

**POLICY**MONOGRAPHS

# Alcohol Restrictions in Indigenous Communities and Frontier Towns

Sara Hudson

THE CENTRE FOR  
INDEPENDENT  
STUDIES

## ACKNOWLEDGEMENT

Thank you to the anonymous reviewers and interested readers whose feedback and advice were invaluable in the drafting of this paper. Also thanks to the people who spoke to me on my travels to Western Australia. Any remaining errors or omissions are my responsibility.

---

The CIS is pleased to acknowledge the support of the **Vincent Fairfax Family Foundation** towards its Indigenous Affairs Research Program.



### National Library of Australia Cataloguing-in-Publication Data:

Hudson, Sara, 1974-

Alcohol restrictions in Indigenous communities and frontier towns / Sara Hudson.

9781864321456 (pbk.)

CIS policy monographs PM116.

Aboriginal Australians--Alcohol use.

Alcoholism--Australia--Social aspects.

Aboriginal Australians--Social conditions.

Alcoholism--Australia--Prevention.

Alcohol--Physiological effect.

Alcoholism--Treatment.

Aboriginal Australians--Crime.

Alcoholism and crime--Australia.

Alcohol--Law and legislation--Australia.

Aboriginal Australians--Legal status, laws, etc.

Centre for Independent Studies (Australia)

362.29089915

# **Alcohol Restrictions in Indigenous Communities and Frontier Towns**

Sara Hudson

CIS Policy Monograph 116



**2011**

## CIS publications on Indigenous affairs

### Policy Monographs

- PM113 *Private Housing on Indigenous Lands*, 2010, Helen Hughes, Mark Hughes, and Sara Hudson
- PM110 *Indigenous Education 2010*, 2010, Helen Huges and Mark Hughes
- PM107 *Indigenous Employment, Unemployment and Labour Force Participation: Facts for Evidence Based Policies*, 2010, Helen Hughes and Mark Hughes
- PM105 *Closing the Accountability Gap: The First Step Towards Better Indigenous Health*, 2009, Sara Hudson
- PM94 *Revisiting Indigenous Education*, 2009, Helen Hughes and Mark Hughes
- PM92 *From Rhetoric to Reality: Can 99-year Leases Lead to Homeownership for Indigenous Communities?* 2009, Sara Hudson
- PM86 *CDEP: Help or Hindrance? The Community Development Employment Program and its Impact on Indigenous Australians*, 2008, Sara Hudson
- PM83 *Indigenous Education in the Northern Territory*, 2008, Helen Hughes

### Issue Analysis

- IA122 *Healthy Stores, Healthy Communities: The Impact of Outback Stores on Remote Indigenous Australians*, 2010, Sara Hudson
- IA116 *Educating the Disadvantaged*, 2009, Jennifer Buckingham, John Fleming, Jean Illingworth, Chris Goddard
- IA110 *Indigenous Participation in University Education*, 2009, Joe Lane
- IA88 *Kava and after in the Nhulunbuy (Gulf of Carpentaria) Hinterland*, 2007, Helen Hughes
- IA86 *What is Working in Good Schools in Remote Indigenous Communities?* 2007, Kirsten Storry
- IA78 *Indigenous Governance at the Crossroads: The Way Forward*, 2007, John Cleary
- IA73 *Tackling Literacy in Remote Aboriginal Communities*, 2006, Kirsten Storry
- IA72 *School Autonomy: A Key Reform for Improving Indigenous Education*, 2006, Julie Novak
- IA65 *Education and Learning in an Aboriginal Community*, 2005, Veronica Cleary
- IA63 *The Economics of Indigenous Deprivation and Proposals for Reform*, 2005, Helen Hughes
- IA55 *Lessons from the Tiwi Islands*, 2005, John Cleary
- IA54 *A New Deal for Aborigines and Torres Strait Islanders in Remote Communities*, 2005, Helen Hughes and Jenness Warin

### Occasional Papers

- OP100 *Welfare Reform and Economic Development for Indigenous Communities*. 2005, Noel Pearson

### Also by Helen Hughes

Helen Hughes, 'Who Are Indigenous Australians,' *Quadrant* 53:4 (November 2008)

Helen Hughes, 'Strangers in Their Own Country: A Diary of Hope,' *Quadrant* 52:3 (March 2008)

# Contents

Executive Summary.....	vii
Introduction.....	1
Alcohol consumption and drinking patterns.....	1
Harmful effects of excessive alcohol consumption .....	2
<i>Health impacts</i> .....	2
<i>Social impacts</i> .....	3
<i>Impact on Indigenous communities and frontier towns</i> .....	3
Origins of alcohol abuse .....	4
<i>The downward spiral (or the unintended consequences of good intentions)</i> .....	4
Alcohol practices in remote communities and frontier towns.....	6
<i>On-premises drinking</i> .....	6
<i>Night patrols</i> .....	8
Government responsibility to mitigate alcohol-related harm.....	9
Alcohol restrictions in remote communities and country towns.....	10
<i>Voluntary bans in remote outstations—'dry' community declarations</i> .....	10
<i>Alcohol Management Plans (Queensland)</i> .....	10
<i>The Northern Territory Intervention (NTI)</i> .....	11
<i>Alcohol restrictions in frontier towns</i> .....	12
<i>New South Wales</i> .....	13
Measuring the effectiveness of restrictions .....	13
<i>Pros</i> .....	15
<i>Cons</i> .....	18
<i>Limitations of restrictions</i> .....	19
<i>No good without enforcement</i> .....	19
<i>Responsible serving of alcohol</i> .....	20
<i>Restrictions do not address why people drink (demand reduction)</i> .....	20
Discussion.....	21
Conclusion.....	23
Endnotes .....	24



## Executive Summary

Double standards in the responsible serving of alcohol have contributed to the growing alcohol problem in remote Indigenous communities, and are one reason why alcohol restrictions are now in place in communities across the Far North. But until the same standards are applied everywhere, there is no way of knowing whether such restrictions are really necessary. More controls on alcohol will have little effect until all the double standards that permeate Aboriginal people's lives are addressed.

Australia has a long history of treating Aboriginal people differently. First they were subjected to discriminatory laws that prevented them from living where they chose, drinking legally, voting, and being paid a fair wage. When these inequitable laws were finally abolished, they were replaced by equally damaging affirmative action and 'culturally appropriate' separatist policies.

Denied the same educational and housing opportunities provided to others, remote Indigenous Australians have become increasingly reliant on the state to meet their every need.

The harmful effects of excessive alcohol consumption are a problem across Australia but more pronounced in many Aboriginal communities because nearly every resident is reliant on welfare. The absence of a real economy and appropriate controls on alcohol has created social environments where welfare payments are spent on alcohol and heavy drinking has become endemic.

Few canteens on Indigenous lands and taverns in remote areas serve alcohol responsibly, with devastating results for communities. Aurukun was once described as a 'liveable and vibrant community,' but following the introduction of a regular supply of alcohol and no controls on its use, levels of violence, abuse and neglect skyrocketed. In 2000, the town's homicide rate was estimated at 120 times the state average.<sup>1</sup>

In the 1970s, increasing liberalisation of liquor licensing laws saw an increase in the number of liquor outlets and extended opening hours of premises. Along with an increase in the total number of licensed premises, there was an increase in the numbers of licenses to sell takeaway alcohol.<sup>2</sup> As a result, per capita consumption of pure alcohol in Australia grew rapidly in the 1970s (from an average of 9.3 litres in 1961 to a peak of 13.1 litres per person in 1974–75).<sup>3</sup> Since then, state and territory liquor authorities have tried to offset this increasing liberalisation with new legislation to mitigate the harms caused by excessive alcohol consumption. This has contributed to the overall reduction in total per capita consumption of alcohol nationwide to around 10 litres of alcohol, but the Far North has not followed these trends. Per capita alcohol consumption in the Northern Territory remains high (14.35 litres in 2006–07), with the average consumption among Indigenous Territorians even higher at 16.1 litres.<sup>4</sup>

Many Indigenous people (particularly women) are concerned at the level of harm caused by excessive alcohol consumption and have used Aboriginal land and liquor legislation to restrict and even ban alcohol. The decision to introduce additional restrictions should be up to communities to decide, through a democratic process where everyone gets a voice no matter how marginalised they are. The problem is what to do in places where alcohol causes significant problems and communities do not want to be 'dry' or restrict alcohol.

Community initiatives to introduce alcohol restrictions have been followed by territory, state and Commonwealth initiatives, including the Queensland government's Alcohol Management Plans in Cape York and the federal government's Northern Territory Intervention (NTI) in 2007 that introduced alcohol prohibitions in '73' prescribed communities. The NTI restrictions have proven ineffective: they have increased 'sly-grogging,' displaced the drinking problem to 'drinking paddocks' on the outskirts of communities, and increased the number of homeless or itinerant drinkers in the larger towns and cities where alcohol is freely available.

Drinking to extreme intoxication often occurs in 'drinking camps' on town fringes where there are no formal controls. Until recently, their existence has been unofficially tolerated because it has served everyone's interests to segregate Aboriginal drinkers.

Non-Indigenous people do not want them in the pubs and taverns in towns, and Indigenous drinkers have enjoyed the freedom and perceived the tacit license to do what they like as a minor victory over those who disapprove of their drinking and behaviour. However, recent concerns about the increasing numbers of itinerant drinkers coming to Alice Springs and causing problems have led to suggestions for more 'wet canteens' or 'clubs' in communities. The idea of drinking in a controlled environment, where people can consume alcohol with food and enjoy other recreational activities, has its merits but the failure of past experiences must be kept in mind. If on-premise options are to be a viable means of reducing the harms associated with drinking takeaway alcohol, then their risks need close attention. Poor governance and management is likely to be an issue. The pressure on such enterprises to produce profits for the community's benefit could make them reluctant to regulate the sale of alcohol. Clubs also risk continuing (and institutionalising) racially segregated drinking, with the potential for different (lower) standards in the responsible serving of alcohol.

In Fitzroy Crossing and Halls Creek, where the impetus for alcohol restrictions came from strong local women and where responsible serving of alcohol is now being enforced, there has been a noticeable decline (between 20% and 40%) in the number of alcohol-related crimes and alcohol-related admissions to hospitals.<sup>5</sup> Having stricter controls on alcohol has made these towns more pleasant places to live, but the restrictions have not addressed the reasons why people are drinking in the first place. Controls on alcohol supply help mitigate the harms that alcohol causes, but they will not solve the alcohol problem. Restrictions may act as a circuit breaker and provide a 'breathing space' for other changes to occur, but they do very little for problem drinkers who will continue to try and obtain alcohol through other means. Alcohol restrictions should go hand in hand with proper enforcement and initiatives that address the underlying causes of the problem, not just the symptoms. Unfortunately, in all the states and territories where alcohol restrictions have been introduced, government has failed or been slow to deliver on promised rehabilitation programs and on real and substantive reforms to education, employment and housing. As a result some residents have transferred their addiction to other drugs and others have found ways to circumvent the law by bringing alcohol in illegally. The gradual erosion of the benefits of alcohol restrictions highlights the futility of introducing restrictions without addressing the aimlessness and boredom of lives lived on welfare.

## Introduction

When used responsibly and moderately, drinking alcohol can be a pleasurable social activity. However, taken to excess, alcohol can cause many problems. Widespread alcohol abuse has a corrosive effect not only on individuals but on whole communities, enhancing the likelihood of public violence, domestic abuse, sexual abuse, chronic debt, and poor health.<sup>6</sup> Alcohol abuse has strong correlations with unemployment. Lack of employment, coupled with relatively high welfare payments, contributes to alcohol abuse, which in turn inhibits or prevents heavy drinkers from working and participating in civil society.

In Australia, heavy drinking is generally more common among young people and declines as people start working and raising a family. Populations with high rates of employment tend to have high rates of homeownership and a more robust civil society. Ratepayers expect and demand local councils and government to respond to public nuisances caused by excessive drinking. But on Indigenous lands, where there are no private property rights and no private housing, Indigenous people do not have the same influence. Responsible serving of alcohol is not enforced, and police do not respond to alcohol-related disturbances in rural and remote areas in the same way that they do in metropolitan areas. The absence of a real economy and appropriate controls on alcohol use have seen heavy drinking in Indigenous communities spiral out of control into epidemics. Over time, these epidemics have become self-perpetuating, drawing more and more people into a cycle of alcohol abuse.

This monograph starts by looking at the harms excessive alcohol consumption can cause, and the impact that heavy drinking has had on Indigenous communities. It then considers the origins of the alcohol problem and some of the unintended consequences of various government policies and interventions. Next, the state's role in controlling alcohol is discussed. Due to the negative consequences of excessive alcohol consumption, some controls on its use are necessary if a civil society is to be restored and maintained in remote Indigenous communities. But what form those controls should take is open to debate, and options range from total prohibitions to restrictions on the days, hours and strength of alcohol that can be sold.

The harmful effects of excessive alcohol consumption in Indigenous communities have been the subject of numerous reports—notably the *Little Children Are Sacred Report* in 2007—which led to the introduction of the Northern Territory Intervention (NTI) (renamed the Northern Territory Emergency Response (NTER) in 2009) and alcohol restrictions in 73 'prescribed' communities. The word 'restriction' is a euphemism because they are total bans—although individual permits to drink are issued by the government in some circumstances. The NTI restrictions are due to expire in 2012, and the government is currently negotiating individual Alcohol Management Plans with communities.

This monograph considers the effectiveness of recent alcohol restrictions in Indigenous communities and frontier towns in the Northern Territory, Queensland, and Western Australia. Total prohibitions on alcohol do not seem to be effective unless Indigenous communities opt to be 'dry.' Even then, some residents of dry communities travel to nearby towns to drink. Residents on Indigenous lands, like others in suburbs throughout Australia, should have a say on the type of alcohol restrictions in their communities. However, central to any form of restriction or controls on alcohol use is enforcement. Before additional restrictions are considered necessary, all existing state and territory liquor legislation must be effectively enforced.

