

BARKLY REGIONAL COUNCIL



OUR VISION

We strive to be responsive, progressive, sustainable council which respects, listens and empowers the people to be strong.

The Way We Will Work

We will make it happen!

We will be engaged and have regular opportunities to listen.

We will have strong policy and budgets to ensure our programs and services are progressive and sustainable.

Respect is shown in everything we do and we have acceptance of all cultures in the Barkly Region and their practices through a culturally competent Council.

We are a responsible Council.

We will be a responsive Council.

We want to empower local decision making.

We want to ensure that our services are sustainable and that our region has a standard consistent level of services.

We want to be able to sustain our environment – our communities, our physical places, our people and our organisational culture.

We will aggressively pursue additional funding from both levels of government to improve the standard of living of people across the region.

We need to be realistic, transparent and accountable.

SUPPLEMENTARY AGENDA ORDINARY COUNCIL MEETING

THURSDAY, 26 MARCH 2020

Barkly Regional Council's Ordinary Council Meeting will be held in Council Chambers on Thursday, 26 March 2020 at 08:30am.

**Steven Moore
Chief Executive Officer**

BARKLY REGIONAL COUNCIL



COUNCIL PRAYER

Our Lord Jesus Christ, we trust you will guide and bless this meeting of the Barkly Regional Council. We pray that you will ensure that all discussions and decisions made today are just and fair as they will affect all people within the Barkly Region. We also pray for your guidance to ensure that all our dealings are appropriate to all those whom we represent and will reflect an equitable and honest approach to the issues to be discussed today.

Amen

WELCOME TO COUNTRY

I respectfully acknowledge the traditional owners past and present of this land on which we are meeting, the Warumungu people.

AGENDA

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11.2	Supplementary Local Authority Report.....	31
17	DECISION TO MOVE INTO CONFIDENTIAL SESSION	
17.9	Confidential Local Authority Minutes <i>The report will be dealt with under Section 65(2) (e) of the Local Government Act 2008 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information provided to the council on condition that it be kept confidential.</i>	

ADDRESSING THE MEETING

ITEM NUMBER 4.6
TITLE Presentation from Liquor Commission NT
REFERENCE 293201
AUTHOR Vanessa Goodworth, Executive Assistant to CEO and Mayor

RECOMMENDATION

That Council:

- a) Receive and Note the report from Russell Goldflam, Liquor Commission NT.

SUMMARY:

<This should set out what the report is about, why it was written and why it is relevant.>

BACKGROUND

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ORGANISATIONAL RISK ASSESSMENT

<<Enter Text>>

BUDGET IMPLICATION

<<Enter Text>>

ISSUE/OPTIONS/CONSEQUENCES

<<Enter Text>>

CONSULTATION & TIMING

<<Enter Text>>

ATTACHMENTS:

- 1 [↓](#) Decision Notice - Variation of the conditions of licences.pdf
- 2 [↓](#) Decision Notice - Variation of the conditions of licences - Renner Springs.pdf
- 3 [↓](#) 19.12.18 - Letter from CEO to Liquor Commission.pdf
- 4 [↓](#) Ltr to Barkly Regional Council_040320.pdf
- 5 [↓](#) 05.03.2020 - Response to Liquor Commission from CEO.pdf

Northern Territory

LIQUOR COMMISSION

DECISION NOTICE

MATTER: VARIATION OF THE CONDITIONS OF LICENCES

LICENSEES

LICENCE NUMBERS

Aileron Roadhouse	81204578/FLL
Banka Banka Station	80817000
Barkly Homestead	81203263
Bluestone Motor Inn	80201870
Devils Marbles Hotel	81202869
Eldorado Motor Inn	80202797
Elliott Hotel	80104969
Goldfields Hotel	80102583/FLL
Headframe Bottle Shop	81002243
Outback Caravan Park	81117302
Renner Springs Desert Hotel/Motel	81202669
Sporties Club Inc	81402780
Tennant Creek Golf Club	81402752
Tennant Creek Hotel	80102044
Tennant Creek Memorial Club Inc	81402774
Tennant Creek Police Social Club	81403239
The Elliott Store	80902117
Threeways Roadhouse	81202764
United Wycliffe Well	80802878

LEGISLATION: Section 33, *Liquor Act*.

COMMISSION MEMBERS: Goldflam, Douglas, McFarland

INTRODUCTION

1. On 8 May 2018, in accordance with s 33(2) of the *Liquor Act* ("the Act"), the Northern Territory Liquor Commission ("the Commission") issued written notice comprising proposed variations of licence conditions together with reasons for the proposed variations ("the notice of proposed conditions"), to the above-mentioned licensees ("the licensees"), and invited them to submit a response to the proposed variations within 28 days.
2. Section 33(3) of the Act provides:

The Commission may, having considered any response of the licensee, vary the conditions of the licence as proposed in the notice or in another way the Commission considers appropriate.
3. The Commission received responses from the following licensees:
 - Aileron Roadhouse
 - Devils Marbles Hotel
 - Threeways Roadhouse
 - Barkly Homestead
 - Goldfields Hotel Motel
 - Tennant Creek Hotel
 - Tennant Creek Memorial Club Inc
4. The Commission has now considered the responses of the licensees.
5. Since 8 May 2018, the Commission has also received submissions and information from the Northern Territory Director-General of Licensing, Northern Territory Police, the Northern Territory Attorney-General and Minister for Justice, the Barkly Regional Council, the Northern Territory Chief Minister, and several private individuals ("the additional responses").
6. The Act does not expressly either require or forbid the Commission from considering material from sources other than the licensees at this stage of its

inquiry. In the Commission's view, it is permitted to do so. The Commission has considered whether, if it has regard to the additional responses received, there is a prospect that findings or determinations that adversely affect the licensees would be made. The Commission has concluded that consideration of the additional responses would not give rise to findings or determinations that adversely affect the licensees, and that in the circumstances of this own initiative inquiry, it is appropriate to consider the additional responses. Accordingly, the Commission has considered the additional responses.

