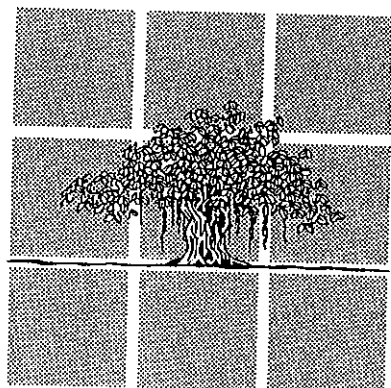


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RESPONSIBLE SERVING OF  
ALCOHOL IN THE  
NORTHERN TERRITORY:  
An overview of the 1990s

Research Paper No.11  
May 1996



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An overview of the 1990s

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Darwin  
May 1996

Bonney, Annie.

Responsible Serving of Alcohol in the Northern Territory: An overview of the 1990s./ by Annie Bonney and Charles Brister.

Darwin : Northern Territory Library, 1996.

Research paper ; no.11.

ISBN 07245 05504

ISSN 1324-2245

1. Drinking of alcoholic beverages - Northern Territory.
2. Hotel, taverns, etc. - Northern Territory - Employees.

- i. Brister, Charles Edward
- ii. Northern Territory Library
- iii. Title
- iv. Series (Research paper (Northern Territory Library): no.11.

362.292099429

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## 2. INTRODUCTION:

Efforts to reduce alcoholism and alcohol related problems in the Northern Territory have seen greater emphasis placed by the Northern Territory Government on server intervention.

The Northern Territory Legislative Assembly will be debating changes to the *Liquor Act* which will make the licensee criminally liable if they or their staff serve alcohol to intoxicated persons. The Amendments also address the issue of proving beyond reasonable doubt that the person was intoxicated by making the results of breath analysis instrument (within the meaning of the *Traffic Act*) admissible in evidence.

This paper will investigate the problems associated with the serving of alcohol to intoxicated persons in the Northern Territory in the 1990s. The efforts and strategies that have been put into place by Government and the Hotels Association will also be reviewed.

### 3. RESPONSIBLE SERVING OF ALCOHOL IN THE NORTHERN TERRITORY: AN OVERVIEW OF THE 1990s.

Numerous incidents in the early 1990s raised concerns about the responsible serving of alcohol by licensees in the Northern Territory. In July 1990, the then Chief Minister, Marshall Perron, was reported to have called for drunks to be evicted from hotels. Perron had written to licensees warning them that their licences to serve alcohol would be suspended or cancelled if they continued to serve customers who were intoxicated. While admitting that he was mainly concerned with problems of alcohol abuse in Alice Springs, Perron stressed that the problem was Territory wide and not confined to any particular racial group.<sup>1</sup>

In March 1991, a Katherine magistrate found a hotel bottle shop attendant guilty of selling liquor to an intoxicated person. Editorials praised the decision to prosecute the shop owner as a step in the right direction to curbing alcohol abuse. Some criticism was directed towards the Liquor Commission by the manager of Katherine's sobering up shelter, John Anderson, who felt that it should be the Liquor Commission's responsibility, not that of the police, to ensure that licensees comply the *Liquor Act*.<sup>2</sup> Within a month, the Liquor Commission had held a public meeting in Tennant Creek to hear evidence that staff of the Tavern Bistro, continued to serve intoxicated people and allowed them to remain on the premises.<sup>3</sup>

In 1992 the Sessional Committee on the Use and Abuse of Alcohol by the Community found that "financial pressure upon licensees can lead to aggressive

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<sup>1</sup> McCue, Fred. "It's War on NT Drunks", *Sunday Territorian*. 29.7.95.

<sup>2</sup> "Comment", *Sunday Territorian*. 14.4.91.

<sup>3</sup> "Hearing on Liquor Act Breach Claims", *Sunday Territorian*. 19.5.91.

marketing of alcohol and practices which contravene the Liquor Act. In response, the Northern Territory Hotels and Hospitality Association (NTHHA) called for greater industry cooperation in order to formulate initiatives to combat alcoholism in the Northern Territory. They were backed by the Northern Territory Government establishing the Alcohol Consultative Committee which launched a campaign to educate members of the public on licensees legal responsibility in serving alcohol. Funding was also provided for the NTHHA's free course on responsible service of alcohol for all bar and liquor serving staff throughout the Northern Territory.<sup>4</sup>

However the NTHHA was dissatisfied with penalties for breaches of the *Liquor Act* and it was also concerned about the introduction of tougher drinking regulations in 1993. In response to a 24 hour licence suspension placed on the Alice Springs Sheraton, the NTHHA argued that it was difficult to prevent intoxicated persons being served liquor by licensees, regardless of how vigilant management and staff were in assessing a customer's sobriety. Instead of harsh penalties for licensees the NTHHA called for drinkers to be made responsible for their own actions.<sup>5</sup>

The NTHHA were also concerned about amendments to the *Liquor Act* which sought to control "irresponsible or excessive consumption of alcohol" in pubs. The amendments placed restrictions on happy hours, the supplying of free liquor, drinking competitions and abolishing set prices and entry fees. For a number of hotel managers these new rules were "yet another imposition the industry did not need."<sup>6</sup>

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<sup>4</sup> "Industry Responsibility Recognised". *Australian Hotelier*. July, 1993.

