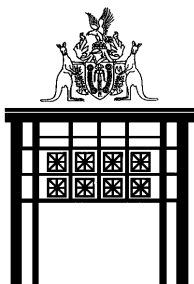


LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Select Committee on Substance Abuse in the Community

TRANSCRIPTS
PUBLIC HEARINGS & OFFICIAL BRIEFINGS

Volume 2: 7 August 2003 – 14 October 2003



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MEMBERS OF THE COMMITTEE

Membership of the Committee:

Ms Marion Scrymgour, MLA (Chair)

Ms Susan Carter, MLA

Mr Len Kiely, MLA

Dr Richard Lim, MLA (discharged 25 November 2003)

Mr Peter Maley, MLA (appointed 25 November 2003)

Mr Elliot McAdam, MLA

Mr Gerry Wood, MLA

Committee Secretariat:

Secretary : Ms Pat Hancock

Administrative/Research Assistant: Ms Liz McFarlane

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TRANSCRIPT NO. 8

GUNBALANYA – COMMUNITY MEETING

7 August 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Dr Richard Lim, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Attended by: WITNESSESS AND ATTENDEES
Mr Andy Garnarradj, Chairperson and Aboriginal Community
Police Officer
Mr Jacob Naginggul, Senior Traditional Owner and Deputy
Chairperson
Mr Joseph Singh, School Teacher and Councillor
Ms Hagar Bulliwana, Councillor and Assistant Teacher
Ms Noeline Maralngurra, Women's Centre Worker, Top End
Women's Legal Service
Mr David Narndal, Essential Service Operator and Councillor
Mr Andrew Maralngurra, Assistant School Teacher
Mr Colin Tidswell, Chief Executive Officer, Gunbalanya Council
Ms Julie Narndal, Gunbalanya Community Education Centre
Mr Chadwick Kaimala, Gunbalanya Clinic
Ms Susan Ellis, Sister, Gunbalanya Clinic
Mr Neville Ellis, C.A.C.P. Coordinator
Ms Jenny Ellis, Visitor and Residential Aged Care Manager,
Rochester, Victoria

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mr GARNARRADJ: Good morning the time is 25 minutes past 10 on Thursday 7 August 2003. The Speaker is Andy Garnarradj, Community Government Council Chairperson and I would like to welcome everyone to this forum. I understand that there is also present is the Chairperson for this forum in relation to illicit drugs and other substance abuse which is going to tabled later on. I understand that we also have staff from school and some ladies from the Top End Women's Legal Service.

I also understand that the representatives from the MLA's will be speaking to some ladies and some other community members later on some time. As I said earlier, welcome to this special meeting. I hope that you all have a good day. I should mention also that this forum is open for anybody to have their say.

I am going to leave it up to Marion to take over the rest of the proceedings. Thank you very much.

Mdm CHAIR: Thank you Andy. We have already opened the meeting. Thank you for allowing us, the Select Committee on Substance Abuse in the Community to come here, and I thank all representatives from the Gunbalanya community for meeting with us.

This meeting is being recorded. We have traveled around a lot of the communities and held meetings, we have been recording all of the views of different people that have come and given evidence to the Committee. The purpose of that recording is so that we can develop a transcript. That transcript then goes to the Legislative Assembly. Part of these Committees deliberations when we have gone around talking to different people. We also have recommendations, which will go, onto the floor of Parliament. The transcripts will, unless the Committee decides otherwise, for the reasons of confidentiality and if at any time, people want to give evidence to the Committee and they do not want that evidence to be made public, or they want it to be closed to certain members of the public, the Committee can do that. We can close the meetings and just have separate meetings with those people and maintain that confidentiality. Please advise myself if you want your evidence to remain confidential. For the purposes of recording, we do need people to say their names. But if you are giving confidential information or you want your evidence to be confidential we will note that as well.

I thank you. I won't introduce myself, because everybody knows who I am. The other Members of the Committee are, Dr Richard Lim, he is the Member for Greatorex which is in Alice Springs.

Dr LIM: Desert country. Desert man.

Mdm. CHAIR: So he has come from the desert to the salt water. Mr Gerry Wood, who is the Independent Member for Nelson. There are other Members of the Committee but they are unable to make it. Mr Elliot McAdam, the Member for Barkly, which is also down towards the centre. Mr Len Kiely, the Member for Sanderson, which is a seat in Darwin and Ms Sue Carter, who is the Member for Port Darwin, a seat right in the middle of Darwin.

Once again, thank you Andy, I know that there are other guests coming in later. Police and others will be coming back to give their evidence to the Committee.

Mr GARNARRADJ: Thank you Ms Scrymgour.

Mdm CHAIR: A motion in Parliament set up This Committee not bng after we got elected. I think it was 2001. September, October 2001. The Committee has been chartered to inquire into all illicit or licit drugs. That is illegal or legal drugs. The Committee, after we came together and had a look at the matter, decided it was a very wide area where we can cover. Se we thought we would look at three things which are impacting, not just on Aboriginal communities, but certainly are issues in Darwin, Katherine, Tennant Creek and Alice Springs as well. They are the issues of alcohol, petrol sniffing and cannabis. .

The Committee has not looked at the other areas, because we felt that those three would be the first three that we would start on so if anyone wants to talk or say anything in respect to those three areas, I welcome you to do so.

Mr GARNARRADJ: Thank you Marion. Perhaps I would just like to say something here. As Chairman of the Gunbalanya Community Government Council and on behalf of Council members. I guess everyone is wondering where we are at this stage from the last community meeting we held before for these purposes. I would like to point out a few things that we have done so far in relation to petrol sniffing at Gunbalanya here.