7. Having considered the licensees' responses and the additional responses, the Commission has determined to vary the conditions of the licences in the way the Commission considers appropriate, having regard to the applicable statutory provisions as summarised at paragraphs 19 to 23 of the notice of proposed conditions.

SUMMARY OF DECISION

8. For the reasons that follow, the Commission has determined to continue, with minor modifications, the conditions currently in force in accordance with the Determination of the Northern Territory Attorney-General and Minister for Justice made pursuant to s 33AA of the Act on 13 March 2018 ("the current conditions"). In particular, the Commission has determined:

- 8.1. *not* to impose the conditions set out at paragraphs 53 and 54 of the notice of proposed conditions;
- 8.2. to impose the conditions set out at paragraphs 50, 51, 52, 55, 57, 58 and 59 of the notice of proposed conditions;
- 8.3. to vary the Aileron Roadhouse licence so as to permit its licensee to sell takeaway liquor on Sundays;

- 8.4. to vary the Devils Marbles Hotel licence so as to limit the sale of liquor to local residents, in accordance with existing voluntary arrangements; and
- 8.5. to further review licence conditions after six months.

REASONS

9. The Commission has determined to retain the current restrictions (with minor modifications) for three reasons. Firstly, having received further information regarding the incidence of alcohol-harm in Tennant Creek since the current conditions were imposed on 28 February 2018, the Commission is now satisfied that the current conditions have been effective in reducing alcohol-related harm. Secondly, the Commission is reassured that the current conditions will continue to be effective, having regard to commitments it has received from the relevant authorities regarding the implementation of complementary alcohol harm-reduction measures in Tennant Creek. Thirdly, it appears that there is widespread (although not unanimous) community and stakeholder acceptance of the current conditions.

THE CONDITIONS HAVE BEEN EFFECTIVE

10. At paragraph 30 of the notice of proposed conditions, the Commission referred to data from NT Police recording that following the imposition of the current conditions, there was an immediate and substantial decrease in "assault offences", "alcohol related assault offences" and "domestic violence and alcohol related assault offences". However, in the absence of substantial baseline or comparative data, the Commission concluded that it was "unable to find that [the NT Police] data clearly or reliably establishes that harm has decreased in association with the trial of restricted conditions".

11. Since then, NT Police have provided the Commission with further data that now satisfy the Commission that harm has indeed decreased in association with the current conditions. The further data strongly indicates that the observed decrease referred to above is not attributable to seasonal variations: in the month of March for each of the previous three years, offending in each of these categories increased in Tennant Creek. Furthermore, the observed decrease is in contrast to Alice Springs and the Northern Territory as a whole, where offending in each of these categories also increased in March 2018.
12. NT Police have informed the Commission that the increase in “active policing” offences (ie public order offences) in Tennant Creek in March 2018 noted by the Commission at paragraph 30 of the notice of proposed conditions is likely a result of increased proactive police presence in the area, and not indicative of an increase in anti-social behaviour. The Commission accepts this explanation.
13. At paragraph 29 of the notice of proposed conditions, the Commission referred to a range of matters reported to it indicative of a decrease in alcohol-related harm associated with the current conditions. The Commission has not received any further information to the contrary.

THE CONDITIONS WILL CONTINUE TO BE EFFECTIVE

14. At paragraphs 30 and 31 of the notice of proposed conditions, the Commission expressed concern that although NT Police data strongly indicated that regular Point of Sale Interventions (POSIs) at Tennant Creek takeaway liquor outlets had been highly effective in reducing alcohol-related harm in the past, POSIs had been discontinued when the current restrictions commenced. The Commission has now been informed that “full lock-down” POSIs were reinstated in April 2018, and

will be maintained until they are replaced by the NT Police Auxiliary Liquor Inspector program (PALI), which will commence in August 2018:

Tennant Creek Police will continue to maintain their presence at takeaway outlets as part of the POSI transition plan. It is intended that the adopted approach will maximise the benefits of the current and proposed restrictions, support the POSI strategy as a whole and reassure the Liquor Commission of the ongoing police commitment.¹

15. The Commission considers that the commitment to maintain full lock-down POSIs/PALIs is a substantial measure which in itself obviates the need to implement the proposed conditions.

16. In addition, the Commission notes advice from the Attorney-General and Minister for Justice regarding a number of ancillary measures which it is anticipated will directly or indirectly reduce alcohol-related harm in Tennant Creek, namely:

- Eleven additional police to the area, including Substance Abuse Intelligence
- The re-establishment of Mobile CCTV cameras in the area;
- The extension of Operation Haven to Tennant Creek
- The establishment of five new positions within the Territory Families Tennant Creek Office
- The provision of two Senior Compliance Officers from Licensing NT to service Tennant Creek, with one permanently based in Tennant Creek
- Two additional Maternal and Child Health Nurses
- One additional Child and Youth Mental Health Worker

¹ Letter from Deputy Commissioner Operations Kate Vanderlaan APM (NT Police), 16 May 2018

- Two additional Alcohol and Other Drugs Nurses
- Three new Public Housing Safety Officers

17. The Commission considers that these measures (assuming they are all implemented) further reduce the need to implement the proposed conditions.