<sup>5</sup> Tondorf, Christine. "Industry Upset at Liquor Penalties", *Centralian Advocate*. 4.12.92.

<sup>6</sup> "Tough New Drinking Laws Anger the Hoteliers", *Centralian Advocate*. 9.3.93.

In 1995, Michael Monaghan, President of the Australian Hotels Association, argued that the Northern Territory was at the forefront in the promotion of server intervention and responsible drinking. In June the NTHHA introduced a number of guidelines to introduce responsible drinking by patrons, including the implementation of patron care training program. This program was designed to help staff “understand the Liquor Act, lift awareness of legal and moral responsibilities and improve skills when refusing service.”<sup>7</sup>

In September 1995, the Walkabout Hotel in Nhulunbuy was found guilty by the Liquor Commission of breaching the *Liquor Act*. Investigations found that the hotel had served beer to a woman who had a blood alcohol level of .34%<sup>8</sup>. In December of that year, Don Millar, Manager of the Walkabout Hotel prepared a submission for the Northern Territory Liquor Commission and Minister for Health, Fred Finch, that would encourage licensees to promote responsible drinking in an effort to reduce alcohol related problems in the Northern Territory.

These proposals included:

- making available plastic cups of iced water at the bar
- providing access to cheap “sobering up” beds
- greater price differences between full strength and light beer<sup>9</sup>

In November, the Minister for Health, Fred Finch, announced that half a dozen clubs in the Northern Territory would install breath test machines for a trial period of six months to test the blood-alcohol content of their customers. The machines

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<sup>7</sup> “Grog Education: NT Claims Lead.”, *NT News*. 6.9.95.

<sup>8</sup> “NT Hotel Boss Has Radical Drink Plan”, *NT News*. 4.12.95.

<sup>9</sup> *Ibid*.

were to be based in Darwin, Alice Springs and two smaller towns. The machines were to be used as a guide only in assessing a customer's blood-alcohol reading and publicans could not be held responsible for differing readings on police breath analysing equipment.<sup>10</sup> Peter d'Abbs report *Darwin Nightclubs: A review of trading hours and related issues* (1994) in regard to placing breath testing machines in night clubs recommended that:

In view of the evidence that many nightclub patrons wish to know their blood alcohol levels...that all patrons have access to some form of self-testing...However, the proposal should not be rejected on the grounds - periodically advanced by some licensees - that self-testing is inappropriate because some patrons use it to compete with each other.<sup>11</sup>

In Alice Springs, further efforts to encourage responsible drinking through server intervention occurred when liquor licensees and hoteliers agreed to form a sub committee to investigate proposals to reduce the level of alcohol in the community. This was seen as a major step forward as earlier self imposed restrictions to limit alcohol sales to problem drinkers had failed.<sup>12</sup>

In February 1996, the Minister for Health, Fred Finch, introduced the *Liquor Amendment (Serial 139)* to repeal and replace section 102 of the *Liquor Act* making it a regulatory offence to serve alcohol to intoxicated persons<sup>13</sup>. In his statement Finch called for greater onus to be "placed on licensees or their staff to prove that they carried out sufficient enquiries to satisfy themselves of the sobriety

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<sup>10</sup> Betley, Alastair. "Breath Tests in NT Pubs", *NT News*. 3.11.95

<sup>11</sup> d'Abbs, Peter. *Darwin Nightclubs: A review of trading hours and related issues*. Darwin: Menzies School of Health Research, August 1994. p.82.

<sup>12</sup> "Liquor Trade Link to Combat Drunks", *NT News*. 19.12.95

<sup>13</sup> Finch, Fred. Legislative Assembly of the Northern Territory, Seventh Assembly, First Session. 27.2.96. p.14-15.

of customers".<sup>14</sup> Amendments were also introduced to provide that licensees would bear any liability for any offences committed by their employees with regard to the Liquor Act.

In tabling the amendments Finch made reference to a recent decision in the Court of Summary Jurisdiction where an employee of Macs Liquor in Nhulunbuy was charged with breaching section 102 after allegedly serving alcohol to an intoxicated customer. Police apprehended the customer minutes after he had been served and police found him to have had a blood-alcohol reading of 0.355%. However the prosecution was unable to prove that the defendant had knowledge that the customer was intoxicated at the time of being served.<sup>15</sup>

#### 4. CONCLUSION:

Efforts continue by the Northern Territory Government and the NTHHA to address the many problems associated with serving alcohol to intoxicated persons. The following national and international readings consider issues relevant to the ongoing challenge to alleviate the destructive cycle of alcohol abuse in the Northern Territory.

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<sup>14</sup> Bane, Nathaniel. "Laws to Hit Hotel Staff", *NT News*. 1.3.95.

<sup>15</sup> Finch, Fred. Op.,cit.

## 5. READING LIST

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Mackay, Ian

*Dimensions and Effects of Alcohol Abuse: A Victorian perspective and future directions.* Melbourne: Victorian Promotion Health Foundation, 1993. p. 118-119.

McNight, James

“Server Intervention: Accomplishments and Needs”, *Alcohol Health and Research World.* Vol.17, No.1. 1993. P.76-83.

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