I and another few members have gone to the Yuendumu community. There is an outstation there called Mt Theo, where they send their chronic petrol sniffers for their rehabilitation. What the Council is trying to do is adopt similar scheme to what they have done. We have got heaps of information and currently Council is working on it. It is just a matter of time. This Council has basically gone back to scratch. What we have at the moment is a lack of funding to run that actual program itself. Also what we are trying to do is adopt the program through the CDEP.

Just for the record, the purpose of that situation, what is happening in Council because I guess the Council's aim is to run that program. I have been asked earlier by one of the members who is controlling the petrol sniffing program so as I mentioned Council is responsible for that.

Mr WOOD: How many petrol sniffers do you estimate you have in town.

Mr GARNARRADJ: According to information it is about thirty and ages range from nine to twenty five. The youngest one is about nine or ten.

Mr WOOD: Does that number go up and down?

Mr GARNARRADJ: It does go up and down. Recently we had banned petrol sales in this community. We have banned three months sales for a trial. Ever since we have banned the sales it has changed a little bit. I guess there are some incidents occurring simply because some people are having problems getting rid of their vehicles which are run by petrol.

Dr LIM: Are people bringing petrol in because of their vehicles only. Are people smuggling it in for people to sniff.

Mr GARNARRADJ: People bring fuel in for basically running their affairs. We try to encourage kids not to sniff. But as I said earlier, Council will be looking to start a program soon as soon as possible.

Mr WOOD: Do you have any petrol sniffers who have gone so far that they are really now a medical problem. They have been doing it for so long that they have gone past the point of no return?

Mr GARNARRADJ: I certainly don't have any evidence on that situation but there are sniffers out there who need help. Just by looking at them psychologically they are not very well.

Mr WOOD: Do they get any medical treatment through the Health Clinic?

Mr GARNARRADJ: Certainly, I am sure the Clinic would like to pretty much help. I don't know whether their family or whoever is responsible for those people who sniff petrol take them to get them checked out and whatever. I wont answer that – sorry.

Mdm CHAIR: You say here Andy, sniffers ages range from nine to twenty five. In terms of the twenty five year olds – is that people who have been sniffing for a long time, or have they just started sniffing at that age, or are they second generation sniffers?

Mr GARNARRADJ: These are the people that I am talking about that have no other things to do, no employment. Maybe that is one of the reasons they do it. I have been speaking to a few and they have no employment. In their history of knowledge they themselves are former petrol sniffers if you like. It has been continuing for the last ten years if I remember from the top of my head. But it is a problem. It goes away and then comes back.

Mdm. CHAIR: Does that differ between Wet Season to Dry Season?

Mr GARNARRADJ: I have seen in the past that during the Wet they also sniff during the Wet, so it doesn't matter which year or dates. It is a matter of someone starting it off and then the gangs will eventually join up somewhere around the usual place.

Dr LIM: Are they causing much disruption to the Community and if they are, in what way?

Mr GARNARRADJ: The disruption that we have is break-ins mainly. Maybe motor vehicle theft. I don't know, it could simply be that the owners of the vehicles are leaving keys in motor cars or whether they are hot-wiring.

Mdm CHAIR: How about in terms of the violence. Is there a lot of violence in terms of the sniffers.

Mr GARNARRADJ: The sniffers are pretty much uncontrollable people. We try to show them good manners. There are different ways that these people can be instructed.

Dr LIM: Do people living in Gunbalanya – are they scared of the petrol sniffers? In terms of physical violence and all of that?

Mr GARNARRADJ: I have never come up to that situation before, but sniffers are not really violent people if you approach them in good manner. There was one incident that happened before but that has been sorted out through this Council.

Mr SINGH: Through the Chair, I would like to.....

Mdm CHAIR: Joe, would you like to come closer when you speak. Just for recording purposes.

Mr SINGH: Through the Chair, I would firstly like to introduce myself. My name is Joseph Singh for the record. I am also a qualified teacher and also I am a Council member. I am a community member. What I have just heard and some of the questioning that is going on, this Council is trying to look at approaches not to do just Band-Aid dressing but to really rectify or fix the problem in this community. It is not a matter of people feeling scared or frightened. It is a matter of safety. That is our job as Council as the Chairman has pointed out. The Council and some of the members or community members went down on a field trip down to the central region to look at ways of how we could bring that back this community, to the Council and share those ideas. Our Chairperson and the members that went on that trip made it very clear and pointed out that those ways or strategies that those people have

adopted or used down in the centre might not work here. They might work here, but we have got to work out a way with our Elders, T/O's and older people. We have got to work out from a cultural point of view as well as western or modern ways of helping our people.

When we look at issues here it is not just only petrol sniffing, it is marijuana too. There is other substance abuses that are going on in the community. Some of the really heavy or dangerous stuff is just waiting on the other side of the East Alligator near Border Store. Waiting to enter or come into this community. In fact our young people, or all our people. The Council and I believe is not just looking at money or doing Band-Aid dressing, we are very serious about this issue and about this problem. We do need help. It is a big team effort that we are seeking. We can put the emphasis and point the finger at people, we can blame people, we could blame organisations, and we could blame parents. But at the end of the day, this is a community and as a Council we are trying to work towards a proper solution to put in place, prevention, cure and deal with these issues and fix it all up.

Yes, we do have young youth here. We have young youth, I am a schoolteacher, and we see what goes on at night. We have young youth going down now, I am not slandering here and I do not have the facts in front of me as a video camera to say there are youth that are walking around at night that are actually sniffing. But from what I am seeing, and they might be accompanying their family member. Now these youth are ranging from six, seven-year-olds upwards. Up to young youth as age of twenty and maybe more. Now sometimes we look at these problems and we say these are people, young youth coming and visiting. Coming with their family, visiting the community and they are the ringleaders. And we tend to want to blame, but then we have got our young youth again in this community and some of them might be the ringleaders. Our Police Force here is stretched to their limits. They are stretched to resources in what they can do. Because some of our youth are under age so they walk around with a label "you can't touch me, you can't do nothing to me."