THE CURRENT CONDITIONS ENJOY COMMUNITY SUPPORT

18. The Commission has previously found that there is no consensus in Tennant Creek regarding alcohol restrictions.²

19. The Barkly Regional Council has recommended that the current restrictions be maintained “with some minor changes”, and makes the following submission:

Overall, there are many people in Tennant Creek who are of the view, similar to what is stated in your Reasons that the current restrictions are working, government has now injected significant additional resources into our town, reinvigorated the Alcohol Management Plan, outlined a plan to have licensing inspectors outside bottle shops and will shortly have public housing safety officers in place to help reduce alcohol related harm to the community.³

20. Similarly, in its submission dated 2 June 2018, the Tennant Creek Memorial Club states:

After seeking responses from our members (which are attached), the general consensus has been that the community is happy with the current restrictions in place.

21. The Northern Territory Chief Minister wrote to the Commission on 7 June 2018, stating:

² Notice of proposed conditions, paragraph 38

³ Letter from Steve Moore, Chief Executive Officer, Barkly Regional Council, 5 June 2018

I am advised that [the current conditions] have general community support. Community support is crucial to liquor restrictions working.

22. The Commission accepts that the views of the community are of relevance,⁴ and is, on the basis of the responses referred to above, satisfied that there is now significant community support to continue the current conditions.
23. Notwithstanding the significant level of community support for maintaining the current conditions, the Commission has also considered whether they are required at all. Having regard to the offence data supplied by NT Police, and the detailed history provided by the Barkly Regional Council of events in Tennant Creek in the months leading up to the imposition of the current conditions, the Commission respectfully considers that the Director-General's exercise of her emergency powers under s 48A of the Act on 27 February 2018 and 6 March 2018 was proper and appropriate, as was the Attorney-General and Minister for Justice's exercise of her powers under s33A of the Act on 13 March 2018 to determine licence conditions on the basis that they were urgently needed for the wellbeing of the affected communities. The Commission has previously noted with concern the dangerously harmful levels of alcohol consumption in Tennant Creek.⁵
24. Having regard to these matters, as well as the objects of the Act and the application of the public interest and community impact test, the Commission is comfortably satisfied that conditions as restrictive as those currently in force should continue to apply in Tennant Creek for the time being.

⁴ See Notice of proposed conditions, paragraph 37

⁵ Notice of proposed conditions, paragraphs 1 to 3

A SIX MONTH REVIEW

25. In its notice of proposed conditions, the Commission foreshadowed a further s 33 inquiry into takeaway trading in Tennant Creek and the Barkly in 12 months.⁶ Having now decided not to impose the more restrictive conditions then proposed, in large part in reliance on the commitments made by NT Police and the NT Government to implement the complementary measures outlined at paragraphs 14 and 16 above, the Commission considers that it should review the licence conditions again in 6 months. The Commission looks forward at that time to confirmation by the relevant agencies that the complementary measures have been implemented in accordance with the commitments that have been made.
26. The Commission also looks forward at that time to receiving evidence that the improvements observed since 28 February 2018 in relation to alcohol-related harm in Tennant Creek have been consolidated and sustained. If on the other hand the evidence indicates that alcohol-related harm has again increased, the Commission will give consideration to imposing further restrictions on the supply of alcohol in the Barkly.

WHY SINGLE OUT THE BARKLY?

27. A common theme of both the licensees' responses and the additional responses received by the Commission to the notice of proposed conditions is that people in the Barkly have been unfairly singled out for "punishment" by the Commission. An associated concern expressed is that imposing restrictions on the Barkly will merely shift harmful drinkers to other localities.

⁶ Notice of proposed conditions, paragraph 47

28. The Commission rejects the assertion that it is singling out the Barkly. This s 33 inquiry is a response to calls for action that originated in the Tennant Creek community. The Barkly Regional Council wrote in urgent terms to the Chief Minister alerting him to increasing rates of crime on 29 November 2017.⁷ In February 2018, following a series of disturbing incidents in Tennant Creek, there were several widely reported town meetings at which residents called for action to be taken to address alcohol-related harm. At that time, the Mayor of Tennant Creek issued this compelling plea:

These crimes combined with escalating property related crime, increased alcohol related assaults and high rates of domestic violence related assault require a whole of government response, community participation and families accepting some of the responsibility for where we are at. Alcohol is clearly one of the major causal factors contributing to crime. Our Council is extremely concerned and is seeking any ideas to change and help towards finding a solution to the current situation... Tennant Creek seems to be the forgotten town at the moment, I call upon the Government to start allocating some resources to Tennant Creek to start working with the community.⁸

29. The Commission also rejects the assertion that it is punishing people in the Barkly. The Commission acknowledges that the current conditions have caused

⁷ Letter from Steve Moore, Chief Executive Officer, Barkly Regional Council, 5 June 2018

⁸ Megan Palin, Crime in the Outback: 'This town has a problem with sexual assault on children', news.com.au, 23 February 2018, accessed at <https://www.news.com.au/national/crime-in-the-outback-this-town-has-a-problem-with-sexual-assault-on-children/news-story/434c70e5263ae2c0c9df5f289162d4f2>

- inconvenience and irritation to some drinkers, and a loss of profits to licensees. Those costs must, however, be weighed against the substantial benefits that have been observed. On the information provided to the Commission, it is satisfied that the benefits to the community of the current conditions outweigh the costs.
30. There is however force in the submissions that the Northern Territory's alcohol problems are not confined to the Barkly, that imposing restrictions in the Barkly may move the problem rather than solve it, and that the Commission should not confine its attention to the Barkly. This s 33 inquiry is the first such matter undertaken by the Commission since its establishment on 28 February 2018, when the *Liquor Commission Act* (NT) came into force. The Commission anticipates that it will not be the last such matter. The Commission has received representations from the Alice Springs community that restricted conditions similar to those now in force in Tennant Creek should also be imposed in Alice Springs. The Commission will in due course give serious consideration to those representations.