**Widespread alcohol abuse has a corrosive effect not only on individuals but on whole communities, enhancing the likelihood of public violence, domestic abuse, sexual abuse, chronic debt, and poor health.**

## Alcohol consumption and drinking patterns

High levels of alcohol consumption and patterns of drinking are a problem throughout Australia and have been almost since the arrival of the First Fleet. Men working in the

outback tended to drink heavily when they were in town, followed by periods of hard work or sobriety on the stations and mines. This behaviour has perhaps influenced and normalised patterns of heavy drinking among the Australian population. Today, the annual per capita consumption of alcohol in Australia is relatively high by world standards (10.8 litres of pure alcohol in 2008–09 compared to a global average of 6.1 litres in 2005).<sup>7</sup> In 2003, Australia was ranked 30<sup>th</sup> out of 180 high-alcohol consuming countries.<sup>8</sup>

Public health authorities use per capita consumption of alcohol as a measure because high per capita consumption has correlations with the prevalence of heavy drinking and associated harmful effects.<sup>9</sup> Alcohol consumption figures vary across Australia, particularly between urban and rural areas, and between states and territories. Alcohol consumption levels are consistently lower for people living in major cities compared to outer regions. For nearly 30 years, alcohol consumption has been between 50% and 100% higher in the Northern Territory than the rest of Australia, and also higher than most other nations. A recent study published in the *Medical Journal of Australia* found that the average consumption of pure alcohol per person in the Northern Territory in 2006–07 was 14.35 litres compared with the Australian average of 9.88 litres in 2006–07. The average consumption was even higher (16.1 litres) among Aboriginal Territorians.<sup>10</sup>

## Harmful effects of excessive alcohol consumption

Measuring the impact of excessive alcohol consumption is problematic because statistics can be misleading if they do not take into account regional variations. Comparisons between Indigenous and non-Indigenous Australians as a whole do not reflect the differences between Aboriginal people living in capital cities and Aboriginal people living in rural areas and remote towns/communities.<sup>11</sup> For instance, suggestions that levels of harmful alcohol

**For nearly 30 years, alcohol consumption has been between 50% and 100% higher in the Northern Territory than the rest of Australia.**

use among Indigenous Australians are about twice that of the non-Indigenous population are misleading and contribute to stereotypes that all Aboriginal people have a problem with alcohol.<sup>12</sup> Analysis of the available data by region shows that deaths and hospitalisations associated with alcohol use are highest in remote parts of Australia and higher still for Indigenous Australians in those areas.<sup>13</sup> The following provides a snapshot of the health and social costs of excessive drinking for the nation and the Indigenous population living in remote communities and frontier towns.

### Health impacts

Heavy drinking over a sustained period can cause many serious health problems, including liver cirrhosis, haemorrhagic strokes, various cancers, and mental illnesses such as psychosis.<sup>14</sup> Commonly referred to as chronic harms, these problems are associated with long-term alcohol abuse. Heavy episodic drinking causes acute harms and includes alcohol poisoning, road injury, violence, and falls. Not surprisingly, deaths from chronic harms are more common among people over 45, while deaths from acute harms are more common among people aged 15–29 years. Overall, more people are hospitalised for acute alcohol-related harms than chronic harms.<sup>15</sup>

In extreme cases, children can be affected by alcohol abuse even before they are born. If the mother drinks heavily during pregnancy, children can be born with Fetal Alcohol Spectrum Disorder (FASD) and suffer from brain damage, behavioural disorders, and memory impairment.<sup>16</sup> The prevalence of FASD in Australia has not been the subject of extensive research, though some studies are being conducted in Western Australia.<sup>17</sup>

## Social impacts

The effects of heavy alcohol consumption go beyond the harms associated with diseases and accidents and include adverse social consequences, both for the drinkers, their immediate family, and communities.<sup>18</sup> Excessive alcohol consumption contributes to public violence, homicides, domestic abuse, sexual abuse, chronic debt, and unemployment.<sup>19</sup> The strong correlation between alcohol and crime is reflected in statistics that show about two-thirds of offenders test positive for a range of drugs and alcohol on arrest.<sup>20</sup> Alcohol abuse is also a major factor in poor parenting and leads to children being unsupervised, neglected and vulnerable to physical and sexual abuse.<sup>21</sup>

## Impact on Indigenous communities and frontier towns

Widespread heavy drinking is a major factor in the breakdown of social and family relationships and the overall dysfunction of many Indigenous communities.<sup>22</sup> The quest to obtain alcohol and participation in long drinking sessions have reduced the teaching and practice of traditional Aboriginal culture.<sup>23</sup>

Noel Pearson has described the negative impact of alcohol on Cape York Indigenous communities. Positive Indigenous values such as the responsibility to share with relatives have been corrupted by alcohol abuse and transformed into negative values of exploitation and manipulation. In drinking circles, the cultural obligation to share food has turned into a cultural obligation to share 'grog.' Even non-drinkers are sometimes forced to give money to support the drinkers. People are made to feel guilty if they do not contribute and are threatened with violence to make them comply. As a result, drinking circles have become 'suction holes' that consume all of a family's resources.<sup>24</sup>

Many Aboriginal people, particularly women, are concerned about the impact of alcohol on the behaviour of young people and their lack of respect for Aboriginal culture.

They make a lot of noise, they never think the old people have to rest. Night and day they go, drinking and music going full bore. Nobody stops them ... I tell them, you fellas drink and don't know how to look after your kids. I never did any of these things, we'd have got a big hiding from our old people. These people don't respect our culture, nothing.<sup>25</sup>

There is also great despair and heartache at the increasing numbers of young people taking their own lives. Although it is impossible to ascertain the exact reasons for suicide, there is a known relationship (though not directly causal) between heavy drinking and suicide.<sup>26</sup> Certain regions show a strong correlation between heavy alcohol use and self-harm deaths. In the Kimberley in 2006, toxicology reports showed high blood-alcohol levels in 19 out of 21 Aboriginal suicides.<sup>27</sup>

The alcohol problem is not confined to remote Indigenous communities. Many frontier towns also have problems with heavy drinking—among both non-Indigenous and Indigenous residents. In 2009 in Alice Springs, 20.38 litres of pure alcohol was consumed per person per year, with consumption levels among non-Indigenous residents estimated to be twice the national average.<sup>28</sup>

However, Indigenous drinking tends to be more public and visible than non-Indigenous drinking. Drinking to extreme intoxication often occurs in 'drinking camps' on the outskirts of towns where there are no formal controls. Until recently, their existence has been unofficially tolerated because it has served everyone's interests to segregate Aboriginal drinkers. Non-Indigenous people do not want them in the pubs and taverns in towns, and Indigenous drinkers have enjoyed the freedom and perceived the tacit license to do what they like as a minor victory over those who disapprove of their drinking and behaviour. In Halls Creek in the Kimberley, residents from surrounding communities

**Positive Indigenous values such as the responsibility to share with relatives have been corrupted by alcohol abuse and transformed into negative values of exploitation and manipulation.**

would come and camp on a dry patch of grass known as ‘dinner camp’ directly across from the Kimberley Hotel and drink. Whole families would camp on mattresses and bits of cardboard, and police would make regular night patrols to pick up the children who roamed unsupervised.<sup>29</sup> After one such weekend, more than 2,000 beer cans littered the camp.<sup>30</sup>

According to Bob Beadman, the Northern Territory Coordinator General for Remote Services, many of the towns on the ‘bitumen’ (Alice Springs, Katherine, Mataranka, Elliott, Tennant Creek, Barrow Creek, Ti Tree, and Aileron) have a number of homeless or itinerant Aboriginal drinkers who congregate on the median strip of the Stuart Highway and form ‘drinking camps’ on the dry river beds of the Todd and Katherine rivers.<sup>31</sup> Recent media articles have highlighted the escalating public drunkenness and disorder (violence, theft, property damage, and the like) in Alice Springs. Despite a ‘dry town’ proclamation and various restrictions on alcohol supply, there is, according to Nicolas Rothwell in *The Australian*, ‘no effective control of alcohol or drinking in public in Alice Springs.’<sup>32</sup> Children as young as nine walk the streets at night, some selling their bodies (or being sold by adult relatives) in exchange for alcohol.<sup>33</sup> Although the takeaway stores shut at 9pm, a number of illegal outlets continue to sell alcohol at inflated prices. Rothwell contends there are four such premises operating under the noses of police.<sup>34</sup>

## Origins of alcohol abuse

### The downward spiral (or the unintended consequences of good intentions)

Colonisation, and the destruction it caused to traditional Aboriginal society and practices, is often blamed for the current alcohol problems in many communities.<sup>35</sup> Yet, while many regrettable practices occurred during the colonial period, including the use of alcohol as a form of currency for Aboriginal labour and sex, colonisation is not the direct cause of the alcohol epidemic in Indigenous communities today.<sup>36</sup> The dispossession and trauma experienced by Indigenous people did contribute to a sense of disempowerment and a decline in social norms, but as anthropologist Peter Sutton points out colonisation does not explain ‘why ... community dysfunction [is] at its greatest in those places to whom history and the colonisation process had been most recent and therefore kindest.’<sup>37</sup> The colonisation theory also fails to explain the many Aboriginal people living productive lives in cities and towns free from the debilitating effects of alcohol abuse.

**Many regrettable practices occurred during the colonial period, including the use of alcohol as a form of currency for Aboriginal labour and sex.**

Ironically, the downward spiral that many communities and Indigenous people descended into after the 1970s followed a period when formal discrimination against Aboriginal and Torres Strait Islanders was slowly abolished.

During the 1950s and ’60s restrictions that had been in place since the mid-1800s were gradually repealed, enabling Aboriginal people to live where they chose, drink alcohol legally, and receive social security benefits.<sup>38</sup> By 1965, the right to vote was made universal, allowing some Indigenous people to vote for the first time. The 1967 referendum approved two constitutional amendments that discriminated against Aboriginal people and discounted them from the census. Although the referendum’s only rights provision was to end the exclusion of Aboriginal and Torres Strait Islanders from the census, it had a hugely symbolic impact and became known for when Aboriginal citizenship was granted. In 1968, the Conciliation and Arbitration Commission’s ruling on equal wages in the cattle industry came into force, and many Aboriginal stockmen lost their jobs as a result. Unemployment was also exacerbated by the increasing mechanisation of farm work, with bulldozers and cattle trains replacing farm hands and drovers.<sup>39</sup>

However, the real problems occurred not with the granting of these rights but with the positive discrimination measures that followed. In the late 1960s and 1970s, under the principle of Indigenous self-determination, land rights were enacted and the federal government

gave money to allow people to return and settle in their traditional lands (homeland communities).<sup>40</sup> Well intended as land transfers were, communal ownership failed to identify individual landowners. This effectively denied Aboriginal people on Indigenous lands the private property rights that all other Australians enjoy, and prevented the development of businesses and a real economy on Indigenous lands.

The call for more ‘culturally appropriate’ education led to the creation of separatist education for Indigenous students (such as the Homeland Learning Centres in the Northern Territory). In most cases, these ‘schools’ have failed to teach literacy and numeracy in any language, let alone English. In many remote communities, only a handful of older people educated in missions, or those lucky enough to attend boarding schools, are literate and numerate.<sup>41</sup> With no real education, the principle of self-determination has become a farce. A vast bureaucracy now supports Indigenous people on Indigenous lands. But most of the positions are filled by non-Indigenous people or Indigenous people from the south (NSW and Victoria). Because of their poor education, only assistant positions are given to local Indigenous people.

Without education, and with few incentives to work (such as homeownership for those who work hard and save), most residents in remote communities rely on welfare. The Community Development Employment Projects (CDEP), a work-for-the-dole initiative for Aboriginal people, has been woefully inadequate in preparing and training people for work.<sup>42</sup> The limited hours that people were required to ‘work’ under CDEP also meant that many Aboriginal people had plenty of free time to drink. According to a coronial inquest into the death of an Aboriginal man in the Kimberley:

... the deceased had nothing to do with the rest of the day after his CDEP work finished and as a result of boredom, if there was money, alcohol would be bought and consumed by him.<sup>43</sup>

The concentration of large numbers of people reliant on welfare with nothing meaningful to do has created a social environment where it is extremely hard for people to abstain from drinking. As alcohol epidemics have gained momentum, even ‘normal’ functioning people who once took responsibility for their families have been drawn into the vortex of alcohol abuse.<sup>44</sup> Alcohol abusers have co-opted other people to join them and recruited new (and younger) users.<sup>45</sup> Once people become addicted, it is difficult to cease drinking because interventions to cure alcohol addictions are not available (or are very scarce) in Far North Indigenous communities and towns.