Again the Clinic is stretched to its resources. Parents jump up and down as soon as we maybe look at – not pointing the finger but really our kids are involved. But as I said, and I am going to finish on this. That whatever this Committee does, it needs to be a joint thing. That is what we are aiming towards.

Mdm. CHAIR: Joe, could I just ask a question. I know that both Gerry and Richard will have questions. In terms of the petrol sniffers, you mentioned, are any of them dual users. Are they sniffing and smoking gunga? Or are they just sniffing and drinking? Are they using both, a combination of gunga and fuel?

Mr SINGH: Yes. To answer your question Chair. There are youth in this community that smoke cannabis as well on the same hand are sniffing. There are some young youth that also drink alcohol. Now and this matter has just been raised, home-brew. Again, how they are doing home brew or making up the formula – there is home brew being introduced into this community. So don't be narrow minded, don't just focus on petrol, because petrol is not just a problem in this community. It is a wide range of other issues and other things that are a problem in the community.

Mr GARNARRADJ: Thank you Councilor Singh, one of the disappointing factors that I think about this community and a lot of people acknowledge in the community. They know that grog comes in and marijuana and stuff. But one thing that is disappointing is the people, the community itself. They are not reporting it to the Police. They leave it to the end when everything starts to flame if you like. That is one of the things that is wrong with this

community. They are not reporting. They know who has been in and who provides this stuff but for some reason or reasons they don't let us know about it.

Mdm CHAIR: That makes it hard. Is a lot of the drug trafficking coming into Gunbalanya coming in from Darwin or visitors from Darwin.

Mr GARNARRADJ: Yes. Visitors from Darwin coming in.

Dr LIM: Joseph mentioned the East Alligator Store, where heavier stuff is just waiting to come in. If that were the case, could not the Police or somebody be able to do something about that? To prevent that from happening or to confiscate the stuff that is there.

Mr GARNARRADJ: Yes. We can't have 24 hours surveillance I guess to have somebody do that work, where do the dollars come from to see who is and isn't coming in? It is very hard to police around this community. There are only three members, we can only do so much.

Mdm. CHAIR: Andy and Joe, one of you or Jacob, someone may be able to answer this. In terms of this problem, do you think that too much of trying to resolve this has been put on Council to try and fix up?

Mr SINGH: I mean I don't mind seeing Council being there to run the program but it is a matter ofappreciating and support of various organisations that we have in this community.

Mdm. CHAIR: In terms of Government what sort of support are you getting in terms of the program. Is there any support coming from government agencies regarding this issue?

Mr GARNARRADJ: I might get our CEO to answer that question for you. He is not present at this stage.

Mdm CHAIR: Could you ask him to let us know?

Mr GARNARRADJ: Yes, it would be good.

Ms GUYMALA: My name is Corrina Guywanga Guymala, I work for the legal staff for the legal things.

Mr GARNARRADJ: That is the Top End Community Legal Service for tape or record purposes.

Ms GUYMALA: There is too many violence in the community. Because we see it outside in Oenpelli sometimes when we walk around. We do see the kids, some kids smoking, some kids not going to school, they are smoking and also they are sniffing. So we need this work to be done, like strong families and a Night Patrol and Police and we ourselves, working together to, with the Violence Program. We should all work together, because some of the people they going.....there buy themselves drugs and alcohol too. Some people they are cutting in. That is how the kids are getting into it. It is a big problem in the community. This community needs more support, more help to get the things before it is a really bad place. Before we didn't have any other troubles before, any other problems. A long time ago when we were going to school before, we didn't have any problems like this time.

We grew up from that time and now we see the difference now. This thing is coming close to us, all Aboriginal people and some of the white people. Pressures are becoming too heavy. Because no one is stopping this. If we work together, help together these things will stop. Because some of the sometime the government want to stay sometimes during the night. Especially the kids don't sleep. That is why they don't go to school. Because there is a lot of disturbance. We should help the kids. We should love them. If we love our own kid, well we should love other people, other kids. Don't let them down. They will end up killing themselves. They are all our kids, in the family and community. We should help and support kids. I have seen lots of times, that is how they are getting mental. Mental Illness because they are using both ways. Sometimes I deal with the mental people. Sometimes they go into hospital, sometimes some of the ladies will just send them somewhere else, a safe place, safe area for the kids. That is really hard, because the families sometimes don't agree. Even Restraining Orders things are really hard for us because we have got white system and Aboriginal system. We do not know what to do because in our Aboriginal way we do not break the rules. Unless they allow us or theyus put us in the right spot. Thank you.

Mr WOOD: I was going to ask anyone. We have spoken about petrol and gunga, but where do you put alcohol in the list of those three drugs. Which is the one that has the most affect on the community overall? Do most people drink?

Mr GARNARRADJ: Should be the same. I guess this is what I see myself. During the Royalty days or when during the pay weeks this is something that the guys and myself in fact we have apprehended someone a few times about – not I am saying personally but through the law that arrested someone like that. This is when they bring the gunga in and stuff like that. The reason why I say that is that I can't say much about alcohol because alcohol is a different situation on this community. it sort of sells basically six days a week. So when you say a problem, in what way do you say it's a problem?

Mr WOOD: Well in how much results in violence, drunkenness, people not turning up for work, kids not having enough food because money has been spent on alcohol, those sorts of things.

Mr GARNARRADJ: Okay. I won't answer that question because I do not have the statistics for it. But maybe members here of this community may want to say something about that.

Mr NAYINGGUL: Through the Chair, I would like to try and answer your question Gerry. My name is Jacob Nayinggul, I am next door T/O's my area starts three or four kilometres between here and the Oenpelli Traditional Owner. I am a Councilor, I represent my own clan and I am Deputy. I would like to get on to your question.