PROCEDURAL ISSUES

31. Another common theme of the responses received was concern that the Commission has not conducted a public hearing, and that submissions received by the Commission have not been made available for scrutiny by other stakeholders and the community.
32. The Commission acknowledges these concerns, which it considers are well-founded. The Commission recommends that the Department of the Attorney-General and Justice consider amending the Act to give the Commission discretion to proceed by way of a public hearing when conducting a s 33 inquiry.

BARKLY LICENSEES OUTSIDE TENNANT CREEK

33. As stated in the notice of proposed conditions, the Commission considers that conditions should be calibrated to “remove any incentive to drinkers to drive to another location in the Barkly region where the conditions are less restrictive”.⁹

34. In its response to the Commission’s notice of proposed conditions, the Aileron Roadhouse licensee submits that “the removal of Sunday takeaway trade is more harmful for the community as the trial has shown that this variation to my licence has caused many of the Aileron customers to go to Alice Springs.”

35. The Commission accepts this submission, and has determined to permit this licensee to trade on Sundays. In reaching this decision, the Commission has had regard to these facts and circumstances:

- The Aileron Roadhouse licence restricts the sale of takeaway liquor to six cans of beer per person per day;
- since the commencement of the current restrictions there has been a lot more movement of persons seeking alcohol driving to Alice Springs;¹⁰
- Aileron is approximately 135 km north of Alice Springs and 370 km south of Tennant Creek;
- licensees at Ti Tree (200 km north of Alice Springs) and Barrow Creek (300 km north of Alice Springs) are not permitted to sell takeaway liquor;
- the next licensed takeaway outlet “up the track” is United Wycliffe Well (375 km north of Alice Springs, 130 km south of Tennant Creek); and
- takeaway liquor can currently be purchased on Sundays in Alice Springs.

⁹ Notice of proposed conditions, paragraph 56

¹⁰ Greg Dick (Nominee, Aileron Roadhouse), Submission, 4 June 2018

36. In the notice of proposed conditions, the Commission stated:
- the proposed limits will align the daily amount of takeaway liquor that can be purchased at roadhouses with the daily amount that can be purchased from licensed premises in Tennant Creek... the proposed restrictions substantially replicate, complement and support local limits on the supply of takeaway liquor to residents of remote communities, such as the long-standing agreement between the Devils Marbles Hotel not to sell more than six cans of full-strength beer to members of the Alekerenge community.¹¹
37. Although it has now decided for the reasons set out above not to implement a “six-can” takeaway limit in Tennant Creek, the Commission remains concerned not to undermine existing arrangements and conditions regulating the supply of takeaway liquor by Barkly licensees outside Tennant Creek. Existing licence conditions to that effect will be maintained.¹² In relation to the Devils Marbles Hotel, the existing informal arrangement referred to above will be incorporated into the licence conditions, in terms similar to those that currently apply to the nearby licensed premises at Wycliffe Well.

TAKEAWAY CONDITIONS

38. From 13 June 2018, the following conditions will apply to the licences operated by the licensees:
- A. takeaway liquor will only be available for sale Monday through to Saturday between 4 pm and 7 pm (subject to the exception in paragraph 39 below);

¹¹ Notice of proposed conditions, paragraph 56

¹² This applies to the following licences: Aileron Roadhouse, Bootu Creek Wet Mess Canteen, Banka Banka Station, Barkly Homestead, Elliott Hotel, Elliott Store and United Wycliffe Well

- B. takeaway sales on Sunday is prohibited (subject to the exception in paragraph 40 below); and
- C. sale of the following products will be limited to no more than one of the following per person per day:
 - i. 30 cans or stubbies of mid-strength or light beer; or
 - ii. 24 cans or stubbies of full strength beer; or
 - iii. 12 cans or bottles of Ready to Drink mixes; or
 - iv. One two litre cask of wine; or
 - v. One bottle of fortified wine; or
 - vi. One bottle of green ginger wine; or
 - vii. Two x 750 ml bottles of wine; or
 - viii. One 750 ml bottle of spirits.

The sale of port, wine in a glass container larger than 1 litre and beer in bottles of 750ml (subject to the special condition at paragraph 43B below) or more remains prohibited.

- 39. The sale of takeaway liquor will be permitted by licensees operating premises outside Tennant Creek from Monday through to Saturday between the hours of 12 noon and 7 pm.

40. The sale of takeaway liquor will be permitted by the Aileron Roadhouse on Sundays for the same hours as the sale of takeaway liquor is permitted in Alice Springs on Sundays.