Any population group experiencing the circumstances faced by Indigenous Australians in remote communities would have similar levels of dysfunction—and the situation is not unique to Indigenous Australians.<sup>46</sup> Generally, risky drinking behaviour tends to be a pursuit of the young, with most people outgrowing excessive drinking habits as they mature and start working and raising a family. According to a recent National Drug Strategy Household Survey:

The average Australian drinker makes a rapid transition to a weekend heavy drinker at 20 and then almost as rapidly changes to a moderate drinker of increasing frequency by 30, appearing to reach a stable pattern by about 40.<sup>47</sup>

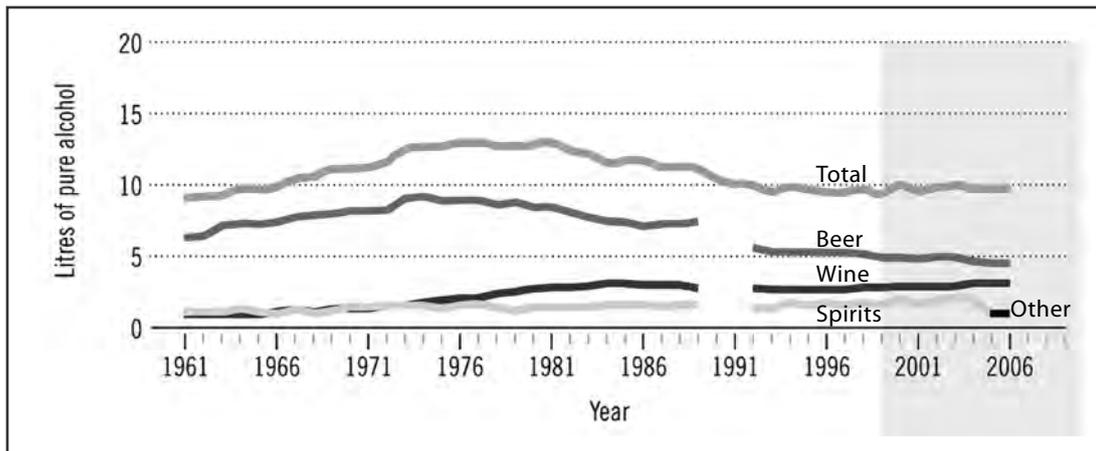
However, in Indigenous communities, where few are employed and many do not live past their 40s, heavy drinking is not a rite of passage that people grow out of: it is a way of life that people of all generations engage in until their premature deaths.<sup>48</sup> The problems and dysfunction inherent in many Indigenous communities are not only due to limited education and high rates of welfare, but also stem from the lack of proper controls on alcohol use.

**As alcohol epidemics have gained momentum, even ‘normal’ functioning people who once took responsibility for their families have been drawn into the vortex of alcohol abuse.**

## Alcohol practices in remote communities and frontier towns

The lifting of restrictions on consumption of alcohol by Aboriginal and Torres Strait Islanders coincided with a more liberal approach to drinking nationwide. Increasing liberalisation of liquor licensing laws saw an increase in the number of liquor outlets and extended opening hours of premises. Along with an increase in the total number of licensed premises, the numbers of licenses to sell takeaway alcohol have also increased.<sup>49</sup> As a result, per capita consumption of pure alcohol in Australia grew rapidly in the 1970s (from an average of 9.3 litres in 1961 to a peak of 13.1 litres per person in 1974–75).<sup>50</sup>

**Figure 1: Recorded alcohol consumption in Australia 1961–2006**<sup>51</sup>



**Source:** World Health Organization, 'Country Health Profiles' (2011).

Gradually since then, state and territory liquor authorities have tried to offset this increasing liberalisation with new legislation in an attempt to mitigate the harms caused by excessive alcohol consumption, for example, imposing additional restrictions on licensees to reduce alcohol-related problems in particular localities. While there has been an overall reduction in total per capita consumption of alcohol in Australia to around 10 litres per annum, the Far North has not followed these trends, and per capita alcohol consumption in the Northern Territory remains high (14.35 litres in 2006–07).<sup>52</sup>

The pendulum has swung from one extreme to another—from prohibitions on Aboriginal drinking and missionary norms of sobriety to the establishment of canteens and clubs on Indigenous lands and investment in taverns. But self-determination without education is like giving a car to someone without teaching them how to drive, and there have been many accidents along the way.

### On-premises drinking

The Northern Territory and Queensland are the only jurisdictions that have legislation with specific provisions for licensed premises to be owned, operated and administered by Indigenous communities. These are known as licensed social clubs (or clubs) in the Northern Territory and beer canteens (or canteens) in Queensland.<sup>53</sup>

The rationale for establishing licensed premises on Indigenous lands was sometimes naive and misguided. In Palm Island, it was argued that having a canteen and access to takeaway alcohol would encourage people to work so they could earn enough money to buy a fridge to keep their beer cold!<sup>54</sup> But alcohol generally did not last long enough to be stored, and if it had been left in a fridge someone else would have consumed it.<sup>55</sup> In the Northern Territory, the 'Living with Alcohol Program' advocated clubs as being 'places where people, with the support of family and community, can learn to drink alcohol in a responsible way.'<sup>56</sup> By keeping people in their communities, clubs were seen as a way of

reducing alcohol-related road fatalities and the influx of drinkers to towns. In reality, communities did not have the police resources to control drunken behaviour, and in most cases communities with canteens and clubs have experienced increased alcohol consumption and alcohol-related injuries.<sup>57</sup>

Canteens in Queensland were owned and operated by local councils. They tended to be basic, consisting of a tin shed with a bar at one end and a few tables and chairs, if any. For many communities, the canteen provided a valuable source of income and helped cover the costs of community infrastructure that the councils struggled to meet due to the absence of normal local government income from rates. The revenue from the sale of alcohol in these canteens created perverse incentives for councils to increase the sale of alcohol rather than address the harm caused by excessive consumption.<sup>58</sup>

Few canteens practised responsible serving of alcohol and would serve people until they became severely intoxicated, with dramatic consequences for communities. Prior to the introduction of a canteen in 1985, Aurukun was described as a 'liveable and vibrant community.' However, following the introduction of a regular supply of alcohol and no controls on its use, levels of violence, abuse and neglect skyrocketed. In 2000, the town's homicide rate was estimated to be 120 times the state average.<sup>59</sup>

In response to excessive alcohol consumption, the township erected 10-foot-high fences and steel grates to protect public places (the school and health centre, etc) and started a mini-bus service to take intoxicated people from the canteen to their home or to a sobering up shelter. The problem was no one questioned why the canteen was allowed to break liquor licensing laws by serving severely intoxicated people. The mini-bus service ended up being a free taxi service that took people to the canteen as well as away from it. Rather than minimising the harm caused by drinking it facilitated it.<sup>60</sup>

In the Northern Territory, the Tangentyere Council (a council for the town camps in Alice Springs) established a social club called the Tyeweretye Club in 1993 to foster responsible drinking by providing food and entertainment. The club was closed in 2005 following concerns that residents were using it as a place to drink before the bottle shop opened and they could buy takeaway alcohol.<sup>61</sup> In another community\* in the Northern Territory, when residents confronted a club manager about his unethical trading practices, they were told that the club provided valuable funding for the community's school—as a result, the residents took no further action.<sup>62</sup>

As well as canteens and clubs, Indigenous community corporations also own or have a share in several licensed public hotels in Australia. These are all in small rural towns and include two in South Australia, two in Western Australia, and three in the Northern Territory.<sup>63</sup> The rationale for Aboriginal ownership was that it would enable profits to be distributed to communities, help create jobs, and eradicate irresponsible and discriminatory service. While this has occurred in some cases (the first Aboriginal community to purchase a hotel banned takeaway sales of wine and spirits), others have failed to provide communities with many benefits. A coronial inquiry into 22 Aboriginal deaths in the Kimberley concluded that takeaway alcohol sold from the hotel in Fitzroy Crossing was associated with 11 of the 22 deaths and that the hotel's profits had not reached the intended beneficiaries.<sup>64</sup>

The problem of irresponsible serving of alcohol is not limited to Aboriginal owned clubs and taverns. Many pubs and taverns in the Far North fail to practise the responsible serving of alcohol (see Box 1 for one such example in Halls Creek in Western Australia). Some of the irresponsible practices by licensees include selling plastic barrels of cheap port wine (known as monkey blood), supplying alcohol on credit, and serving Indigenous

**Few canteens practised responsible serving of alcohol and would serve people until they became severely intoxicated, with dramatic consequences for communities.**

\* Unnamed in source.

patrons beyond the point of intoxication.<sup>65</sup> The low level of amenity of the clubs and canteens on Indigenous lands is also reflected in many pubs and taverns in frontier towns. Hotels in parts of Australia have become known as ‘Aboriginal pubs’ as they allow Indigenous people to drink without being subject to enforcement of dress or standards of behaviour. In Western Australia, the tendency to have wire mesh or metal bars around the serving areas has caused these pubs to be colloquially known as ‘chook sheds.’<sup>66</sup> Remote locations make it easier for licensed premises not to adhere to the same standards that licensed premises in cities and larger towns do. There are fewer police to enforce liquor licensing laws, and liquor licensing authorities have historically favoured the liquor industry over community concerns. In cities and towns, rate payers expect and demand local councils and government to respond to public nuisances caused by excessive drinking. However, residents on Indigenous lands and in frontier towns do not have the same influence, and until recently their concerns about alcohol-related behaviour have mostly been ignored.

**Box 1: Apartheid is alive and well in Northern Australia<sup>67</sup>**

The Kimberley Hotel in Halls Creek has two bars. The Sportsman’s Bar serves pub food and is connected with the restaurant at the hotel. The ‘Animal Bar’ (as it is colloquially called) is in a separate building with a security fence; concrete tables and bar stools are secured to the ground. According to the locals, the ‘Animal Bar’ is the ‘Aboriginal’ bar. While no one is officially excluded from either bar (as that would be illegal), a form of apartheid exists whereby non-Indigenous people use the Sportsman’s Bar and Indigenous people use the ‘Animal Bar.’

Different rules for serving alcohol apply at the Sportsman’s and ‘Animal’ bars. A security guard stands outside the Sportsman’s Bar to prevent unruly customers from entering. But if someone is kicked out of the Sportsman’s Bar for being too intoxicated, they can walk around the corner to the ‘Animal Bar’ and get served. The ‘Animal Bar’ has been designed for binge drinking. Every evening, after closing scores of drunken people are expelled into the night, and accidents and fights are commonplace.<sup>68</sup>

In 2009, a heavily pregnant woman was found intoxicated outside the Kimberley Hotel. Staff at the ‘Animal Bar’ had continued to serve her even though she was drunk.<sup>69</sup> Recently, the Kimberley Hotel was fined \$10,000 for serving a 16-year-old girl. This followed a \$5,000 fine two years ago for serving the same girl when she was 14.<sup>70</sup>

## Night patrols

The absence of police has led to the establishment of night patrols<sup>†</sup> by some communities. These have met with varying success. In one NT community, the person chosen to head the night patrol also happened to be the main grog-runner. Non-Indigenous workers in the community were hesitant to get involved and watched for months as the new patrol vehicle was used to deliver beer and wine to the community. In other communities, locals are reluctant to take part in night patrols as they find it difficult to control friends and relatives. In most cases, night patrols have not been given any official powers—they are not supposed to physically intervene or even confiscate alcohol. Police have even warned some workers that confiscation could constitute theft. Night patrols may perform a useful service, but their lack of power means they are not much more than a glorified taxi service—taking people home from troublesome drinking spots. To the detriment of communities, state and territory governments are using night patrols to abdicate their responsibility for providing police services.<sup>71</sup>

<sup>†</sup> Night patrols carry out a form of community based policing but do not have the powers of the police.

## Government responsibility to mitigate alcohol-related harm

The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

—*John Stuart Mill, On Liberty*<sup>72</sup>

There is a tension between liberal democracies' attempts to regulate alcohol supply and liberal philosophies of individual freedom and responsibility. The problem is that not everyone behaves responsibly when consuming alcohol; not only do they harm themselves but they also cause significant harm to others. Limitations on individual freedom have long been justified to prevent harm to others and protect the social order. Arguably, some restrictions on alcohol are necessary for a civil society to exist. To protect the public good, governments throughout history have introduced regulations and restrictions to control its supply, availability and consumption. The earliest evidence of such regulations is the code of laws laid down by King Hammurabi of Babylon more than 3,800 years ago.<sup>73</sup> Today, common regulatory controls on alcohol include:

- alcohol taxes and levies
- limits on numbers, types and trading hours of outlets
- controls on the types of alcoholic beverages sold, and
- responsible beverage service requirements.

These controls can be broken down into two key areas:

1. economic availability of alcohol, which is the price of alcoholic beverages in relation to the disposable income of drinkers, and
2. the physical availability of alcohol, which is the ease with which individuals can obtain or come into contact with alcohol in their local environments.<sup>74</sup>

In Australia, the Commonwealth government controls the economic availability of alcohol by setting alcohol taxes and levies on alcoholic beverages. Under the Constitution, it is illegal for states and territories to impose 'excise duties.' However, for a period before the law was clarified, the NT government applied a small levy on the sale of beverages with over 3% alcohol.<sup>75</sup> Although state and territory governments can no longer directly influence the economic availability of alcoholic beverages, they can take indirect measures such as banning the sale of certain types of alcohol like four- and five-litre cask wines, which provide a high level of alcohol content for a low price.<sup>76</sup>

The control of the physical availability of alcohol is determined by state and territory liquor licensing legislation. These laws have been applied differently over time and between jurisdictions.<sup>77</sup> Increasing liberalisation and deregulation of liquor licensing laws led to an increase in the number and diversity of licensed premises and increased trading hours. This has had benefits for the alcohol industry and consumers, but growing concern among the public about alcohol's adverse health and social effects has seen governments look for ways to balance these costs and benefits. At the same time as supporting the expansion of the number and trading hours of alcohol outlets, governments have also sought to minimise the harm caused by excessive alcohol consumption through the use of additional restrictions in particularly troublesome areas.<sup>78</sup>

**Some restrictions on alcohol are necessary for a civil society to exist.**

Alongside general restrictions on the purchase and supply of alcohol, such as age limits and the responsible serving of alcohol, states and territories have enacted laws that restrict the consumption of alcohol in prescribed areas and at certain times of the year when drinking causes problems, such as over the New Year period. Restrictions are also imposed on some licensed premises when there are concerns about the behaviour of intoxicated patrons.

For instance, following a number of violent alcohol-related offences at the Coogee Bay Hotel in Sydney, the Office of Liquor, Gaming and Racing introduced a 2am lockout—after which patrons were not allowed entry.<sup>79</sup> Bars can also have their licenses revoked by liquor licensing authorities for violating the terms of their license, or if there are ongoing complaints from the public about violence and noise.<sup>80</sup> Liquor legislation is complemented by other legislation, including criminal offence laws, that make it illegal to drive under the influence of alcohol and local government legislation that allow councils to make alcohol bylaws.<sup>81</sup>

## Alcohol restrictions in remote communities and country towns

The first recent step to restrict the supply of alcohol on Indigenous lands was taken by Indigenous communities, mainly small outstations with cohesive local governments that used Aboriginal lands or liquor legislation to declare alcohol-free areas on their lands. These have been followed by territory and state-wide initiatives and the NTI.