Let me begin with the Club. The Club has, as the Chairperson mentioned that it's trading hours, I might come back for me to explain or give you trading hours. But it does operate from Monday to Saturday, but in certain times. The Club opens every day from 12.00 to 1.00pm and then we have a break. Everybody leaves by 12.30 and goes home every afternoon and they stay without any grog until 5.30 to 8 O'clock and Club closes about 8.00 and they have half an hour to finish their beer and then the people leave.

Children are allowed to go and join their family. The children are allowed there from 5.30 until 7.00 and they go home. They are not allowed to stay unless they are eighteen years of age

and they are now ready to drink. Because they are allowed to drink when they turn eighteen. But from 5.30 to 7.00 then children go home.

Everyday trading hours is almost the same. So having grog from the Club, violence and problems we have is not much during the day trading hours because it opens 12.00 and closes 1.00 unless they are very heavy quick drinkers. Most of it is during the night and that time some drinkers will drink more. It depends on how many cans they want. But the hours are from 5.30 to 8.00 when the bar closes.

We tried to cut that down buy allowing members to buy two cans at a time to quarter to seven, sorry quarter to eight. Everybody then gets just one can, jus before closing time.

But we have got violence notyes because of cans. But we might cut that down or bring it down to some level and we talked about it and we are looking at that. That is in our plan.

But with petrol there is not much violence. We do not see that. It does work night and day. If you get petrol sniffing and alcohol, beer. Too early to sell beer. But with petrol it is almost continuous and "candy" or whatever you want to call it, that other drug that grass that isThat doesn't stop. I think another thing, I think if we start to looking into kids not going to school. Some people might not see this, but I see it, gambling is one of the other things that is growing up too. Because I see kids seven days a week No wonder the kid goes hungry, no rest or help to have a fresh head in the morning, the next morning. Plus petrol sniffing and kids the new and maybe plus smoking.

What I would like to point out from my own point of view is that we all know alcohol comes in from outside. If you want to visit Darwin it is up to you. There is no control. The Police try to do that but, alcohol still comes in anyway, it doesn't matter how you try to stop it and other drugs as well. But all I am telling you I think as I mentioned. We were aiming at three different kinds of drugs plus gambling. I would like to mention heroin and that is very hard that is a problem. It became number four problem in this community and plus maybe I don't know much of that one.

What I would like to see, personally myself is permits and Elders from all different tribes. There is no question if they are here or not, they are here and Government either Federal or Northern Territory and Council and many parents I think, they are the people to look into these three or four problems that we have got that has caused this new little town. Just in this town of Gunbalanya.

Let's face it because I think we haven't got the proper treatment, to treat these people that have become a problem. I think we should somehow find a better answer to do something in the future or we should start up now. I think we are talking about starting off in the middle of all these problems now. They have already happened. Because when you look back and see around about twenty, I think the Chairperson mentioned. Some men and women have been sniffing petrol for most of their time. Now look into that. We must, it must be done. We must put our heads together and find some sort of solution to meet somewhere in the middle. The problem is always there.

Many years back we started if we don't get to the heart of it and stop it and chop it off we will be lucky. It does need a plan to get up to that Otherwise there is nothing we will be able to do to stop it like where it is now.

It is a different world altogether from my time. Everything is easy and many parents are different. Family, mum and dad and a whole group of family for these little ones is not with them. Everybody has gone everywhere. There is no control over their kids like there used to be with us. That is part of the thing that needs tightening up I think. We should find the right start for it. You could talk to Clinic or Council or Councilors or service stations, petrol sellers or man who owns a car who needs petrol where he gets his petrol from. We can do all these things but there is no control in this community over their own kids. Kids want to do it their own way. This is where television should be found somewhere. Ministers, Governments and even Missionaries and T/O's should, I think we should find, I think we will find a better way. It just needs manpower. Talking about it is not the action.

Mr GARNARRADJ: Richard you mentioned earlier about the treatment that chronic petrol sniffers receive, you mentioned that earlier. Now that we have present, a lady from the Clinic she might answer that question would you like to ask that.

Mr WOOD: I think I asked that.

Mr GARNARRADJ: Sorry Gerry, my apologies.

Mr WOOD: I asked whether there was any medical help for petrol sniffers on the community or are they left to their own devices.

Ms ELLIS: No. There is certainly medical assistance available at any stage that anybody requires. There is nothing specific in progress regarding petrol sniffing. Nothing specific. We have visiting mental health people and purely by the nature of the effects of petrol and the psychiatric effects we have the psychiatrist visit.

Mdm CHAIR: How often do they visit?

Ms ELLIS: Once every two months. We are trying to get a mental health workers here. There is some delay in getting it going, but I think once we get

Mr WOOD: Do you see a large number of people attend your clinic that are either the victims of substance abuse or substance abusers.

Ms ELLIS: That is very hard to define, primarily because most of the presentations to the Clinic are related to chronic disease. I can show you graphs that would indicate the main presentations to the Clinic and a lot of those are related to serious alcohol and drug problems.

Mr WOOD: So do you have an idea, are there many people on dialysis or is there dialysis here?

Ms ELLIS: No we don't have dialysis here.

Mr WOOD: Are there many people who are diabetic or have renal failure?

Ms ELLIS: Absolutely.

Mr GARNARRADJ: I should mention Gerry that we have patients that are on dialysis but not in Gunbalanya but are in Darwin.

Mdm. CHAIR: Do you have statistics in terms of psychosis? You were talking about coming out about once or once every second night which means that there must be a high, or quite a big need in terms of

Ms ELLIS: Well no they don't come out as a psychosis. They come out as an individual service and they come out with us..... They are dizzy when they come in ...after two or three days. It is often young boys and young kids attempting suicide. They attempt suicide.....

Mdm CHAIR: Attempts - You haven't got paperwork..?

Ms ELLIS: No we don't. There are attempts though.