41. The Devils Marbles Hotel licence will include the following additional condition:

TAKEAWAY RESTRICTION

Liquor sold for consumption away from the premises to purchasers who produce identification indicating that they are residents of Alekerenge/Ali Curung or a "Community" is restricted to:

Twelve (12) 375ml bottles or cans of light beer per person per day; or

Eight (8) 375 ml bottles or cans of mid strength beer per person per day; or

Six (6) 375 ml bottles or cans of full strength beer per person per day; or

Six (6) 375 ml bottles or cans of RTDs (with alcohol content not greater than 5%) per person per day

42. Notwithstanding anything contained in the conditions set out at paragraph 38 above, where a licence contains an existing condition which is more restrictive than the conditions set out therein, the existing condition prevails.

43. The Commission determines that bona fide lodgers of licenced premises be permitted to purchase between noon and 11 pm:

- A. Liquor not subject to the restrictions referred to at paragraph 38 above, for consumption by the lodger or invited guests of the lodger during the lodging period in the room, caravan site or camping site occupied by the lodger.
- B. Darwin Stubby Souvenir packs, provided they are sold at room temperature and in the presentation box provided, for consumption away from the premises.

44. "Lodger" means a person staying in accommodation provided by the licensee and includes a properly established caravan park or camping area maintained by the licensee at or near his premises. To establish their bona fides for the purpose of purchasing liquor pursuant to these special conditions, lodgers must produce personal identification plus proof that they have paid for their accommodation.
45. The Commission determines that people placing bush orders, being bona fide orders from bush communities, cattle stations or work camps remote from Tennant Creek, be permitted to purchase up to seven "days worth" of liquor as set out in paragraph 38 above. To establish their bona fides for the purpose of purchasing liquor pursuant to this special condition, orders must be placed on accounts and received by telephone or email at least one day in advance. All documentation must be retained for each order and made available to an Inspector of Licensed Premises on request.

NOTICE OF RIGHTS

46. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to vary licence conditions pursuant to section 33 of the Act is specified in the Schedule and is a reviewable decision.

47. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.

A handwritten signature in blue ink, appearing to read 'R. Goldflam', with a long horizontal flourish extending to the right.

Russell Goldflam

Acting Deputy Chairperson

Northern Territory Liquor Commission

12 June 2018

NORTHERN TERRITORY LIQUOR COMMISSION

Decision Notice

MATTER:	VARIATION OF THE CONDITIONS OF LICENCE
LICENSEE:	Desert Inns International Pty Ltd
NOMINEE:	Alan Jeffrey Revell
NAME OF PREMISES:	Renner Springs Desert Hotel/Motel Stuart Highway Via Tennant Creek NT 0860
LICENCE NUMBER:	81202669/FLL
LEGISLATION:	Section 33 of the <i>Liquor Act</i>
COMMISSION MEMBERS:	Goldflam, Douglas, McFarland

Decision

1. The Commission determines to vary the conditions of the Renner Springs Desert Hotel/Motel licence as proposed by the licensee to align with the takeaway conditions of the Elliott Hotel and Elliott Store licenses, namely:

ELLIOTT and MARLINJA RESIDENTS:

- Twelve (12) 375 ml bottles or cans of light beer per person per day; or
 - Eight (8) bottles or cans of mid strength beer per person per day; or
 - Six (6) 375ml bottles or cans of full strength beer per person per day; or
 - Six (6) 375ml bottles or cans of RTD's (with alcohol content no greater than 5% per person per day).
2. The Commission otherwise declines to exempt or exclude the Renner Springs Desert Hotel/Motel from the conditions fixed by way of the Commission's Decision Notice dated 12 June 2018.

Reasons

Background

3. On 8 May 2018, in accordance with s 33(2) of the *Liquor Act* ("the Act"), the Northern Territory Liquor Commission ("the Commission") issued written notice comprising proposed variations of licence conditions together with reasons for the proposed variations ("the Notice of Proposed Conditions"), to 19 licensees in the Barkly region ("the Barkly licensees"), one of which being the Renner Springs Desert Hotel/Motel ("the Renner Springs licensee"), and invited the Barkly licensees to submit a response to the proposed variations within 28 days.
4. On 12 June 2018, following the expiry of the 28 day period, and having received responses to the Notice of Proposed Conditions from some of the Barkly licensees (but not the Renner Springs licensee), the Commission issued a Decision Notice ("the Decision Notice") varying the conditions of the Barkly licensees' licences, including the Renner Springs licence.
5. The takeaway licence conditions imposed by way of the Decision Notice were substantially less restrictive than those that had been proposed in the Notice of Proposed Conditions.
6. On 19 June 2018, the Commission received a submission dated 1 June 2018 from the Renner Springs licensee. The Commission accepts that the delay was the result of a communications error, and treats the submission as having been prepared before the Decision Notice of 12 June 2018 was published, and as having been received within the 28 day statutory period commencing on 8 May 2018, when the Commission issued the Notice of Proposed Conditions.

The Renner Springs licensee's submissions

7. The Renner Springs licensee submits that it should be exempt from the conditions in the Notice of Proposed Conditions as "we are an outlying remote community servicing tourists, outlying work camps and communities with little or no connection to Tennant Creek. We propose alternatively that our license be amended to embrace Tennant Creek under our current restrictions under the Elliott Alcohol Supply Plan."
8. The Renner Springs licensee submits that tourists and bush workers (including cattlemen, grader drivers, road workers and fencers) who patronise it would be seriously inconvenienced by the then proposed conditions. The licensee submits that during the three months following the emergency restrictions imposed on 28 February 2018 by the Northern Territory Director-General of Licensing for two weeks, and continued by the Northern Territory Attorney-General and Minister for Justice for three months, he suffered a substantial loss of liquor trade.