### Voluntary bans in remote outstations—‘dry’ community declarations

At the same time as canteens and clubs were being introduced in some Aboriginal communities and townships, others were opting to be ‘dry.’ Since 1979, more than 100 Indigenous communities in the Northern Territory have used the restricted areas provisions under Part VIII of the NT *Liquor Act 1978* to either ban or restrict the consumption and possession of alcohol in their communities.<sup>82</sup> In East Arnhem Land, the East Arnhem Harmony Māwaya Mala Inc applied to the NT Liquor Licensing Authority to make parts of the Gove Peninsula a restricted area under Part VIII of the *NT Liquor Act* and introduce a takeaway swipe-card permit system for alcohol sales in Nhulunbuy in 2006.<sup>83</sup> In Western Australia and South Australia, several Indigenous communities have also used state legislation to introduce alcohol bans. Ten communities in

**Since 1979, more than 100 Indigenous communities in the Northern Territory have banned and restricted the consumption and possession of alcohol in their communities.**

Western Australia have declared themselves dry under section 175 of the WA *Liquor Control Act 1988*, enabling the alcohol restriction/bans to be enforced by police.<sup>84</sup> In South Australia, the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* and the *Maralinga Tjarutja Land Rights Act 1984* allow Aboriginal owners of those lands to make bylaws restricting the consumption and possession of alcohol. Similar provisions in the *Aboriginal Lands Trust Act 1966* have been used to prohibit the consumption and possession of alcohol on the Yalata Reserve in South Australia.<sup>85</sup>

Although the impetus for the dry community declarations came from communities, they were the focus of an investigation by the Human Rights and Equal Opportunity Commission (HREOC) in 1995 because of concerns that alcohol bans contravened the Commonwealth’s *Racial Discrimination Act 1975* (RDA). Under the RDA, it is unlawful to discriminate, either directly or indirectly, against persons on the basis of race, colour, descent, and national or ethnic origin. However, the RDA has provisions that allow some potentially discriminatory acts to be considered lawful if the discrimination can be justified as reasonable and relevant to the particular circumstances, and if they are aimed at assisting or protecting disadvantaged groups. In these circumstances, discriminations are considered ‘special measures.’ The commission found that the alcohol restrictions requested by communities met the criteria of a ‘special measure.’<sup>86</sup>

### Alcohol Management Plans (Queensland)

In 2001, the Queensland government commissioned Justice Tony Fitzgerald to conduct an inquiry into the extent and harmful effects of excessive alcohol consumption in Indigenous communities in the Cape York Peninsula.<sup>87</sup> Fitzgerald’s report, *The Cape York Justice Study*, confirmed that alcohol was causing serious problems in these communities and made a number of recommendations to mitigate the harms caused by alcohol abuse, including the

introduction of Alcohol Management Plans to control the supply of alcohol. In making his recommendations, Fitzgerald was influenced by the work of Cape York Aboriginal leader Noel Pearson, who had been developing strategies to address the harms caused by alcohol in his communities.<sup>88</sup>

The Queensland government adopted most of the recommendations made by Fitzgerald and introduced the *Meeting Challenges Making Choices* policy in April 2002 to implement them. Under the policy, 19 communities from in and around the Cape York Peninsula were identified as needing urgent action to address alcohol-related problems. The Queensland government amended the *Community Services Legislation Amendment Act 2002* to confer formal legal powers on Community Justice Groups (CJGs) so they could declare areas ‘restricted’ or ‘dry’ and issue binding recommendations to the Community Liquor Licensing Board (CLLB). CJGs have been operating in a number of Aboriginal communities since 1993 and consist of Indigenous Elders and other community members who have traditional authority within communities. They provide a means for community members to plan and implement strategies at a local level, to address law and order issues, and to assist community councils to make appropriate bylaws. Under the legislative amendments, CJGs can declare any place in their community to be ‘dry,’ with the exception of private places such as houses and traditional owners’ outstations. Individuals also have the option to declare their houses ‘dry.’<sup>89</sup> CJGs also have the power to make binding recommendations to the CLLB on whether canteens should continue to operate, and if so how. One of the recommendations was to transfer canteen licenses from community councils to independently managed entities to avoid conflicts of interest.

**Transfer canteen licenses from community councils to independently managed entities to avoid conflicts of interest.**

The Alcohol Management Plans in 19 Indigenous communities restrict the availability of alcohol to all residents (Indigenous and non-Indigenous) to varying degrees. Seven out of the 19 communities have a zero carriage limit, and the remaining 12 have more generous possession limits, which vary between 24 and 72 cans of beer and two litres of wine per person or vehicle. Strict penalties apply to those who breach the restrictions, with fines (from \$37,500 to \$75,000) and prison sentences (from six to 18 months) for people caught bringing alcohol into a restricted area. In dry areas, it is an offence to be intoxicated; possession of alcohol and the carriage of alcohol in a vehicle are prohibited; and fines range from \$1,875 for being intoxicated to \$18,750 for possessing alcohol. The restrictions are enforced by the Queensland Police, the Queensland Aboriginal and Torres Straits Islander Police, Community Police, and officers from the Liquor Licensing Division.<sup>90</sup>

### **The Northern Territory Intervention (NTI)**

In 2007, a report commissioned by NT government into the protection of Aboriginal children from abuse—*Little Children Are Sacred*—highlighted the effect that ‘rivers of grog’ were having on some communities. After becoming concerned that the NT government would not address the problems raised in the report, the Howard government launched the NTI. Under the intervention, welfare quarantining and alcohol restrictions were introduced in 73 ‘prescribed’ communities.<sup>91</sup> The restrictions were coupled with the monitoring of takeaway sales across the whole of the Northern Territory and heavy penalties (fines of up to \$74,800 and/or 18 months in jail) for breaches of restrictions, as well as signs at the entrance to communities. Although the NTI banned drinking, possessing, supplying or transporting liquor in prescribed areas, it allowed for the continued operation of licensed premises in some areas and for individual drink permits under the NT *Liquor Act* for recreational, tourism and commercial fishing activities/purposes.<sup>92</sup>

## Alcohol restrictions in frontier towns

Aboriginal women in two towns in Western Australia (Fitzroy Crossing and Halls Creek) were instrumental in motivating the Director of Liquor Licensing in Western Australia to implement alcohol restrictions to control the strength of takeaway alcohol and limit the opening hours of the pubs/taverns in the towns.

The decision to introduce restrictions in Fitzroy Crossing was made following a spate of suicides in the region. Women from the Fitzroy Valley were fed up and worn out by the harmful effects that alcohol was having on their communities. They were also concerned about the increasing numbers of children being born with alcohol-induced disabilities. Women from the four different language groups in the Fitzroy Valley met and decided to ask the Director of Liquor Licensing for a 12-month restriction on the sale of full-strength takeaway alcohol. Meetings were held with the director and all the key stakeholders of the town; senior representatives from the Kimberley Aboriginal Law and Culture Centre; representatives from Joint Venture Partners (an Aboriginal corporation that owns the Fitzroy River Lodge and the Crossing Inn); Council Shire representatives; and other government and non-government representatives involved in health and child protection. After hearing and reading submissions from all the businesses and service providers in Fitzroy Crossing, the director introduced restrictions on the sale of full-strength alcohol in October 2007. The restrictions limited the purchase of takeaway alcohol to light beers, but full-strength beers and spirits can still be bought at the two taverns.<sup>93</sup> To enforce the responsible serving of alcohol and reduce drunkenness and associated problems, the management of the two taverns also implemented strategies such as hiring security and banning people from the premises for misconduct (see box below).

Following the successful introduction of alcohol restrictions in Fitzroy Crossing, two women from the nearby town of Halls Creek requested the Director of Liquor Licensing to impose similar restrictions there. The decision to introduce restrictions in Halls Creek did not receive as much community support as in Fitzroy Crossing. In particular, the owner of the Kimberley Hotel strongly opposed the restrictions and organised a petition (which was signed by approximately 490 people—just under half of the town’s population) asking the director not to implement restrictions.<sup>94</sup> However, the director felt that the harms caused by alcohol in the town overrode any concerns about the economic impact of the restrictions: he imposed restrictions on the sale of takeaway alcohol (limiting it to light beer) and reduced the number of hours the Kimberley Hotel could remain open.<sup>95</sup>

### A notice outside the Fitzroy River Lodge

You will be

#### **‘BARRED OUT’**

From the Lodge for the following

#### **‘MISCONDUCT’**

Drunk and Refusing to Leave	1–7 weeks
Aggressive Aurgueing [sic]	1–7 weeks
Aggressive Threats	1–7 weeks
Abuse or Threats to Staff	2–3 weeks
Racial Taunts	2–3 weeks
Fighting	4 weeks
Assaults on Staff or Security	6 months

When you are allowed back into the Lodge you will only be allowed back in for 3 hours (12.00 Noon to 3.00 pm) per day for the first week. If you are barred from the Lodge you are barred from the Inn.

## New South Wales

In NSW, new liquor laws introduced in 2008 significantly reformed the legislation that had been in place for 25 years and gave the Director of Liquor and Gaming the power to determine disturbance complaints, impose conditions on liquor licenses, and declare lockouts and curfews to minimise the harms associated with the misuse and abuse of alcohol.<sup>96</sup> One of the areas in NSW to experience these new legislative powers is Bourke. The Bourke local government area has the highest rate of alcohol-attributed hospitalisations in NSW (more than three times that of the entire state). People would be drunk on streets from as early as 10am. Huge brawls often broke out in and around the pubs and cases of domestic violence were rife. A group of concerned citizens decided to form a working group (the Bourke Alcohol Working Group (BAWG)) to tackle the problem. Headed by an Aboriginal police officer, Sgt Michael (Mick) Williams, the group's first action was to identify the alcohol products that contributed to most of the problems<sup>‡</sup> (four-litre cask wines, longneck beer bottles, and fortified wine) and obtain a voluntary agreement with licensees to cease selling these products. The licensees did not agree, arguing that they would lose too much money, so Sgt Williams wrote to the Director of the NSW Office of Liquor, Gaming and Racing requesting mandatory restrictions. In February 2009, the director imposed the following conditions on licensed venues in Bourke:<sup>97</sup>

- no fortified wine in containers greater than 750ml
- no beer in 750ml glass bottles (longnecks)
- only mid-strength alcohol to be sold between 2pm and 8pm
- no wine casks greater than two litres, and
- only low alcohol-content drinks can be sold in glass containers between 10am and 2pm (non-residents living more than 50kms away are exempt).

## Measuring the effectiveness of restrictions

When the Rudd government came into office in 2007, it pledged to review the operation of the NTI (or the Northern Territory Emergency Response (NTER) as it was renamed). Government Business Managers were consulted on the effectiveness of the NTI and their views were included in the *Closing the Gap in the Northern Territory Whole of Government Monitoring Report* (December 2010).<sup>98</sup> In May 2009, the federal government released a discussion paper titled *Future Directions for the Northern Territory Emergency Response*, which sought feedback from communities on how the NTER was working and the government's proposals to redesign measures introduced under the NTI. The consultations involved people in all 73 NTER communities as well as several other NT Aboriginal communities and townships. The findings were published in 2009 as *The Northern Territory Emergency Response Redesign Consultations*.<sup>99</sup> The federal government's consultation process has been criticised for presenting communities with a fait accompli and failing to meet the definition of 'consent' required to be considered a 'special measure' under the *Racial Discrimination Act 1975*.<sup>100</sup>

**Huge brawls often broke out in and around the pubs and cases of domestic violence were rife.**

In Queensland, Alcohol Management Plans are reviewed 12 months after their introduction to assess their impact and effectiveness and identify any necessary changes. A review team was established by the Department of Aboriginal and Torres Strait Islander

<sup>‡</sup> One of the key things about the Bourke Alcohol Working Group was the recognition that the harms caused by alcohol was not just confined to the Indigenous population of the town but a community wide problem.