Mr GARNARRADJ: Gerry you mentioned earlier that.....and treatment and stuff like that. I should also say through this forum that Council did talk about it years ago in relation to getting a dialysis machine, simply because patients that we have who are actually living in Darwin now would like to return to Gunbalanya. This is the subject that I actually attended a Mens' Conference meeting in Tennant Creek years ago with ATSIC. We had a health conference there where a lot of the recommendations brought up there were like purchasing dialysis machines I guess was not cheap. We had a doctor who was present here at that time.....but for some reason she ended up leaving half way through the year. But I am actually interested in looking at or reviewing that where we left that information that we received. It has all been minuted so I guess it is in the Council's records somewhere. Now Marion through your questioning, you mentioned earlier in relation to the problems that are currently running in relation to petrol sniffing and also other substance abuse. You also mentioned what sort of Government offers do we get in this community. As I said earlier that the CEO may have an answer for that, now he is present in this chamber so Colin...

Mdm CHAIR: I was sort of looking if I could, Andy if I could to expand, is what is the levels of support that both the Community gets and Council and others to help with these issues.

Mr TIDSWELL: Colin Tidswell, CEO of Council. I suppose that Sue and I could jointly answer this I suppose. The Council gets very little support really. The Council is struggling with lots of issues at the moment. We have got very poor housing in Gulbalanya. We have got lots of other issues and we are struggling to address any of them properly, because all of us are short of funds basically. It is a bit of sometimes – "Where do we start?"

Certainly, as far as the petrol sniffing, I think the Council is doing a lot. I know that it has been discussed at about every meeting. But whilst the Council is trying to help at the moment, as you know there has been the banning of the petrol in the township. Andy and some of the Councilors have been to Yuendumu to view their program. There has been Substance Abuse Committee formed. It isn't active at the moment but it has been formed. The Council has put in an application and has received approval for some Sports and Recreation funding and will try in the next month to put a Sports and Recreation Officer in.

Mr GARNARRADJ: But then again it is CEO, we are in receipt of funding from Governments in the last for this year.

Mr TIDSWELL: You are right. Even on the Sports and Rec funding we only get \$28 000 a year. We have to, we estimate here that to run a decent Sport and Recreation Program will cost us \$70 000 a year. So we have to find the money from other places. We are also in

association with the Club and are getting plans drawn up at the moment for a Youth Centre to give these kids some sort of night time activity as well. Also we are looking for money at the moment to try to employ a more specialised Youth Officer. Over the years it has been a concern of the Council. Again, a lot of it comes back to Marion's question about resourcing. Resourcing is our biggest issue. If we had enough resources we could do a lot tomorrow. But we struggle to find every cent to cover things. Things like the Youth – running a proper Youth Program and employing a Youth Officer.

Mr WOOD: I know we talked about resources and they are important. I just wonder when I look around the country here, this big beautiful country and people say they are bored. I used to ask the same question on Bathurst Island. Are there any programs that take – the so-called bored people out bush to go hunting. I mean if you spend the day hunting you won't come back bored, you will be tired as anything. Is there any program like that to say look we have all this country why aren't we using it as another means of overcoming some of these problems.

Mr TIDSWELL: Okay, that has come up through a meeting that we had a few months ago actually with a lady by the name of Ruby (Inaudible) and they suggested the same thing. We have actually started doing some of that with Neville, our Aged Care Co-ordinator. We have managed to find an old Youth Grant that we have managed to role over, it is only \$20 000 but we have started that sort of program now. Getting some kids out bush, taking them fishing that sort of stuff.

Mr WOOD: The reason I say that, in my time at Daly River we used to have just a tractor, trailer – perhaps not quite legal so much but everyone sat on the back of the trailer, we would go out for the entire day hunting. I know times have changed, but, if we have kids that are bored and we have all this country, you would think these are programs that do not require a lot of Government money. It is important to have the money but in the meantime.

Mr ELLIS: I think that there is a real demand for that – having someone able to take the kids out and then later on constantly ask.....

Mdm CHAIR: Sorry, can I get you to move closer and just state your name before you talk.

Mr ELLIS: I am Neville Ellis, I am the CACP Co-ordinator, I take the oldies out and keep an eye on them with their medication and stuff and take them out hunting, fishing and gathering. Then lots of times I have been questioned by the kids as to where I am going and can you take us here or there. They want to go swimming up at the waterfall or they want to often now the kids come with the oldies when they go gathering pandanus and while the oldies are gathering they might let a hand or they are running and jumping doing summersaults off the termite mounds and stuff like that. But they seem to be just waiting for me or someone to come along and do it. There is no one else that seems to be doing it too much with them. I think I could fill the bus up everyday with kids that want to go swimming or kids that are petrol sniffers and would come fishing with you if you had a vehicle and a boat. Like I have a boat and I do it, but I haven't got a vehicle that is suitable to do it and I have another job that I am tied up with. But there is a definite need there for some activities to get kids that are bored out of here. There are plenty of activities for them not very far away, up the coast or out in the bush. I talked to kids this morning whether anyone in this house want to come and talk about petrol sniffing or substance abuse – what makes kids want to do it. They said "nah we don't want to come". They are happy where they are, they are out bush and they are out night hunting all the time. Hunting buffalo from (Inaudible) and they seem

as happy as and healthy and as though they are really fit kids as though that is not one of their problems they have out there.

These ones in town here, like even thirty year old men have asked me to take them out to the other side to get bark in the Wet Season in a two wheel drive bus and there is six feet of water over the road – so that doesn't work. So they say take us to the waterfall swimming, we are bored. That starts with the kids I think, when they are left to their own devices, just to make their own fun all the time. When some of the oldies that are stranded in town, once they start going out and doing their traditional things with their weaving and that and they sit there and chat and have a great day and some of the kids come along and strip the pandanus with them or just playing or wandering around in the bush.