9. The Renner Springs licensee notes that Renner Springs is approximately halfway between Tennant Creek and Dunmarra (which is not subject to the same restricted conditions as the Barkly licensees), and submits that following the restrictions imposed in February 2018, many travellers and contractors have patronised other licensees not subject to the restrictions, instead of Renner Springs.
10. The Renner Springs licensee proposes that his licence conditions be aligned with those that have applied "for the past ten years" to licensees in Elliott, in accordance with the "Elliott Alcohol Supply Plan", namely a daily takeaway limit of six cans of full-strength beer or equivalent for residents of the local communities of Elliott and Marlinja. In addition, the Renner Springs licensee proposes that this restriction be extended to apply to Tennant Creek residents.

Consideration

11. Renner Springs is situated on the Stuart Highway about 170 km north of Tennant Creek and 90 km south of Elliott. It is approximately the same distance north of Tennant Creek as Wycliffe Well is south of Tennant Creek. The Commission considers that it would be inequitable to impose more restrictive conditions on Wycliffe Well and other neighbouring licensees than on Renner Springs. Similarly, it would be inequitable to impose more restrictive conditions on the Elliott Hotel and the Elliott Store (both of which are Barkly licensees further north of Tennant Creek than Renner Springs) than on Renner Springs.
12. As the Commission has previously stated, it considers that conditions should be calibrated to "remove any incentive to drinkers to drive to another location in the Barkly region where the conditions are less restrictive". (Decision Notice 12 June 2018 at paragraph 33; Notice of Proposed Conditions at paragraph 56). If the Renner Springs licensee were exempted from the restrictions on trading as set out in the Decision Notice, the Commission considers that it is highly likely that many residents of the Barkly would avail themselves of the opportunity to drive to Renner Springs to purchase takeaway liquor from there.
13. In particular, if takeaway Sunday trading were permitted as the Renner Springs licensee proposes, not only would that give the licensee an unfair competitive advantage over all other Barkly licensees, but a probable consequence would be a substantial and dangerous increase in drink driving between Tennant Creek and Renner Springs on Sundays. Having regard to these matters, the Renner Springs licensee's submission that Renner Springs has "little or no connection with Tennant Creek" loses much of its force.
14. The Commission considers that the "Bush Orders" conditions as now fixed by the Decision Notice permit the sale of substantial quantities of liquor to cattlemen, grader drivers, road workers, fencers and so on, which in large part address the concerns raised by the Renner Springs licensee regarding these patrons. (The Commission notes that the Renner Springs licensee raised these concerns at a time when substantially more stringent conditions had been proposed and were under consideration).

15. Similarly, the Commission considers that the revised trading hours together with the "Bona Fide Traveller" conditions as now fixed by the Decision Notice permit the sale of takeaway liquor to tourists staying at the premises for consumption at their campsites, which in large part addresses the concerns raised by the Renner Springs licensee regarding travellers and tourists.
16. Given the proximity of Renner Springs to Elliott, the Commission considers that it is appropriate to extend the community-based restrictions that apply to the Elliott Store and the Elliott Hotel to the Renner Springs Desert Hotel/Motel.
17. As the Commission understands it, the Renner Springs licensee's proposal to also extend this restriction to Tennant Creek residents is made in conjunction with and is conditional on him being granted a general exemption from the Barkly takeaway trading conditions. Given that the Commission has rejected the Renner Springs licensee's application for a general exemption, the Commission considers that in the circumstances it would be unfair on the licensee to impose the "Tennant Creek residents" restriction he conditionally proposes.
18. The Commission has indicated in the Decision Notice that it proposes to further review Barkly licence conditions in six months. That review will include the Renner Springs licence conditions.
19. In making this decision, the Commission has had regard to the applicable statutory provisions as summarised at paragraphs 19 to 23 of the Notice of Proposed Conditions.

Notice of Rights

20. Section 120ZA of the Act provides that a reviewable decision is a Commission decision that is specified in the Schedule to the Act. A decision to vary licence conditions pursuant to section 33 of the Act is specified in the Schedule and is a reviewable decision.
21. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.



Russell Goldflam
Acting Deputy Chairperson
Northern Territory Liquor Commission
11 July 2018

On behalf of Commission Members Goldflam, Douglas, McFarland



18 December 2019

Russell Goldflam
Acting Deputy Chairperson
Northern Territory Liquor Commission
GPO Box 1154
Darwin NT 0801

Dear Mr Goldflam,

Re: Variation of conditions of Liquor Licences in the Barkly Region

Council has requested I write to you regarding the Commissions failure to review the liquor licenses within the Barkly Region.

On the 27th of February 2018 licencing conditions were varied by the Commission to reduce harm and ill-health to people in the Region. A Decision Notice was issued in June 2018 with the Commission promising a review would be conducted within six months. As we come to the end of 2019 the promised review is yet to take place.

Your letter dated the 6th of September 2019 states that the review for the Barkly has been delayed due to the Alice Springs review, leaving the residents of the Barkly without an opportunity to provide feedback and advice on the restrictions that have been in place for almost two years.

To my knowledge the last time the Liquor Commission held public meetings in the Barkly was in April 2018, 20 months ago. It appears the Commission has a 'set and forget' attitude when it comes to the Barkly Region.