Policy to gather and interpret the data and consult with each Community Justice Group, local councils, community members, and other stakeholders.<sup>101</sup> Unfortunately, the reviews are not made public, although *Quarterly Reports* on key indicators in discrete Indigenous communities are published by the Queensland government. However, because some communities have had Alcohol Management Plans since 2002 and others only recently, it is difficult to identify overall trends and benefits of the restrictions. The Queensland government evaluated the *Meeting Challenges Making Choices* policy in 2005 and provided comparative data indicating a reduction in hospital admissions for assault in communities with zero alcohol carriage limits, but the evaluation design did not include control measures to test the significance of the changes.<sup>102</sup>

In Western Australia, data were gathered before the restrictions were introduced in Fitzroy Crossing and Halls Creek to compare the situation pre- and post-restrictions and to help assess their effectiveness. Researchers from Notre Dame University have published a one-year and two-year review of the Fitzroy Crossing restrictions and a 12-month evaluation of the Halls Creek restrictions.<sup>103</sup>

Measuring the effectiveness of restrictions is difficult because it is impossible to separate the impact of alcohol restrictions in communities where other measures have been introduced, notably the additional policing and welfare quarantining under the NTI and the *Cape York Welfare Reform* project being trialled in four Cape York communities since 2008. A key part of the *Welfare Reform* project is the *Family Responsibilities Commission*, which involves local Indigenous people in decision-making and aims to restore socially responsible standards of behaviour by referring people to support services and/or quarantining their welfare benefits when they fail to meet their parenting obligations. Three out of the four communities participating in the trial have Alcohol Management Plans.<sup>104</sup>

**Some of the drinkers originally opposed to restrictions have come to support them once they experience the benefits they provide.**

The evaluations rely on qualitative and quantitative data and use hospital and police records to show the impact of alcohol restrictions. Although the qualitative data are useful in providing an overview of people's opinions about the restrictions, they are not as reliable a measure of their effectiveness as quantitative data. Opinions are not really evidence that the restrictions are

working—and are more likely to reflect where people stand on alcohol restrictions. As is the case in any population group, residents of Aboriginal communities and townships have diverse opinions on the requirement and benefits of alcohol restrictions, with a marked divide between non-drinkers and drinkers.<sup>105</sup> Although some of the drinkers originally opposed to restrictions have come to support them once they experience the benefits they provide.<sup>106</sup>

The following table summarises the main findings of the various evaluations to show the common benefits, negative consequences, and limitations of restrictions. The two-year review of alcohol restrictions in Fitzroy Crossing shows that some of the benefits appear to erode over time. It was also difficult to find quantifiable evidence of the benefits of the NT restrictions—most of the benefits reported in evaluations rely on qualitative data (what residents or Government Business Managers thought) rather than hard data. Police statistics provided in *Closing the Gap Monitoring Report* show that alcohol abuse continues to be a concern in NTER communities. The additional policing provided under NTI may explain the increasing number (almost 80% between 2006–07 and 2008–09) of alcohol-related incidents recorded by police across the NTER communities. Since then, the number of alcohol-related incidents recorded by police have decreased marginally (by 2% between 2008–09 and 2009–10).<sup>107</sup>

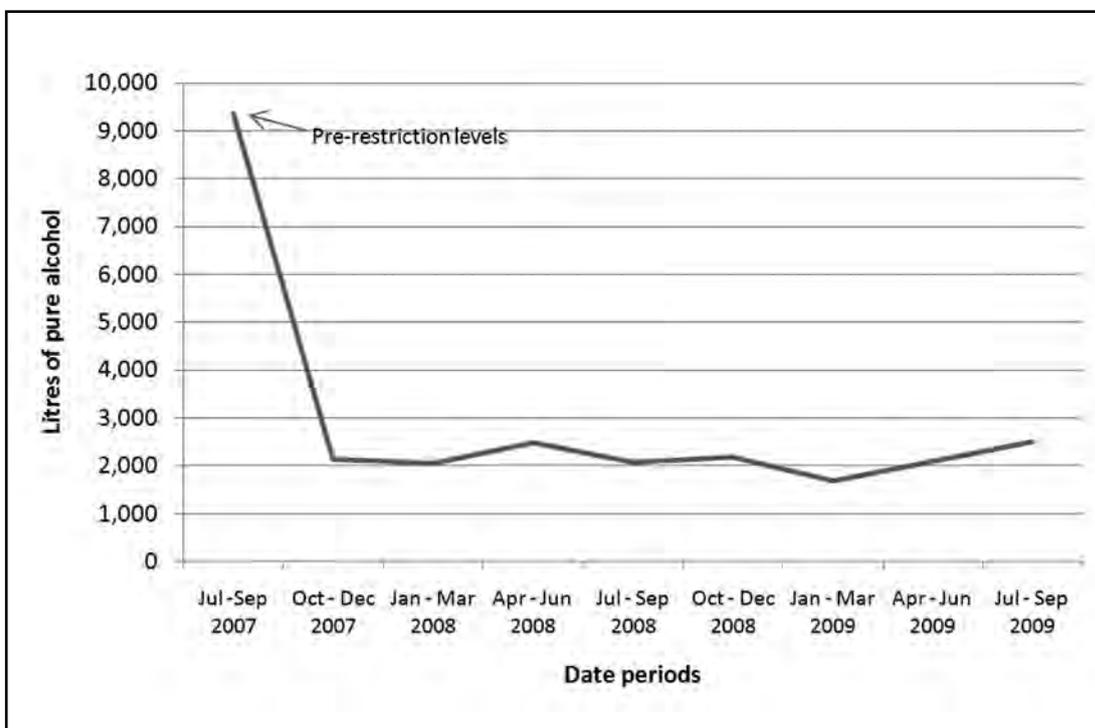
**Table 1: Positive (pros) and negative consequences (cons) of restrictions**

Pros	Cons	Limitations
Reduction in consumption of alcohol	Black market (sly-grogging of alcohol)	Restrictions do not work unless they are enforced
Less violence and quieter communities	Displacement of drinking problem to other areas	Restrictions do not address why people drink (demand reduction)
Less alcohol-related harm		
Less alcohol-related crime		
Better care of children		
Provides a sense of hope		

**Pros**

**Reduction in the consumption of alcohol:** The consultations with Government Business Managers on the impact of the NTI (discussed above) indicate alcohol consumption declined in 25% of communities after the introduction of the NTI. In Fitzroy Crossing, only the Crossing Inn (one of the two licensed establishments in the town) was required to collect and provide a detailed breakdown of alcohol sales for the evaluations. The Crossing Inn’s sales data show a 73% decrease in the sale of alcohol over the same three-month period before and after the restrictions—from 9,360 litres of pure alcohol (July–September 2007) to 2,512 litres (July–September 2009).<sup>108</sup>

**Figure 2: Reduction in consumption of pure alcohol Fitzroy Crossing (Crossing Inn)**

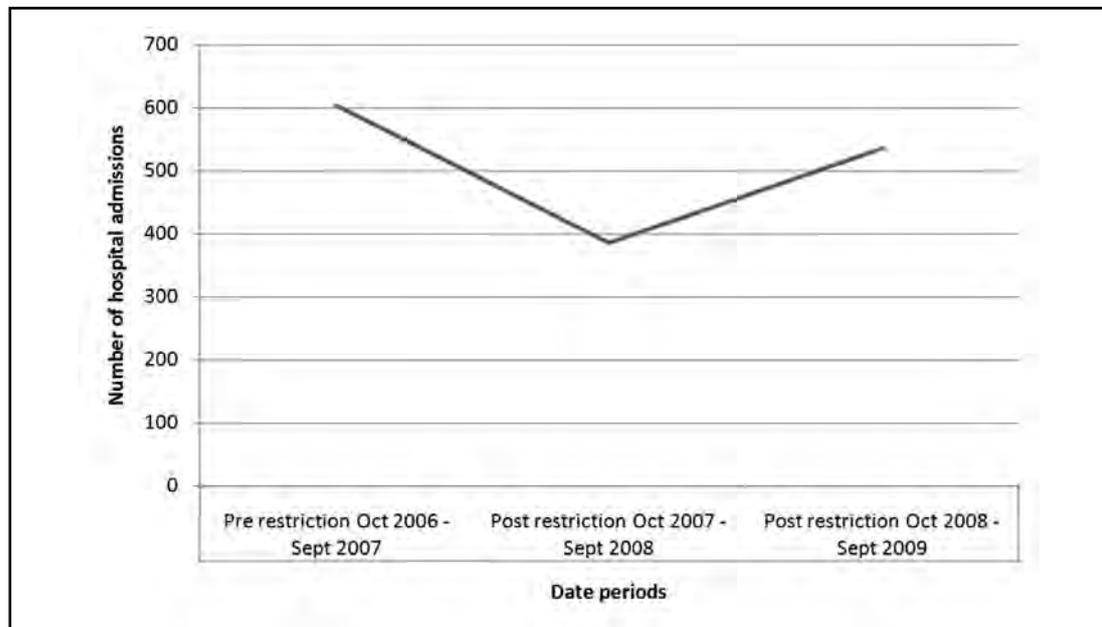


**Source:** Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report*: (December 2010), 50.

**Less violence and quieter communities:** The main benefit of the NTER alcohol restrictions, identified in consultations with community members, was less violence and quieter communities. Residents reported that pay weeks were quieter: ‘no drunks walking around drinking and causing trouble.’<sup>109</sup> Residents of Fitzroy Crossing and Halls Creek also reported that their towns were quieter following the introduction of restrictions. Fewer people were ‘humberging’ (harassing others for money, cigarettes, lifts, food and generally making a nuisance of oneself) and there was less anti-social behaviour.<sup>110</sup> In Halls Creek, the restrictions resulted in the disbandment of ‘dinner camp’—the patch of muddy grass opposite the Kimberley Hotel where people from surrounding ‘dry’ communities such as Balgo used to stay when drinking in town.

**Less alcohol-related harm (health):** The one-year evaluation of the Fitzroy Crossing restrictions found a 36% reduction in alcohol-related emergency admissions to the Fitzroy Crossing Hospital; community health staff also reported fewer alcohol-affected teenagers and increased birth weights in babies.<sup>111</sup> However, the second-year evaluation of the Fitzroy Crossing restrictions showed an increase in the number of alcohol-related emergency admissions compared to the one-year evaluation findings (Figure 3).

**Figure 3: Number of alcohol-related emergency admissions in Fitzroy Crossing**

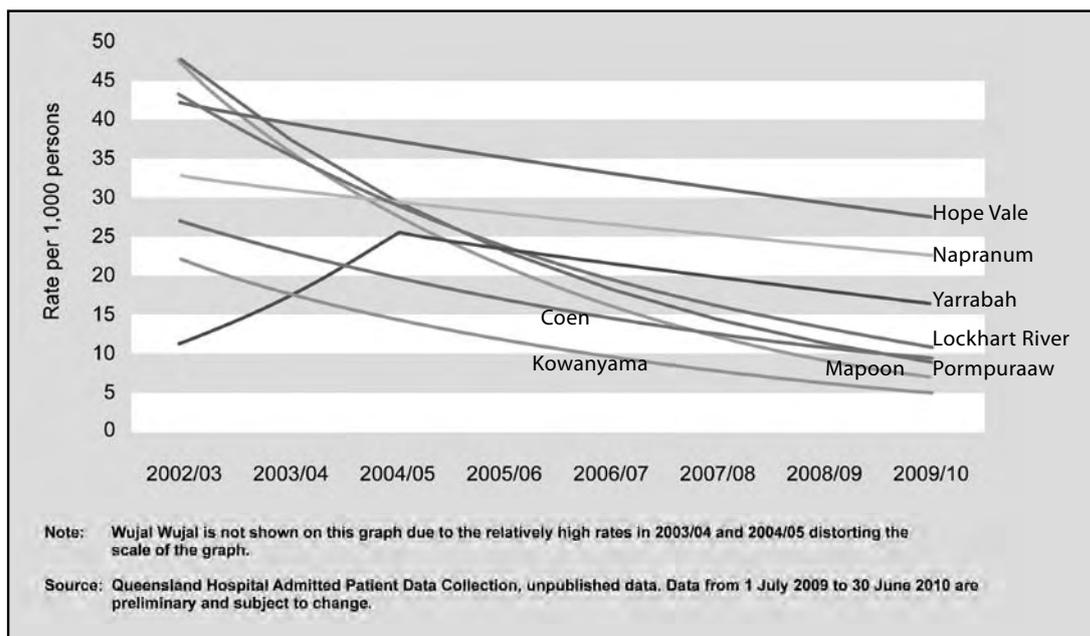


**Source:** Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report*: (December 2010), 11.

In Halls Creek, the Emergency Department recorded a 40% decrease in alcohol-related presentations (from 942 to 563) by local residents compared to the same period in the year prior to restrictions. There was also a slight decrease in ambulance call-outs. However, there was an increase in alcohol-related presentations by Halls Creek residents to other emergency departments in the Kimberley region (Derby, Broome, Fitzroy Crossing, Wyndham, and Kununurra).<sup>112</sup>

In Queensland, there was a reduction in hospital admissions for assault and self-inflicted and other injuries, particularly in communities with a canteen and zero alcohol carriage limits (Figure 4). In NSW, anecdotal evidence from health services indicates that more alcohol-withdrawal patients are attending Bourke Hospital.<sup>§</sup>

<sup>§</sup> The Bourke alcohol restrictions are currently being evaluated and no data on their effectiveness has been published as yet.

**Figure 4: Hospital Admissions for assault related conditions**<sup>113</sup>

**Source:** Government of Queensland, *Annual Highlights Report for Queensland's Discrete Indigenous Communities July 2009 – June 2010*.

