee to introduce the Accord to the Casuarina Business Precinct.

2. BACKGROUND

In early 2008 the Northern Territory Police commissioned AMTAC Professional Services Pty Ltd to undertake a Crime Prevention Through Environmental Design (CPTED) review of the Casuarina Business Precinct in Darwin (the Review).

The Casuarina Business Precinct is the area bounded by Trower Road, Bradshaw Terrace and Dripstone Road.

The Review acknowledged a lack of strategic coordination with respect to the manner in which the stakeholders in the precinct communicated. As a result of this observation the Stakeholder Committee was established. The Stakeholder Committee consists of representatives from major businesses and property owners/managers and community organisations in the area in addition to key government agencies. The purpose of the Stakeholder Committee is to develop practical responses to the recommendations arising from the Review.

Stakeholders considered recommendations 11 and 15 of the Review, relating to alcohol management together. Recommendation 11 suggests "that liquor licensing provisions be reviewed with respect to bulk alcohol sales within the precinct and a workable approach to restricting the sale of bulk wine be developed". Recommendation 15 suggests "that the Northern Territory Government considers establishing the precinct as a liquor free zone". The Stakeholder Committee considered that establishing the precinct as a liquor free zone was neither practical nor desirable. However, given that antisocial behaviour caused by drunkenness is one of the most significant problems in the precinct, the Stakeholder Committee agreed that a liquor accord restricting supply of the alcohol products that contribute the most harm, may well be a workable alternative.

The Stakeholders' Committee has therefore developed this Liquor Accord which we hope to introduce in an effort to reduce antisocial behaviour and to improve crime prevention and public safety in the area. In doing so we acknowledge that the suggested exclusionary provisions may impact on competition and may therefore be in breach of the *Trade Practices Act (1974)*. It is for

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this reason that we originally sought and obtained authorisation from the ACCC prior to implementation of any of the proposed measures.

3. MISSION STATEMENT

The aim of this Accord is to assist in promoting responsible sale, service and consumption of liquor and to provide a safe environment for the community generally and the users of the Casuarina Business Precinct specifically.

The signatories to the accord agree to cooperate and implement standards of service, sale, behaviour and control to enhance the safety and social amenity of the business precinct which will in turn benefit the stakeholders, authorities and the general community.

4. OBJECTIVES

The objectives of this Accord are to:

- encourage behavioural / attitude changes in customers;
- reduce levels of anti-social behaviour in Casuarina Business Precinct including public drinking and drunkenness;
- reduce levels of underage drinking;
- reduce the supply of alcohol products that contribute the most to anti-social behaviour within the precinct; and
- increase positive communications between all stakeholders regarding crime prevention and community safety.

5. STRATEGIES


The participating licensees of the Casuarina Business Precinct have agreed to cooperate, communicate and implement the following standards with respect to their licensed venues:

a. Take-away alcohol products

Licensees agree to apply the following measures to restrict or constrain the supply of certain alcohol products:

- Sales of wine and fortified wine containers of 2lt – stores will use best endeavors to ensure sale is restricted to one container per customer per trading day.
- Ready to drink products greater than 500ml in volume – all ready to drink products in single sales' units greater than 500ml are to be withdrawn from sale.

b. Behaviour Standards

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Licensees agree to apply the following measures to assist customers to adopt a reasonable and appropriate standard of behaviour at all times:

- Prominently displaying standardised customer awareness signs advising of behaviour standards including signage such as "No More its the Law", "No means No" and "Enough is Enough";
- Training staff in responsible service of alcohol and supporting staff in refusal of service to intoxicated customers;
- Advising customers of penalties for inappropriate behaviour and issuing behaviour awareness warnings and exclusion penalties to customers as required; and
- Issuing and enforcing Trespass Notices to customers who demonstrate repeated inappropriate behaviour.

c. Public Drinking

Parties agree to apply the following measures to assist NT Police in enforcing the '2km law' that prohibits consumption of alcohol in public places within the Casuarina Business Precinct:

- That signage be erected throughout the precinct warning that public drinking is not permitted.
- That precinct stakeholders will make record of and report instances of public drinking to the NT Police.

d. Third Party Alcohol Supply

Licensees agree that they will make and keep records of and report to the NT Police any and all alleged instances of third party alcohol supply within the precinct.

e. Enforceability

The parties to this Accord do not intend any of the measures to be legally enforceable, however this does not lessen the parties commitment to the Accord. The parties will use their best endeavors to ensure all supply restrictions are enforced.

f. Exclusions

The measures in this Accord apply to front counter sales and do not apply for ordering arrangements to locations outside of the precinct.

6. REGULAR MEETINGS

The licensees agree to meet regularly with NT Police, Licensing, Regulation and Alcohol Strategy Division of the Department of Justice, and other stakeholders where appropriate to:

- Discuss compliance with the strategies and standards that form part of this Accord, including issues related to non-compliance;
- Review the operation and effectiveness of the Accord in relation to the objectives and industry practices related to the safe and responsible sale of alcohol;
- Discuss any variations to the Accord to assist in achieving the objectives;
- Develop any supporting documents required to implement this Accord including for example a penalties code, standardised signs and notices;
- Assist Licensing, Regulation and Alcohol Strategy Division of the Department of Justice in the compilation of an annual review of the Accord.

6(a) The parties to this liquor accord may decide that variations are required to assist in achieving the aim and objectives. Variations may include but not be limited to:

- Parties to the accord;
- Standards of service, sale, behaviour and control;
- Supply of products that are contributing to anti-social behavior;
- Hours of service.

Parties must seek advice from NT Police and Licensing, Regulation and Alcohol Strategy Division of the Department of Justice in considering any proposed variations to this Accord before submitting to the Northern Territory Director of Licensing for final authorisation.

Variations to this Liquor Accord require the written consent of all parties to the Accord and must take into consideration advice provided.

7. PARTIES TO THE CASUARINA BUSINESS PRECINCT LIQUOR ACCORD

The following parties agree to the provisions of the Casuarina Business Precinct Liquor Accord:

The GPT Group (as owners and managers of Casuarina Square)

(Chair and Coordinator of the Accord)

Name _____

Signature _____

Witness _____

Signature _____

Casuarina All Sports Club Inc.

Name _____

Signature _____

Witness _____

Signature _____

Coles

Name _____

Signature _____

Witness _____

Signature _____

Woolworths

Name _____

Signature _____

Witness _____

Signature _____