In April 2018 Council wrote to the Commission with the following recommendations:

Based on meetings and the minimal discussion so far, it is recommended that:

- *Government immediately introduce and implement all recommendations from the Riley Review;*
- *Current restrictions be left as is and be open to further consideration by the Alcohol Reference Group and the Local Liquor Accord through a local decision making process;*
- *Increase trading hours from 12:00pm to 8:00pm to ensure there is stability in the workforce and no impact on tourism and the overall economy;*
- *Government investigate the introduction of an approved drinker's register similar to that in Gove*
- *Government immediately commence addressing some of the underlying causes of alcoholism such as overcrowded housing, unemployment and lack of suitable and sustainable treatment and rehabilitation services*
- *Government introduce a task force to target the small percentage of problem drinkers in Tennant Creek including utilising and enforcing 'restricted premises' legislation*

41 Peko Road P.O Box 821, Tennant Creek NT 0861
Tel: (08) 8962 0000 Fax: (08) 8962 1801
ABN: 32 171 281 456

- *Increase the percentage of welfare payments quarantined on Basics Card to reduce the cash available to purchase alcohol and drugs*

Council is actively trying to ensure that Tennant Creek and the Barkly region is the preferred place to live, work, visit and invest in and is eager to be involved in the decision making process around future liquor initiatives and urges the Commission to ensure thorough community consultation is carried out prior to any changes being imposed.

To date it appears the Commission has not acted on any of these recommendations and in some cases NTG has actively campaigned against change that may benefit the region as a whole. To further frustrate the matter, the Barkly Alcohol Reference Group appears to have had no discussions with the Commission over this period as well, this flies in the face of NTG's Local Decision Making policy.

With alcohol limits in place within the Barkly, alcohol is flowing in from outside the region. The areas of most concern raised with Council are 'grog runners' transporting alcohol from Mount Isa and a growing trend of alcohol being run down the Stuart Highway from outlets north of the Barkly. We continue to receive complaints from various communities about this issue, Police are actively trying to stem the problem with only limited success.

Residents of Elliott continue to request that their Alcohol Management plan be implemented and that the Town Camps around Elliott be included in that plan, these requests continue to fall on deaf ears. With the Northern Territory Government's drive for Local Decision Making we believe that this request requires further consideration and urge the Commission to meet with residents to discuss their Alcohol Management Plan.

To assist with Elliott Alcohol Management Plan approval process we will be updating the Plan to reflect what has been achieved since the plan was written. We expect this process to be completed by the end of February 2020.

Council requests that you immediately commence the promised review of alcohol restrictions in the Barkly Region, this must include engaging with residents and business to establish what the wider community would like to see change (if any).

Council has also requested that a representative from the Commission attend the Ordinary Council Meeting scheduled for Thursday the 30th of January to brief Council on the overdue review.

I look forward to receiving your immediate response.

Yours faithfully,



Steve Moore
Chief Executive Officer
Barkly Regional Council

Northern Territory

LIQUOR COMMISSION

Reference no. 2020/036

Mr Steve Moore
Chief Executive Officer
Barkly Regional Council

Via email: steve.moore@barkly.nt.gov.au

Dear Mr Moore

RE: REVIEW OF LIQUOR LICENCE CONDITIONS

I refer to your letter dated 18 December 2019 and sent to the Northern Territory Liquor Commission on 2 January 2020 requesting the "immediate" commencement of "the promised review of alcohol restrictions in the Barkly Region", and requesting attendance by a representative of the Commission at the Barkly Regional Council meeting on 30 January 2020.

As Acting Deputy Chairperson Goldflam presided over the Commission's 2018 Inquiry into takeaway licence conditions in the Barkly, I requested him to respond to your request to attend the January 2020 Council meeting. Mr Goldflam (who was interstate in January) made arrangements to do so by teleconference, but on 24 January 2020, you advised the Commission that you wished to defer his attendance until the Council's meeting on 27 February 2020. The Commission made several attempts to contact the Council to settle the details of Mr Goldflam's attendance on that date, but received no response until after the meeting, on 3 March 2020, when the Council suggested Mr Goldflam attend its meeting on 26 March 2020.

Unfortunately, Mr Goldflam is unavailable on that date because of prior commitments elsewhere. He is however available to attend the April 2020 Barkly Regional Council meeting in person. In your letter dated 18 December 2019, you raised several other issues which Mr Goldflam looks forward to addressing when he meets the Council.

I note the Council's request that the review be commenced immediately. I also note that the Council has now, without explanation to the Commission, decided not to take up opportunities to meet with a representative of the Commission in either January or February 2020. Mr Goldflam wrote to all affected licensees and other stakeholders in October 2019 explaining the delay in conducting the planned review and inviting them to let the Commission know if they wished to have the review progressed. The only response to that invitation has been from the Barkly Regional Council. No licensees or other stakeholders have requested the Commission to progress the review. As you are aware, the delay in conducting the review is due to delays in finalising a similar review the Commission has conducted in Alice Springs. Those delays in turn have been caused because some licensees have exercised their right to appeal the Commission's decisions by the Northern Territory Civil and Administrative Tribunal (NTCAT). NTCAT has

Northern Territory Liquor Commission
NAB House, Level 3, 71 Smith Street, Darwin NT 0800
GPO Box 1154, Darwin NT 0801
(08) 8999 1800 Liquor.Commission@nt.gov.au

scheduled a hearing of the appeal to commence on 21 May 2020. There is a real possibility that the outcome of the appeal will have a bearing on the planned Barkly Region review.