**Fewer alcohol-related crimes (police):** In the Queensland government's *Annual Highlights Report* on discrete Indigenous communities, police records show that assaults and domestic violence in Cape York have decreased annually by more than 10% in some communities between 2002–03 and 2009–10.<sup>114</sup> The one-year evaluation of the Fitzroy Crossing restrictions found a 28% reduction in the number of alcohol-related tasks attended by police and a decrease in the severity of offences.<sup>115</sup> According to the one-year evaluation of the Halls Creek restrictions, the number of reports of violence (both alcohol and non-alcohol related) to the Halls Creek police fell by 16.5% in the 12 months post-restriction compared to the 12 months pre-restriction.<sup>116</sup> Since the introduction of the restrictions in May 2009, there has been a 32% decrease in the total number of reported assault offences in Halls Creek and a 36% decrease in the number of reported alcohol-related assaults. Reported domestic violence decreased by 25.9% for the 12-month period post-restriction compared to the same period pre-restriction. Alcohol-related sexual assaults also fell by 46% over the same period.<sup>117</sup>

**Better care of children:** In Cape York, the number of children being taken into care because of neglect or abuse has fallen since the introduction of Alcohol Management Plans and the *Families Responsibility Commission*.<sup>118</sup> In Fitzroy Crossing, parents were considered to be taking better care of their children and participating in more recreational activities with them: 'In the past I didn't see the drinkers out with their families. But this year, I saw the men taking their kids to a sideshow that came to town.'<sup>119</sup> In Halls Creek, residents said there were fewer children roaming the streets at night since the introduction of restrictions.<sup>120</sup>

**Intangible benefits—a sense of hope:** Perhaps the biggest success of the restrictions in Fitzroy Crossing and Halls Creek is the sense of hope and purpose that some people in the town now feel. People acknowledge there is still a lot of work to do—that what took more than a generation to develop will probably take a generation or more to solve, but they can now see a positive future for their children.<sup>121</sup> Since the restrictions were introduced in Halls Creek, some people have stopped drinking and started working and artists have returned to their art.<sup>122</sup>

**Since the introduction of the restrictions in May 2009, the total number of reported assault offences in Halls Creek has decreased by 32%.**

In Queensland, there has been an increase in the number of families (including 11 in Mossman Gorge) declaring their homes ‘dry houses.’\*\* This reflects growing awareness of the harms alcohol is causing families and communities. People want their children to be safe and not see drunken people arguing and fighting all the time. There has also been an increase in school attendance as parents realise the benefits that education can provide their children.<sup>123</sup>

## Cons

**Black market (sly-grogging):** As with any alcohol prohibition, bans on alcohol supply and consumption have led to an increase in a black market or ‘sly-grogging,’ as it is commonly called. Alcohol is purchased from licensed takeaway outlets in towns where alcohol can be obtained legally and then sold illegally at inflated prices. In the Northern Territory, some people are using road-kill (dead kangaroos) to smuggle alcohol and drugs into remote communities.<sup>124</sup> In Queensland, car owners are regularly pressured by non-car owners to drive to nearby towns and buy alcohol. Sly-grogging is rife as car-owners look for ways to recover the costs of travelling and purchasing alcohol. According to evaluations carried out by the Queensland government, sly-grogging has seriously undermined the effectiveness of the restrictions and is contributing to the ongoing violence in some communities.<sup>125</sup> In Western Australia, more people are driving from Fitzroy Crossing to Derby or Broome to buy full-strength alcohol, and people are giving their EFTPOS cards and PINs to those travelling to the towns to purchase alcohol for them.<sup>126</sup> Two years after the introduction of restrictions, people are getting better at circumventing the law: now, when drivers collect EFTPOS cards from others, they put labels on the cartons saying which carton belongs to whom, and match each carton with each EFTPOS card to show the police they are buying alcohol for others and not to sell illegally. Others wait until 3am to drive into town when the police are less likely to be on patrol.<sup>127</sup> These outside sources of alcohol make the statistics of alcohol consumption at the Fitzroy Crossing Inn less reliable, and perhaps

**Displacement of drinkers to towns can also leave children abandoned by their parents or away from school for long stretches at a time.**

also explain why the number of alcohol-related emergency admissions at Fitzroy Crossing increased in the second-year of restrictions compared to the number of admissions after the first year of restrictions.

**Displacement of drinking problem to other areas:** One of the negative outcomes of the alcohol restrictions is displacement—especially when drinkers go to unsafe locations, such as ‘drinking paddocks’ on the outskirts of towns, to drink.<sup>128</sup> Levels of public drunkenness and violence have increased in NT and WA towns due to the influx of large groups of itinerant drinkers displaced by the alcohol restrictions in their communities. This has caused tensions between local townspeople and itinerant drinkers. Displacement of drinkers to towns can also leave children abandoned by their parents or away from school for long stretches at a time. At the one-year review of restrictions in Fitzroy Crossing, authorities estimated that between 150 and 200 people had relocated to Broome, Derby and Halls Creek to obtain full-strength alcohol. However, it was also noted that high mobility was common prior to the restrictions, with people often moving between communities for meetings, funerals, cultural rituals, or fishing and hunting. The two federal government stimulus packages, in December 2008 and March 2009, were also partly responsible for people relocating as there was a noticeable increase in the purchase of bus tickets by residents at this time.<sup>129</sup>

---

\*\* Mossman Gorge is one of the four communities taking part in the Welfare Reform Trial but it does not have an Alcohol Management Plan.

## Limitations of restrictions

### *No good without enforcement*

In the Northern Territory, one of the most frequent complaints by people consulted on alcohol restrictions implemented under the NTI was the lack of enforcement:

Not enough police/night patrol effort in policing alcohol restrictions.

Some people take no notice of the sign and bring grog in, but there is no-one to police this (only 2 NTPS [NT Police Service] to cover 47,000 sq km), no ACPO [Aboriginal Community Police Officer] and no Night Patrol.

There was not enough effort by police or night patrol to enforce the alcohol restrictions. The police only do drive-throughs and don't ever stop in the community. They don't stop people drinking and don't stop people causing trouble.<sup>130</sup>

Some residents complained that people were able to get permits to drink in previously dry areas and that permits were unfair:

... this is a dry community, it's a dry community. No permits for white or black, nothing ... why should we look at putting a plan in? You know, just getting confused ... because the law is already in place for the police to enforce. So we don't want plan. We just want dry community, that's it. No permits, nothing ... Existing laws should be enforced and must be enforced.<sup>131</sup>

Enforcement of restrictions is critical. A recent report on child protection in the Northern Territory, *Growing them Stronger, Together*, describes how alcohol continues to be a problem in the 73 communities prescribed under the NTI.<sup>132</sup> Signs saying 'No Alcohol Allowed' are pointless without local support or active police presence. However, remote policing can be difficult as it typically involves a number of small communities separated by large distances and across rugged terrain. In the Northern Territory remote policing is estimated to cost 20% more than urban policing.<sup>133</sup> While night patrols or Aboriginal Community Police Officers can be used, some communities prefer police from outside so their roles are not compromised by socio-cultural obligations. The NTI consultations showed that residents were concerned that night patrols lacked the capacity to help manage alcohol-related problems as they did not have legal (or statutory) power.<sup>134</sup>

**The success of the Fitzroy Crossing restrictions owes much to the influence of an exceptional sergeant, who has been very proactive in building positive relationships with people.**

Night Patrol mob feel shame as they can't stop grog coming in. No power for Night Patrol. People think Night Patrol are not doing their job.

Policing of Indigenous communities has been characterised by extremes. On the one hand, residents of remote communities complain there are not enough police and that police are not proactive enough. On the other hand, some Aboriginal people in remote areas have been subjected to more surveillance than any other population group. The NTI gave police extraordinary powers to enter a private residence in a prescribed area—as if it were a public place.<sup>135</sup> The Rudd government amended the provisions so that police have these powers only if communities agree. Achieving a middle ground between under and over policing is a difficult task, but it is possible. The success of the Fitzroy Crossing restrictions owes much to the influence of an exceptional sergeant, who has been very proactive in building positive relationships with people. When relieving officers came to Fitzroy Crossing,

the sergeant introduced them to the women at the Women's Resource Centre. This gesture of respect exemplifies the way the police are now relating to people in Fitzroy Crossing.<sup>136</sup>

As one resident consulted on the NTI said:<sup>137</sup>

Alcohol restrictions are part of community rules and need to be enforced with night patrol and police working together.

### *Responsible serving of alcohol*

Limited enforcement not only applies to police enforcement of restrictions but also to the general provisions of liquor licensing legislation, including the responsible serving of alcohol.

In all Australian jurisdictions, it is illegal for licensees or their staff to sell alcohol to intoxicated persons. However, laws prohibiting service to intoxicated customers are no deterrent without credible and visible enforcement strategies. Since laws are rarely enforced by police or liquor licensing authorities, they are frequently ignored by alcohol retailers like the Kimberley Hotel in Halls Creek.<sup>138</sup>

To help communities combat alcohol abuse, laws regarding the responsible serving of alcohol, as the pubs in Fitzroy Crossing appear to be doing, must be enforced.<sup>139</sup>

**In all the states and territories where alcohol restrictions have been implemented—government has failed (or been slow) to deliver on promised rehabilitative/support services to help combat alcohol abuse.**

### *Penalties*

The large fines for breaching restrictions may not be the most appropriate penalty, especially for minor breaches that do not involve 'sly-grogging.' When people receive money for no effort, money is likely to hold little value so penalties might not act as a suitable deterrent. At the same time, most Indigenous residents cannot afford to pay the large fines and end up incurring enforcement fees and even going to jail for unpaid fines. A better strategy may be for offenders to do community work (provided participation is enforced). A diversionary program for clients who commit minor breaches of the Alcohol Management Plans has recently been implemented in some Cape York communities.<sup>140</sup> While it is too soon to evaluate its effectiveness, a diversion program with a community service component may have the added benefit of alleviating some of the aimlessness and boredom that lead to alcohol abuse in the first place.

### *Restrictions do not address why people drink (demand reduction)*

Restrictions are but just one step in the process of solving the alcohol problem—they may act as a circuit breaker and provide an environment for other changes to occur, but they do very little for problem drinkers who will continue to try and obtain alcohol through other means.

In all the states and territories where alcohol restrictions have been implemented—Northern Territory, Queensland, and Western Australia—government has failed (or been slow) to deliver on promised rehabilitative/support services to help combat alcohol abuse.<sup>141</sup>

Need more help for people with alcohol [problem]

There should be more education and support to stop the young people from starting to drink grog.<sup>142</sup>

In some cases, the void created by the absence of alcohol is being replaced with drugs. In Fitzroy Crossing and Halls Creek, residents felt that because restrictions were not followed by programs to help people deal with their alcohol dependence, they transferred their addiction to drugs like 'ganja' (marijuana). Mayors from Hope Vale and Palm Island in Queensland argued that the Alcohol Management Plans have resulted in a massive increase in the use of drugs, especially amphetamines, in their communities.<sup>143</sup>

## Discussion

Based on the available data, it is hard to make definitive statements or recommendations about which restrictions are best. Clearly, there are some benefits to restrictions, although the restrictions introduced in Fitzroy Crossing and Halls Creek appear to have provided more benefits than those in the Northern Territory and Queensland. One of reasons could be the stronger stance of publicans in Fitzroy Crossing on the responsible serving of alcohol and cooperation with police. Another reason could be that the restrictions do not ban alcohol completely and were introduced by concerned community members, not imposed by government as in the Northern Territory.

The ineffectiveness of the NTI restrictions demonstrate that total prohibitions (without community support) do not work and only serve to displace the alcohol problem and encourage sly-grogging or transference of addiction to other drugs. Prohibitions appear to be successful only in small outstations, with cohesive governance and strong leadership. Most of these outstations are isolated (often, they are only accessible by dirt roads, which are closed during the wet season) and have small populations (generally, fewer than 100 adults) so there is no market for sly-grog. But even then, their success may be limited as residents often travel to nearby towns to drink.

Displacement has always occurred but has become worse following the introduction of the NTI. Prior to the NTI, the 'dry' community declarations only covered 5% of Indigenous land, whereas the NTI restrictions for 'prescribed communities' apply to 30% of Indigenous land.<sup>144</sup> Although displacement of problem drinkers causes additional pressure on towns, it could be argued that the towns have more police and are better equipped to deal with the problem than the smaller, more remote townships or communities that people come from. Unfortunately, this has not been the case, and displacement has exacerbated tensions and conflicts between Indigenous people and the wider town community.

Recent media reports indicate that police in Alice Springs appear helpless to control public drinking despite the existence of an Alcohol Management Plan. Alcohol plans are in place in Alice Springs, Tennant Creek, Palmerston and Katherine, and draft plans have been developed for Borroloola and Elliott. Following feedback from community members on the NTI, the federal government decided to amend the universally imposed alcohol restrictions (or prohibitions) in 73 'prescribed' communities and replace them with individually negotiated Alcohol Management Plans. More plans are being negotiated in Maningrida, Gunbalanya, Tiwi Islands (Wurrumiyanga (formerly Nguuu), Milikapiti and Pirlangimpi), Groote Eylandt (Angurugu and Umbakumba), Binjari, Titjikala, Ngukurr, and specific clusters of Alice Springs town camps.<sup>145</sup> However, noticeably absent from the government's proposals in its *Policy Statement Landmark Reform to the Welfare System, Reinstatement of the Racial Discrimination Act and Strengthening of the Northern Territory Emergency Response* were suggestions to increase police numbers and other strategies to improve the enforcement of restrictions.<sup>146</sup>

While alcohol management plans appear to be a better strategy than government imposed prohibitions, they must involve proper enforcement and initiatives that address the underlying causes of the problem, not just the symptoms. The Alcohol Management Plans in Alice Springs, Tennant Creek, Palmerston and Katherine appear to have had little effect on the number of homeless and itinerant drinkers congregating there and on levels of alcohol consumption and violent crime.<sup>147</sup>

- In Palmerston, wholesale alcohol consumption increased by 4% between 2008 and 2009, while violent crime in the 12 months to July 2010 increased by 25%.
- In Alice Springs, between 2008 and 2009, wholesale alcohol consumption increased by 9%, while violent crime in the 12 months to July 2010 increased by 25%.

**While alcohol management plans appear to be a better strategy than government imposed prohibitions, they must involve proper enforcement and initiatives that address the underlying causes of the problem not just the symptoms.**

- In Tennant Creek, wholesale alcohol consumption dropped by 1%, while violent crime in the 12 months to July 2010 increased by 16%.
- In Katherine, wholesale grog consumption increased by 7%, while violent crime rose by 15%.<sup>148</sup>

One of the reasons why alcohol management plans have not been effective is that the purchase of takeaway alcohol is still relatively unrestricted. The Alcohol Management Plan in Alice Springs includes a photo ID system to help identify problem drinkers. This is a somewhat watered down version of the takeaway swipe-card permit system introduced in Nhulunbuy in East Arnhem Land, Groote Eylandt, and Bickerton Island. All residents (non-Indigenous and Indigenous) are required to supply a photo ID and apply to the Liquor Permits Committee for a permit. Permits contain a number of restrictions, including a ban on public drinking and the amount and type of alcohol purchased. The permit system has had a number of positive results in Groote Eylandt. From 2004–05 to 2008–09, antisocial behaviour decreased by 74%; property crime fell by 68%; commercial break-ins reduced by 79%; numbers in protective custody fell by 90%; and levels of aggravated assaults reduced by 68%.<sup>149</sup> In Nhulunbuy, the supply of wholesale alcohol dropped by 20%, while violent crime in the 12 months to July 2010 declined by 11%.<sup>150</sup>

Introducing a similar permit system in Alice Springs and other large towns in the Northern Territory would involve a number of challenges. In evaluating the Alice Springs

**Until the same standards are applied everywhere, there is no way of knowing whether Indigenous communities need additional restrictions.**

Alcohol Management Plan, researchers noted that many residents were unhappy with having to supply a photo ID, and it is likely that there would be even more opposition to a permit system.<sup>151</sup> There is a widespread misconception in Alice Springs that the drinking problem is confined to the Indigenous population. But per capita consumption of alcohol in Alice Springs is around twice the Australian average (approximately 20 litres of pure alcohol compared to 10 litres nationwide).<sup>152</sup> The drinking problem in Alice Springs is not just among the Indigenous population—although Aboriginal people tend to drink more publicly. Whenever restrictions on alcohol have been introduced

in Alice Springs, some residents have complained that their rights are being curtailed for the sake of a few. The irony is that these are often the same people who complain about the anti-social behaviour of Aboriginal drinkers.<sup>153</sup> Research has found that often the most effective restrictions are the least popular.<sup>154</sup> A permit type system for the sale of takeaway alcohol in Alice Springs might face opposition, but at least it would differentiate between those who drink responsibly and those who do not (with permits revoked for those who breach the conditions of permits).