Mdm CHAIR: Are there vehicles or busses where community people – I am picking up on what you were saying before about people asking you to take them out.

Mr ELLIS: Well the bus that I have got is a two wheel drive Hiace van and it is suitable for around town on tar sealed roads and I take it out into the bush and nurse it around and if you go to Jabiru to take people over there with broken bank cards and stuff like that you have to go really slow on the road and the funding is for six CACP places and with my wage and a bit of maintenance on the vehicle. There is no money to set aside for the replacement of the vehicle or other assets. I do not know whether there is more aged care places coming available and I think we need to apply for some more of those. Over at Jabiru there, quite a few of the old people have died and they can't fill their places, whereas we have people here that aren't assessed as being eligible but I consider that they are eligible for aged care and there is no funding and there is no places for them. I think we could do with more places.

Mdm. CHAIR. We have had that debate. If we go back to the youth where a lot of the problems seem to be occurring with the sniffing, gunga and also grog. Apart from a proposed Youth Centre and unless somebody has a car, what other activities is there in this town.

Mr ELLIS: The swimming pool is probably a good activity that some of the kids will get down there with the pilots. Some of them seem to tag along with someone and all of a sudden there is a group of kids that will go with the pilots or....

Mdm CHAIR: What are the swimming pool hours?

Ms ELLIS: Early. It is free, operated by CDEP it opens until 6.30 at night. But those kids don't go..... There is no dedicated program. There is no personnel. It is a magnificent pool.

Mr TIDSWELL: One of the pre-requisites of the Sport and Recreation Officer will be that he/she has a Bronze Medallion and stuff so that we can actually open at more regular hours. We really need someone who with the right certificates, Bronze Medallion before we can open it up properly.

Mr SINGH: Through the Chair. This was tabled at a number of our Council meetings and we acknowledge the tremendous effort and the work that Neville puts in and it is just like our CEO has stated. We are stretched to the budget of our resources or the funding that we receive. Sometimes when we do receive funding, it is not really much to stretch from here and beyond the horizon as we put it. It is just enough to get something started but not to carry it on. And a lot of times when you see effective programs and things get established you need that funding not to fade out – ongoing and we just recently at our previous Council

meeting that we need to keep level, ongoing and the work and the effort and everything else but again that funding resource is very limited. Again the Council offers support and can do a lot of things again we have to look at liability, insurance is a major factor. We have to be careful in case there is an accident then. I am not saying that the Council is not acknowledging or not doing these things or doesn't want to. The Council is putting its hand out and doing a lot of things.

I just want to, if I can, through the Chair, I just want to get back to a question I think Gerry asked about dialysis machine. Going back a few years when I used to be a Community Representative on the Northern Land Council, we attended a meeting down in Katherine. At that meeting we had Denis Burke present. A question was raised to the Government at that time that there is a great need for dialysis machines because a lot of our people, right across the Northern Territory have got illness. Now it might be dialysis machines, soon it will be mental things because of the petrol sniffing and these substances that our young people are taking, so there is going to be a great need for services or needs, health needs, whatever it may be. We also raised at that meeting at the time, this is just for interest here. We don't want to be faced with the problem because I mean this is a big team community problem and it needs to be a joint effort, we need Government assistance, not just giving us money, but Government being a player in community problems, because a lot of the problems that our young people are faced with today are not only cultural problems, they are faced with western problems and some of these problems are Balanda problems. Getting back to this dialysis machine. The Katherine people down there, to have a dialysis machine down there to be set up, they had to sell part of their land. It was a bit of a give and take. You give the Government your land and the Government will give you a dialysis machine. Now we are not saying that we need a dialysis machine to be established at our Health Clinic here because then you will have all the other communities screaming for dialysis machines in their community. What we do need however is not our people to go into Darwin. We need our people to fly out to Jabiru to a machine in Jabiru, Katherine, Nhulunbuy etc etc. We need this Government to take this on board and to answer that thing because it is related to alcohol.

Now we have other substance abuse that is killing our people. We need to not only do Band-Aid dressing, but we need to look at how I can look after my body. How I can prevent myself from getting injured, you know these things need to be put in place.

Mdm CHAIR: Could I just touch on the dialysis if I may. Joe, I was in Katherine for a long time and it was a long fight to get those dialysis machines. As well as having the machines it is also a lot of money in terms of treatment. You have special nursing. You just can't have ordinary nurses working with those people. I am not putting nurses down here. It needs very specialised nursing staff on the ground to operate those machines because there could be a case of life or death. It is also a high cost to maintain. The machines are actually quite cheap, it is the cost of maintaining the treatment to those people. An in the communities there are big factors in terms of the water quality and Dr Lim you might be able to help me. I know that much because I saw that happening with the Tiwi mob. Just establishing that satellite unit on the Tiwi Islands was just huge. You touched on it. But education and prevention is probably what we have to focus on. You can keep rolling machines out and putting people in bed, but unless we change our lifestyles with education and prevention happening.

Mr SINGH: Through the Chair, I am a qualified teacher and I understand, and through culture I have been through the law and also through the western system, so I do have that understanding. I also acknowledge that money is a problem, but on the other hand sending our children to gaol is not the solution. Locking our children up, our children and our people,

we are human beings. Maybe we are a different colour, different religion, different race, different culture, but we are not animals. We are people. The Police do not want to see young children being locked up, but we need to look at our people dying from alcohol or dialysis machines. We need to go right back to the ground roots at our culture and we need to look at and ask ourselves a question. We didn't have these problems then, but why have we got these problems today? Why? Where is the ownership the control, the leaders, so called leaders. In European terms where is the leader, how do you define a leader, how do you define a manager. In our culture, how does one become a leader? Do you just become a leader and sit in a chair because you are a Chairperson? Do you become a leader because you put a different hat on or different clothes or a suit? In our culture, one doesn't go to the top and call himself a leader just like that, if you are a woman or a man. I have a leader here beside me. A leader is a person that we look up to. We follow his tracks. That leader also has got to set the right track for us to follow, to respect him. Where is respect? We all love to say we are culture people, we are strong people, and we have our culture. You only have your culture if you yourself make sure that you are carrying that culture. With dignity, with pride. Like in this community here, we like to work together, Balanda and Bininj, we want to try and work together, we want to work strong. Balanda in this community who want to work very strong with Bininj people. We have to respect Balanda and visa versa. We can't be at each others throats. This problem here will not go away with just putting money on the table. Thank you.