Having regard to these circumstances, subject to anything which might emerge from your meeting with Commissioner Goldflam, I do not consider that it is necessary or appropriate to commence the Barkly review immediately.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Coates', with a stylized flourish at the end.

Richard Coates
Chairperson
4 March 2020



5 March 2020

Richard Coates
Chairperson
Northern Territory Liquor Commission

Via email: liquor.commission@nt.gov.au

Dear Mr Coates,

RE: Review of Liquor Licence Conditions

I am writing in response to your letter dated 4 March 2020 in regards to Council requesting the attendance of a representative of the commission at the council meeting on the 30 January 2020.

The initial letter we received from Mr. Russell Goldflam on the 9th of January confirming that he could attend the January 2020 Council meeting explained that he had a long standing medical appointment in Brisbane at 8am but expected to be completed by 10am and could phone into the meeting following that appointment. Knowing how unpredictable medical appointments can be we made the decision to defer his attendance until the February meeting.

Unfortunately we did not receive confirmation of Mr. Goldflam's attendance until two days prior to the council meeting. Due to compliance regulations we must have council agenda's complete 5-7 days prior to the meetings, so we were unable to accommodate Mr. Goldflam on the agenda with such short notice. On the same day we received this confirmation, my Executive Assistant responded to Carolyn Parsell's email asking to defer Mr. Goldflam's attendance to the March meeting.

We understand that Mr. Goldflam is unable to attend the March meeting due to prior commitments, but we look forward to meeting him in person and discussing the Barkly review when he attends the council meeting on 30th April 2020. Council is looking forward to being briefed of the plans to conduct a review in the Barkly as well as any impact the Alice Springs review may have on our Region.

Sincerely,

Steve Moore
Chief Executive Officer
Barkly Regional Council

41 Peko Road P.O Box 821, Tennant Creek NT 0861
Tel: (08) 8962 0000 Fax: (08) 8962 1801
ABN: 32 171 281 456

LOCAL AUTHORITY REPORTS

ITEM NUMBER 11.2
TITLE Supplementary Local Authority Report
REFERENCE 293067
AUTHOR Makhaim Brandon, Administration Officer

RECOMMENDATION

That Council

- a) Receive and note the minutes of the Elliott Local Authority held on the 13th March 2020;
- b) Approve the allocation of \$8053.20 for the purchase of Marquees;
- c) Approve the allocation of \$1800.00 for the purchase of seats for Elliott waterpark.

SUMMARY:

BACKGROUND

ORGANISATIONAL RISK ASSESSMENT

BUDGET IMPLICATION

ISSUE/OPTIONS/CONSEQUENCES

CONSULTATION & TIMING

ATTACHMENTS:

- 1 [↓](#) DO152665 Barkly Regional Council - Updated.pdf
- 2 [↓](#) BARKLEY PICNIC TABLES. 1 .pdf




EXTREME MARQUEES A BN: 60 120 370 489

3 Bailey Court, Brendale QLD Australia 4500
PO Box 5924, Brendale BC QLD Australia 4500Ph: 1300 850 832 F: 07 3355 7720
http://www.extrememarquees.com.au**TAX INVOICE**

DATE: 11/03/2020

REFERENCE #: DO152665

SALES PERSON: Ken Parish

DUE DATE:

DELIVERY VIA: 1-Road Express

CUSTOMER PO #

PAGE: 1 of 1

BILL TO: Barkly Regional Council
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SHIP TO: Barkly Regional Council 5 Brown Street Elliott NT 0862 Contact: Shelley Phone: 08 8969 3902 Mobile: Email: shelley.mcdonald@barkly.nt.gov.au

QTY	DESCRIPTION	UNIT PRICE (Inc. GST)	DISC %	DISC. UNIT PRICE (Inc. GST)	TOTAL DISC. PRICE (Inc. GST)
3	X7 TECTONIC RANGE - POLY 57mm Reinforced Aluminium 500D PVC Coated Polyester Fabric Frame - 10 Year Manufacturer's Warranty Fabric - 1 Year Manufacturer's Warranty				
3	Frame 3m x 6m Tectonic X7 (57mm)	\$1,340.00	15%	\$1,139.00	\$3,417.00
3	Roof 3m x 6m (PVC) Maroon	\$540.00	15%	\$459.00	\$1,377.00
3	All-Terrain Wheeled Protective Cover (Poly) 3m x 6m - For PVC Roof	\$255.00	40%	\$153.00	\$459.00
12	Marquee Tie Down Straps	\$7.00	15%	\$5.95	\$71.40
30	Steel Pins - 300mm x 7mm	\$1.50	20%	\$1.20	\$36.00
18	Folding Marquee Weight Plate - 15kg	\$88.00	30%	\$61.60	\$1,108.80



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SUBTOTAL	\$6,469.20
FREIGHT	\$880.00
TOTAL	\$7,349.20
GST (Inclusive)	\$668.11
PAID	\$0.00
BALANCE DUE	\$7,349.20

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To pay via Bankcard, MasterCard, VISA or AMEX (2% Surcharge for AMEX cards)

Direct Deposit Please use your invoice number as a reference
Bank: NAB, Robertson ACCOUNT NAME: Extreme Marquees Pty Ltd
BSB: 084-402 ACCOUNT NO: 726808658

PayPal Send money to accounts@extrememarquees.com.au

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DETAILS FOR
DIRECT DEPOSIT**

PAYMENT SLIP	
Invoice #:	DO152665
Amount Due:	\$ 7,349.20
Please use your invoice number as a reference for all forms of payment.	