The influx of homeless and itinerant drinkers to towns and the creation of ‘drinking paddocks’ on the outskirts of communities have led to suggestions for more ‘canteens’ or ‘clubs’ on Indigenous land.<sup>155</sup> The idea of allowing drinking in a controlled environment, where people can consume alcohol with food and enjoy other recreational activities, has its merits but the failure of past experiences must be kept in mind. If on-premise options are to be a viable means of reducing the harms associated with drinking takeaway alcohol, then their risks need close scrutiny. Poor governance and management are likely to be problems. The pressure on such enterprises to produce profits for a community’s benefit could make them reluctant to place any restrictions on the sale of alcohol. Clubs also risk continuing and institutionalising racially segregated drinking, with the potential for different (lower) standards in the responsible serving of alcohol.

Research has found a strong correlation between the level of amenity in a bar or pub and levels of violence: ‘[Poor] decor and upkeep in the bar may give a message to patrons about the kind of behaviour expected.’<sup>156</sup> Many licensed canteens and clubs are poorly maintained and consist of rudimentary corrugated iron structures with concrete floors,

iron cages, and wire meshing. Such amenities encourage binge drinking, and not surprisingly, are associated with high rates of alcohol-related violence.<sup>157</sup>

The double standards in the responsible serving of alcohol have contributed to the current alcohol problems in communities. Until the same standards are applied everywhere, there is no way of knowing whether Indigenous communities need additional restrictions. In the meantime, Indigenous people have over many years become concerned at the level of harm caused by alcohol in their communities and have used Aboriginal lands or liquor legislation to restrict and even ban alcohol. The restrictions introduced in Fitzroy Crossing, Halls Creek, and Bourke (as well as the dry community declarations throughout Australia) are examples of concerned citizens (civil society) at work. Arguably this is a good thing, but should a concerned minority have the power to restrict the freedoms of a whole community or town.

Limiting individual freedom for the common good is a universally accepted principle that is enshrined in law. Throughout Australia, laws that impose restrictions on opening hours, dictate conditions on the sale of alcohol, and prohibit or constrain public drinking—all recognise and apply this principle. A widely accepted constraint on individual freedom is the prohibition on drink driving and the power of police officers to conduct random breath testing.

Government has a role in controlling alcohol-related harm, but the starting point should be for communities to decide whether additional restrictions are necessary. Ultimately, this should be done through a democratic process, where everyone gets a voice no matter how marginalised they are.

## Conclusion

Excessive alcohol consumption in Australia is considered a problem because of its adverse consequences—both to the individual drinker and those in the immediate environment. There is a distinction between the harms inflicted on the drinker (ill-health, reduced labour force participation, and productivity) and harms inflicted by the drinker to others (injury or death through assaults or road accidents). The libertarian argument is that the only time power can be rightfully exercised over people is to prevent harm to others. However, when it comes to the harmful effects of alcohol abuse, it is not always possible to differentiate between harms to the individual and harms to others. For example, although drinking may affect a person's employment opportunities, there are also social and economic costs to their reduced productivity, including their dependence on welfare. Ideally, individuals should take responsibility for their behaviour and face the consequences of their actions. But this is difficult when individuals have become conditioned to not take responsibility for themselves and have even been inadvertently prevented from doing so, as is the case for many Indigenous Australians. The absence of private property rights on Indigenous lands and inadequate education has increased their reliance on the welfare state for their every need. Until these policies are reformed, alcohol misuse is likely to continue to be a problem in many Indigenous communities and frontier towns.

Meanwhile, citizens have the right to be able to feel safe in their towns and communities and to not witness or experience alcohol-related violence, so some controls on excessive alcohol consumption are necessary. The following principles should underpin measures to address and control alcohol-related harm:

- Before additional restrictions are considered necessary, policing of existing legislation and regulations must be the same for everyone (although the cost of remote policing is higher than in urban areas, the cost of not enforcing standards of behaviour is even higher).
- Drinking environments with low levels of amenity that encourage binge drinking and anti-social behaviour must be encouraged to refurbish (and increase security to control unruly behaviour) or risk losing their license.

- The level of any additional/mandatory restrictions should be commensurate with levels of alcohol-related harm and involve targeted approaches that recognise the unique circumstances of different towns and communities.
- Any additional/mandatory restrictions should be subject to regular reviews to measure their effectiveness and determine whether they are still necessary.
- Prohibitions on alcohol (blanket bans) should be reserved for small outstations and neighbourhoods and implemented in consultation with communities, not imposed by government.

Controls on alcohol supply may help mitigate the harms caused by alcohol but will not solve the long-standing problems with alcohol that many communities face. To be effective, alcohol restrictions should go hand in hand with initiatives that address the underlying causes of the problem—poor education, lack of employment, and opportunity for homeownership—not just the symptoms. Government is aware of the factors contributing to alcohol abuse in communities, but is powerless to overcome them because it continuously fails to recognise that for substantive change to occur, the starting point must be same standards for all.

## Endnotes

- 1 Peter Sutton, *The Politics of Suffering: Indigenous Australians and the End of the Liberal Consensus* (Melbourne: Melbourne University Press, 2009), 1, 54.
- 2 Australia: The Healthiest Country By 2020, *Preventing Alcohol-related Harm in Australia: A Window of Opportunity*, Technical Report No 3, National Preventive Health Strategy (including addendum for October 2008 to June 2009) (Canberra: Commonwealth of Australia, 2009).
- 3 As above.
- 4 Steven J. Skov, Tanya Chikritzhs, Shu Q Li, Sabine Pircher, and Steven Whetton, 'How Much Is Too Much? Alcohol Consumption and Related Harm in the Northern Territory,' *Medical Journal of Australia* 193:5 (2010), 269–272.
- 5 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after a 12 month period* (report by the University of Notre Dame for the WA Drug and Alcohol Office) (July 2009); Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Halls Creek relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after twelve months* (December 2010).
- 6 As above and Noel Pearson, *Cape York Substance Abuse Strategy*, developed by the Alcohol and Drugs Working Group established by Apunipima Cape York Health Council and Cape York Partnerships under the direction of Noel Pearson (Cape York: September 2002).
- 7 ABS (Australian Bureau of Statistics), *Apparent Consumption of Alcohol, Australia, 2008–09*, Cat. No. 4307.0.55.001 (Canberra: ABS, 25 October 2010); WHO (World Health Organization), *Global Status Report on Alcohol and Health* (Sweden: WHO, 2011), 4.

Note: Many of the countries that contribute to the world average are nominally alcohol-free or only report a fraction of the alcohol consumed. 'The highest consumption levels can be found in the developed world, mostly the Northern Hemisphere, but also in Argentina, Australia and New Zealand. Medium consumption levels can be found in southern Africa, with Namibia and South Africa having the highest levels, and in North and South America. Low consumption levels can be found in the countries of North Africa and sub-Saharan Africa, the Eastern Mediterranean region, and southern Asia and the Indian Ocean. These regions represent large populations of the Islamic faith, which have very high rates of abstention.' (as above) We are closer to the average among countries that are comparable to Australia.

- 8 Australia: The Healthiest Country By 2020, *Preventing Alcohol-related Harm in Australia*, as above.
- 9 At the national level, alcohol sales data provided to the Australian Bureau of Statistics (ABS) by wholesalers give a reasonably accurate measure of total alcohol consumption and provide a basis for calculating per capita levels of annual consumption.
- 10 Steven J. Skov, et al. as above, 269–272.
- 11 CIS’s analysis suggests that of the 540,000 Aboriginal and Torres Straits Islanders identified in the 2006 Census, some 330,000 work and live in capital cities and regional towns, and their homeownership rate is 68%—only slightly lower than the total Australian figure of 72%. Approximately 130,000 Aboriginal Australians living in cities and towns are welfare dependent. Only about 70,000 Indigenous Australians live in remote areas on Indigenous lands. See Helen Hughes and Mark Hughes, *Indigenous Employment, Unemployment and Labour Force Participation: Facts for Evidence Based Policies*, CIS Policy Monograph 107 (Sydney: The Centre for Independent Studies, 2010).
- 12 Mandy Wilson, Anna Stearne, Dennis Gray, and Sherry Siggers, ‘The Harmful Use of Alcohol Amongst Indigenous Australians’ (Australian Indigenous HealthInfoNet, 2010).
- 13 Tanya Chikritzhs, Dennis Gray, Zaza Lyons, and Sherry Siggers, *Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes* (Perth: National Drug Research Institute, Curtin University of Technology, 2007).
- 14 As above.
- 15 *National Preventive Health Strategy* (including addendum for October 2008 to June 2009) (Canberra: Commonwealth of Australia, 2009).
- 16 As above and Colleen O’Leary, *Fetal Alcohol Syndrome: A Literature Review*, Occasional Paper prepared for the National Expert Advisory Committee (Canberra: National Alcohol Strategy 2001 to 2003–04, August 2002).
- 17 As above, 2.
- 18 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol*, as above, 1.
- 19 NIDAC (National Indigenous Drug and Alcohol Committee), *Bridges and Barriers: Addressing Indigenous Incarceration and Health* 9:3 (Canberra: Australian National Council on Drugs, 29 July 2009).
- 20 Rex Wild and Patricia Anderson, *Ampe Akelyernemane Meke Mekarle ‘Little Children Are Sacred’* (Darwin: Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 30 April 2007).
- 21 As above and Noel Pearson, *Cape York Substance Abuse Strategy*, see endnote 3; *Growing Them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory’s Children* (Darwin: Board of Inquiry into the Child Protection System in the Northern Territory, 2010).
- 22 Paige Taylor, ‘Screening for alcohol problems in Fitzroy Crossing,’ *The Australian* (8 April 2009).
- 23 Rex Wild and Patricia Anderson, *Ampe Akelyernemane Meke Mekarle ‘Little Children Are Sacred,’* as above.
- 24 Noel Pearson, *Outline of a Grog and Drugs (and therefore Violence) Strategy* (Cape York: Cape York Partnerships and Apunipima Cape York Health Council, 2001), 11–12.
- 25 An account by Mabel Tommy of the Yinhawangka people in Olive Noel, *Karijini Mirlimirlil: Aboriginal Histories from the Pilbara* (Fremantle: Fremantle Arts Centre Press, 1997), 60.
- 26 Leo Sher, ‘Alcohol Consumption and Suicide,’ *QJM: An International Journal of Medicine* 99:1 (January 2006), 57–61.
- 27 Alastair Neil Hope, *Record of Investigation into 22 Deaths in the Kimberley*, Coronial Inquiry (Perth: WA Department of Health, February 2008), 13.
- 28 Kate Senior, Richard Chenhall, Bill Ivory, and Christopher Stevenson, *Moving Beyond the Restrictions: The Evaluation of the Alice Springs Alcohol Management Plan* (Darwin: Menzies School of Health Research and Monash University, 2009), 31; Suzanne MacKeith, Dennis Gray, and Tanya Chikritzhs, *Review of Moving Beyond the Restrictions: The Evaluation of the Alice Springs Alcohol Management Plan*, report prepared for the Alice Springs People’s Alcohol Action Coalition (Perth: National Drug Research Institute, Curtin University of Technology, August 2009), 2.
- 29 The camp has been disbanded after restrictions were introduced in 2009.
- 30 Russell Skelton, ‘A town without hope,’ *The Age* (27 February 2007); personal interviews from field trip.