Ms ELLIS: Chaddy, do you want to say anything?

Mr KOIMALA: (Inaudible)

Mdm CHAIR: You will need to talk up a little bit.

Mr KOIMALA: My name is Chadwick, I work at the Health Clinic as a senior Health Worker All I do is work with young people, old people chronic disease, kidney diseases, heart diseases. Also some young men, mental health. Once a month...(inaudible).

Ms ELLIS: (Inaudible)

Mr KOIMALA: I am starting to do the senior boys, talk about all of these petrol things what is bad. What petrol does to your body.(Inaudible).....haven't got much information about petrol...waiting for more information so I can talk to the senior boys at the school.

Mr WOOD: Chadwick have you had a look at the Yuendumu educational information.

Dr LIM: The Brain Story The Brain Story at Mt Theo where they have big pictures of how petrol sniffing will affect the brain and the body. I think water was the thing. Andrew poured some petrol onto butter and we could see the butter all melt and all that. I mean, those sort of things should be available to you from Mt Theo if not from the Health Department.

Mr KOIMALA: Yes.

Dr LIM: You have that. You have got that.

Mr KOIMALA: (Inaudible)

Mr WOOD: That made the best impression on me. I forget all the Government stuff. I reckon that what they told us at that meeting with the two saucers, one with butter and one with butter and petrol.

Mr KOIMALA: Did you go out to Mt Theo itself?

Mr WOOD: No.

Mr KOIMALA: In a community here at Gunbalanya, basically we (inaudible) have got a lot of families. This is one of the things that the Council did look at about a location, putting a location somewhere to put in a rehabilitation program like what they done in Mt Theo. The trouble what we have in Western Arnhem community there is a lot of traffic. I mean to take the petrol sniffers out there, they are simply going to walk away.

Unknown Community member: Not if I had a helicopter.

Mr KOIMALA: Get a lift by a tourist or someone. But what I am trying to say about Mt Theo. The Yuendumu community, Mt Theo is something like 250 kilometres on a dirt road. During the Wet Season there is no way you can get out. They are really lucky to prevent the problems that they had before.

Ms ELLIS: I am not saying they are stronger, but they are far more active. You see a lot more cultural activities. A lot more women (inaudible)women's camps, ceremonies that happen. The people only get called by their skin name(inaudible) Christian white name. Culturally, I think it wasn't lost.....(inaudible) so there was a great capacity to use culture as a vehicle for improving or eliminating the petrol problem. Here, I haven't seen anything and I have been here about ten months now and I have not seen one cultural activity. The only cultural activities that I have seen have been funerals. If I could just quickly show you the demographics of theI am sure this is what you would see in most other communities.

We are very short of older people and there are a lot of young kids on the ground. What I see here is extraordinarily tragic. It is very difficult to see the implications of petrol through the day. The only thing that you see through the day is that people don't work very much. We have had positions going for Bininj for the last couple of weeks advertising for cleaning and a receptionist which wouldn't be a bad job. It is a well paid job. I have had one person approach me for a job and she never turned up to even discuss it. This was after hours..... And so – the people on the community it is very difficult to get people to work. The people you see here are the workers you know. They are the people that are interested. The people who are strong in our community are generally the workers and they are used for everything. So if there is a committee on they are here as you see. Whatever is going, we utilise their expertise and so there is a lot of pressure on a very few people in these communities. People that hold the place up are exceptionally strong, good people. It is very difficult to get workers and most of the relationship between alcohol There is an enormous relationship between alcohol and petrol. It is almost a natural progression. When children start with what substances are available to them. As they progressively get a bit older, you can correct me if I am wrong they get into the ganja (Inaudible) and most people, a good majority of the people here are alcoholics. Some of the programs we are talking (Inaudible) How they are trying to introduce this program at lunch time where they are trying to cut it back to six cans at lunch time ...

Mr WOOD: Six.

Ms ELLIS: Six. So I mean you are well over the standard for women anyway for normal drinking. So you have six at lunch time and probably another ten at night. Look, I commend Alex and the community for trying different strategies and I said to Alex that it is still too high, I was just talking this morning. I said it is still too high and he said, if I do it much lower I would clear off???? I think that the Club do a wonderful job as far as providing a wonderful venue for people to socialise. This morning I said to a woman, but you don't drink why do you go. She said I don't drink, I just go to talk. So it is a great venue just to talk and you can gather that there is an awful lot of alcohol consumed.

Mr WOOD: You are saying sixteen cans a day, they can drink.

Ms ELLIS: Six at lunch time and more at night.

Dr LIM: Unlimited at night. You have three hours to drink as much as you like at night.

Ms ELLIS: I don't know whether you are staying overnight, but it is actually not a bad idea. I asked Jane Aagaard to stay and visit at night and drive around and just see how tragic it is. You do not see (inaudible) but at night when we drive around the streets are alive. They are alive. If they are not pissed or playing cards (Inaudible).

Mr WOOD: I am not staying tonight because I have an appointment tomorrow. I used to work on a community, I wont say which one and I used to sell vegetables. That was my job from 5.00pm til about 7.00pm. I used to sell them from a truck. A lot of people were teachers and they went home to their houses and I would be out in the street. I know what you would be talking about, because I would see people gambling, drinking kids with no food and I would see the violence. Because by the time everyone came home together, there was either no money and someone was asking for money and they were drunk and there was all that sort of problem. So I know what you are saying and I don't think anything has changed much. In fact it has probably got worse.