- 31 Bob Beadman, *Northern Territory Coordinator General for Remote Services Report Number 3 May to November 2010* (Darwin: December 2010), 47–48.
- 32 Nicolas Rothwell, 'Destroyed in Alice,' *The Australian* (19 February 2011).
- 33 Nadja Hainke, 'Girls as young as nine "selling sex for drugs",' *Northern Territory News* (25 February 2011).
- 34 Nicolas Rothwell, as above.
- 35 Discrimination Commissioner, *Alcohol Report: Racial Discrimination Act 1975 Race Discrimination, Human Rights and the Distribution of Alcohol* (Canberra: Australian Government Publishing Service, 1995); Richard Broome, *Aboriginal Australians: Black Response to White Dominance 1788–1980* (Sydney: Allen and Unwin, 1983), 54; Maggie Brady, 'Equality and Difference: Persisting Historical Themes in Health and Alcohol Policies Affecting Indigenous Australians,' *Journal of Epidemiology & Community Health* 61 (2007), 759–763.
- 36 As above.
- 37 Peter Sutton, *The Politics of Suffering: Indigenous Australians and the End of the Liberal Consensus* (Melbourne: Melbourne University Press, 2009), 55.
- 38 Maggie Brady, 'Out from the Shadow of Prohibition,' in Jon Altman and Melinda Hinkson (eds.), *Coercive Reconciliation: Stabilise, Normalise, Exit Aboriginal Australia* (Melbourne: Arena Publications Association, 2007), 185–194.
- 39 Discrimination Commissioner, *Alcohol Report*, as above.
- 40 Sara Hudson, *From Rhetoric to Reality: Can 99-Year Leases Lead to Homeownership for Indigenous Communities?* CIS Policy Monograph 92 (Sydney: The Centre for Independent Studies, March 2009).
- 41 Helen Hughes and Mark Hughes, *Indigenous Education 2010*, CIS Policy Monograph 110 (Sydney: The Centre for Independent Studies, 2010).
- 42 Sara Hudson, *CDEP: Help or Hindrance? The Community Development Employment Program and its Impact on Indigenous Australians*, CIS Policy Monograph 86 (Sydney: The Centre for Independent Studies, 2008).
- 43 Alastair Neil Hope, *Record of Investigation into 22 Deaths in the Kimberley*, as above, 79–80.
- 44 As above, 8.
- 45 Noel Pearson, *Outline of a Grog and Drugs* (see endnote 24).
- 46 For example, communist Russia had high rates of alcoholism, as do Native American Indians. Martin Mckee, 'Alcohol in Russia,' *Alcohol and Alcoholism* 34:6 (1999), 824–829; The Associated Press, '1 in 10 Native American deaths alcohol related' (28 August 2008).
- 47 Jim Lemon, *Drinking and Health in the 2007 National Drug Strategy Household Survey*, Technical Report Number 306 (Sydney: National Drug and Alcohol Research Centre, University of New South Wales, 2009), 11.
- 48 Alastair Neil Hope, *Record of Investigation into 22 Deaths in the Kimberley*, as above.
- 49 Australia: The Healthiest Country By 2020, *Preventing Alcohol-related Harm In Australia* (see endnote 2).
- 50 As above.
- 51 WHO (World Health Organization), 'Australia—Country Profiles 2011,' *Management of Substance Abuse*.
- 52 Steven J. Skov, as above, 269–272.
- 53 Deirdre Bourbon, Sherry Siggers, and Dennis Gray, *Indigenous Australians and Liquor Licensing Legislation* (Perth: National Centre for Research into the Prevention of Drug Abuse, Curtin University of Technology, June 1999), 38.
- 54 Peter Sutton, *The Politics of Suffering*, as above, 54.
- 55 Noel Pearson, *Cape York Substance Abuse Strategy*, Developed by the Alcohol and Drugs Working Group established by Apunipima Cape York Health Council and Cape York Partnerships under the direction of Noel Pearson (Cape York: September 2002), 13, 24.
- 56 Deirdre Bourbon, et al. *Indigenous Australians and Liquor Licensing Legislation*, as above, 38.
- 57 As above.

- 58 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13), 76.
- 59 Peter Sutton, *Politics of Suffering*, as above, 1, 54.
- 60 Noel Pearson, *Cape York Substance Abuse Strategy*, as above.
- 61 Maggie Brady, 'On and off premise drinking choices among Indigenous Australians: The influence of socio-spatial factors,' *Drug and Alcohol Review* 29 (July 2010), 446–451.
- 62 Deirdre Bourbon, et al. *Indigenous Australians and Liquor Licensing Legislation*, as above, 39.
- 63 Maggie Brady, as above.
- 64 Alastair Neil Hope, *Record of Investigation into 22 Deaths in the Kimberley*, as above.
- 65 Deirdre Bourbon, et al. *Indigenous Australians and Liquor Licensing Legislation*, as above, 19.
- 66 As above, 21.
- 67 Personal observations and interviews; ABC (Australian Broadcasting Commission), Lateline *Special Report: Suzanne Smith Investigates Foetal Alcohol Syndrome* (ABC: 23 March 2009).
- 68 As above.
- 69 Paige Taylor, 'Women delayed birth to drink grog,' *The Australian* (31 March 2009).
- 70 'Halls Creek Pub fined \$10,00 for underage drinking,' *The Kimberley Echo* (10 September 2010).
- 71 Anna Krien, 'Trouble on the Night Shift,' *The Monthly Magazine* (September 2005).
- 72 John Stuart Mills, *On Liberty and the Subjection of Women* (New York: Henry Holt and Co, 1879).
- 73 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13), 8.
- 74 As above.
- 75 As above, 184.
- 76 As above, 33.
- 77 As above, 9.
- 78 'Last Drinks Call Time on Street Crime,' [www.keepourcops.org.au](http://www.keepourcops.org.au).
- 79 As above and Street Corner, 'Coogee Bay Hotel free of restrictions from 1 June 2010' (20 May 2010).
- 80 'Agnes Tree Bars Licence Revoked,' *The Observer* (4 December 2008).
- 81 Deirdre Bourbon, et al. *Indigenous Australians and Liquor Licensing Legislation*, as above.
- 82 Maggie Brady, 'Out from the Shadow of Prohibition,' as above, 185–194.
- 83 Application by the East Arnhem Harmony Mayawa Mala Inc ('The Harmony Group') Seeking A Declaration that an Area of East Arnhem Land be Declared a General Restricted Area, Pursuant To Part VIII Of The Liquor Act and Application by Assistant Commissioner Graham Kelly for the Declaration of Certain Areas in the East Arnhem Region to be Declared Public Restricted Areas (Date of Hearing: 8 and 9 August 2007).
- 84 Amanda O'Brien, 'Aboriginal communities ask government for drink bans,' *The Australian* (5 August 2010).
- 85 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13), 91.
- 86 Discrimination Commissioner *Alcohol Report: Racial Discrimination Act 1975 Race Discrimination, Human Rights and the Distribution of Alcohol* (Canberra: Australian Government Publishing Service, 1995).
- 87 Tony Fitzgerald, *Cape York Justice Study* (Brisbane: Government of Queensland, 2001), 41.
- 88 Noel Pearson, *Our Right to Take Responsibility* (Cairns: Noel Pearson and Associates, 2000); Noel Pearson, *Light on the Hill*, Ben Chifley Memorial Lecture (Bathurst: Panthers Leagues Club, 12 August 2000).
- 89 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13), 76.
- 90 As above.
- 91 FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs), *Report on the Northern Territory Emergency Response Redesign Consultations* (November 2009).
- 92 As above.
- 93 Personal interview with Emily Carter on field trip to Western Australia.

- 94 Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Halls Creek relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after twelve months* (December 2010); and from personal interview on field trip to Western Australia.
- 95 The Liquor Commission of Western Australia, *2009–2010 Annual Report*.
- 96 OLGR (Office of Liquor Gaming and Racing), 'Alcohol Restrictions in Violent Venues' (NSW Communities).
- 97 Bronwyn Duncan, 'Outback Crusade: Indigenous Licensing Officer Drives Alcohol Reform,' *Of Substance: The National Magazine on Alcohol, Tobacco and other Drugs* 8:1 (2010), 24–25.
- 98 FaHCSIA, *Closing the Gap in the Northern Territory Monitoring Report January—June Part One* (2010).
- 99 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above.
- 100 Alastair Nicholson, Larissa Behrendt, Alison Vivian, Nicole Watson, and Michele Harris, *Will They Be Heard? A Response to the NTER Consultations June–August 2009* (Sydney: Jumbunna Indigenous House of Learning, November 2009).
- 101 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13).
- 102 As above.
- 103 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after a 12 month period* (report by the University of Notre Dame for the WA Drug and Alcohol Office) (July 2009).
- 104 See Cape York Institute For Policy & Leadership website: 'Welfare Reform.'
- 105 Central Land Council, *Northern Territory Emergency Response: Perspectives from Six Communities* (Alice Springs: Central Land Council, July 2008).
- 106 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after a 12 month period* (report by the University of Notre Dame for the WA Drug and Alcohol Office) (July 2009).
- 107 FaHCSIA, *Closing the Gap in the Northern Territory Monitoring Report January—June Part One*, as above.
- 108 Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after two years* (Western Australia: The University of Notre Dame, December 2010), 50
- 109 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above, 30.
- 110 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after a 12 month period* (report by the University of Notre Dame for the WA Drug and Alcohol Office) (July 2009); Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Halls Creek relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after twelve months* (December 2010).
- 111 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing*, as above.
- 112 Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Halls Creek relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after twelve months* (December 2010).
- 113 Government of Queensland, *Annual Highlights Report for Queensland's Discrete Indigenous Communities July 2009 – June 2010*, incorporating the quarterly report on key indicators in Queensland's discrete Indigenous communities for April–June 2010.
- 114 Government of Queensland, *Quarterly Reports on Key Indicators in Queensland's Discrete Indigenous Communities*; Tony Koch, 'Remote Indigenous communities thriving in new dry,' *The Australian* (3 September 2010).
- 115 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing*, as above.
- 116 Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Halls Creek relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after twelve months* (December 2010), 11.
- 117 *An evaluation of the effects of alcohol restrictions in Fitzroy Crossing*, as above.

- 118 Tony Koch, 'Remote Indigenous communities thriving in new dry,' as above; Paige Taylor, 'Goodbye Despair now, Fitzroy Crossing can play,' *The Australian* (16 January 2009).
- 119 Harry Yungabun, chair of the Marra Worra Worra Aboriginal Corporation, Fitzroy Crossing, Western Australia In 'Fighting the Grog,' *Indigenous Newlines: A magazine on Aboriginal and Torres Strait Islander Issues* (Australian Government, September–November 2009), 6–7.
- 120 Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report*, as above, 14.
- 121 Megan Hogan, 'Yajilarra,' a film about a group of Aboriginal women from Fitzroy Crossing, a remote town in northern WA (March 2009); and *Growing Them Strong, Together* (see endnote 21).
- 122 From personal interview on field trip to Western Australia.
- 123 Tony Koch, 'Remote Indigenous Communities Thriving in New Dry,' *The Australian* (3 September 2010).
- 124 Larine Stratham, 'Alcohol, drugs hidden in dead animals (Australian Associated Press, 24 November 2009).
- 125 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13), 78–79.
- 126 Larine Stratham, 'Alcohol, drugs hidden in dead animals (Australian Associated Press, 24 November 2009).
- 127 Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after two years* (Western Australia: The University of Notre Dame, December 2010), 24.
- 128 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above.
- 129 Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report: An evaluation of the effects of alcohol restrictions in Fitzroy Crossing relating to measurable health and social outcomes, community perceptions and alcohol related behaviours after two years* (Western Australia: The University of Notre Dame, December 2010), 59.
- 130 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above.
- 131 Alastair Nicholson, et al. *Will they be heard?* as above, 31–36.
- 132 *Growing Them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory's Children Volume One* (Darwin: Board of Inquiry into the Child Protection System in the Northern Territory, 2010), 114.
- 133 The Allen Consulting Group, *Independent Review of Policing in Remote Indigenous Communities in the Northern Territory: Policing Further into Remote Communities*, A report to the Australian Government and the Northern Territory Government (April 2010), vi.
- 134 Dennis Gray and Edward Wilkes, *Reducing Alcohol and Other Drug Related Harm*, Resource sheet no. 3 produced for the Closing the Gap Clearinghouse (December 2010).
- 135 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above.
- 136 From personal interview with Emily Carter on field trip to Western Australia.
- 137 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above, 36.
- 138 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13).
- 139 As above, 10–11.
- 140 Families Responsibility Commission, *Annual Report 2009–10* (30 September 2010).
- 141 Steve Kinnane, *Fitzroy Valley Alcohol Restriction Report*, as above; and Steve Kinnane and Kate Golson, *Halls Creek Alcohol Restriction Report*, as above; Kate Senior, et al. *Moving Beyond the Restrictions* (see endnote 25); Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13).
- 142 FaHCSIA, *Report on the Northern Territory Emergency Response Redesign Consultations*, as above, 4.
- 143 'Qld grog review call,' *Koori Mail* (17 November 2010).
- 144 Bob Beadman, *Remote Services Report Number 3 May to November 2010* (see endnote 31).
- 145 FaHCSIA, *Closing the Gap in the Northern Territory Monitoring Report January–June Part Two* (2010).
- 146 Government of Australian, *Policy Statement Landmark Reform to the Welfare System, Reinstatement of the Racial Discrimination Act and Strengthening of the Northern Territory Emergency Response* (November 2009).

- 147 Phoebe Stewart, 'Katherine Council wants dry town laws scrapped,' ABC News (24 February 2011) on Seven News website; Nicolas Rothwell, 'Destroyed in Alice,' *The Australian* (19 February 2011).
- 148 Peter Style MLA for Country Liberal Party, 'Report highlights grog ban failures,' media release (23 February 2011).
- 149 Bob Beadman, *Remote Services Report Number 3 May to November 2010* (see endnote 31), 52.
- 150 Peter Style MLA, 'Report highlights grog ban failures,' as above.
- 151 Kate Senior, et al. *Moving Beyond the Restrictions: The Evaluation of the Alice Springs Alcohol Management Plan* (see endnote 28).
- 152 As above.
- 153 Crikey, 'Territory alcohol blame game a little shy of facts' (25 June 2007).
- 154 Tanya Chikritzhs, et al. *Restrictions on the Sale and Supply of Alcohol* (see endnote 13).
- 155 Bob Beadman, *Remote Services Report Number 3 May to November 2010* (see endnote 31).
- 156 Deirdre Bourbon, et al. as above, 22.
- 157 As above.



## About the Author

**Sara Hudson** is a Research Fellow in the Indigenous Affairs Research Program at The Centre for Independent Studies. Her research on issues affecting Indigenous Australians includes an examination of the Community Development Employment Projects (CDEP) program, Indigenous homeownership, the lack of accountability in Indigenous health, remote Indigenous stores and alcohol restrictions.

Since joining the CIS in 2008, Sara has had numerous articles on Indigenous issues published in newspapers around the country. Before joining the CIS Sara worked as a policy advisor for the New Zealand Department of Labour, and in the Evaluation Unit of the New Zealand Police. She has a Bachelor of Arts with first-class honours in criminology and anthropology from Victoria University of Wellington, New Zealand.