Ms ELLIS: No, no. In fact I have done a Paper. I have managed to put on a Supervisor job and some at the Clinic (Inaudible) driver at night and he was astounded (Inaudible) Oenpelli until he went out at night. He couldn't believe it. He found it extraordinary. I wish those white fellas could see that. They have no idea what Oenpelli is like after dark.

The kids are hungry and that's – you know we have had break ins this year and I think that is because kids are hungry, without a doubt.

Mr SINGH: They sniff because they are hungry. They will tell you why they sniff – because we are hungry and it stops the hunger.

Mdm CHAIR: There was a feeding program here before wasn't there? For a little while.

Ms ELLIS: Like Jacob said, gambling is such an atrocious problem. The Club sets up the rules for all. But if you present (Inaudible) as a result of violence, family violence. Like if you belted up your wife or you are not presenting as you should because of alcohol you get your name put on the board. That is commendable because they are trying to reduce the violence in the community. But what happens is that they don't - you know like one fellow whose wife was belted up by another fellow, he wasn't going to report it because he would get his name on the board. Or another example - I have this child who is grossly under weight and the mother is continually playing cards. I cannot keep, we cannot keep this child n the Clinic. Now I have hit it the other day, I cracked the nut. Because I said to the grandmother

either that child comes up to the Clinic to be weighed or you go on the board. No problem, they were there at ten o'clock the next morning. So it is a great tool. It is a (Inaudible) thing to bring your kids to the Clinic or you will get your name on the board. That is the effect that alcohol has caused the community. You know it is just – Before I said this to her – I will put your name on the board (Inaudible) she was just mortified it was an abhorrent thought because she could not possibly live without alcohol. That is the problem throughout these communities with alcohol It is just deadly on these communities.

Mr WOOD: Is there anyone who doesn't drink?

Ms ELLIS: Yes, of course there are people who don't drink. I have some of the best Health Workers.

Dr LIM: Sue why is the Club still in existence? Why doesn't the Council say enough is enough, the Club goes.

Ms ELLIS: Richard it is not, it is not. The Club provides a great deal. It is great to see the kids up there with the disco. It is great to go up there and have a few beers. it is good. There is nothing wrong with the Club as such. If people were motivated to be employed, to have some self respect and not become alcoholics. It is not the Club. The Club is not the problem. It's

Dr LIM: It is the individual not the supply. It is the demand for alcohol supply.

Ms ELLIS: If the Club could not provide alcohol, without a doubt there would be a lot of people leaving the community, a lot of men leaving the community, leaving their families. There would be a lot more road trauma. There is a lot to be said....

Mr GARNARRADJ: Richard there is a history behind why there is a Club established. She mentioned about...No, no, I am not going to go further on that, but if you like I have a person here who may.

Dr LIM: I am trying to work out if it is the demand or supply that is the issue. You said that the supply is not particularly the issue. But the personal demand that is causing the problem.

Ms GUYMALA: Through the Chair, it is the parents not looking after their kids very well. Not teaching them. Because the kids are looking for love from their mum and dad. That is how they get into it. Sometimes they gamble and waste all the money. Parents that are the drinkers especially they take the money to the Club or gambling or buying dope sometimes. Sometimes husbands really boss around their wives.

Dr LIM: Just listening to what Joseph had to say earlier about culture. I am a Balanda to the Balandas. I come from a different culture altogether and I am trying to understand. If you put, I look at those figures there, there are about four hundred, four hundred and fifty adults from thirty five years onward s in this community. If you put four hundred Chinamen in this town tomorrow, this place would be green again, whether they had employment or not. They get the dole, that is fine, but they would go and find some seeds and start growing things straight away. They will get themselves employed, because they will look after the garden. We were talking about that earlier today. In the old days there were farms, crops and people were working. It was great. That can still happen. What I don't understand is why is it not happening. It frustrates me so you know. This could happen. This country has so much

water. Back down in the desert I get ten inches a year. You guys get three metres a year here. There are things that can be done, but it doesn't happen. Then, the kids can't go swimming. The pool can't be opened because you do not have a life guard. For goodness sake, you have four hundred adults not working except for the people in this room. You are a parent, you are a mother, you are a father, take your child swimming. Look after them at the swimming pool. Don't worry about being sued for goodness sake. The Council has to somehow say look, this is a community thing, we all have to take responsibility. I think we have got things back to front. We are worrying about being sued because someone is going to drown or break a leg and Council will be sued.

Ms ELLIS: You can't disregard that liability.

Mdm CHAIR: It is a huge liability.

Ms ELLIS: You can't say it is not important. I know exactly what you are saying. But you can't just disregard those laws. If they do and something.....

Dr LIM: It is time that somebody stood up and said yes it is all over. That is what I am saying.

Mr GARNARRADJ: The way I look at it, I think obviously

Interjections

Mr GARNARRADJ: Could I just ask. I have a question here for Richard here as Shadow Minister for Housing. You know of the IHANT Program. I use this for an example for what we see. We submitted our IHANT application through ATSIC. We received funding for six houses, a total of six houses from last allocation. There are five other Councilors here, six including myself as Chairman. Out of the six houses allocated, we could only afford four.

Dr LIM: You know that the IHANT Program is controlled through ATSIC and that the ATSIC Board decides which communities get what housing and then it is through the IHANT Program that the money is then allocated to each Community Council to do those buildings.

Mr GARNARRADJ: Okay, I guess my question is, when they say, as I mentioned earlier, for six houses, out of all of that we only managed to build four okay. What I am trying to say, each house were initially were supposed to be for six from the IHANT Program. What I am trying to say, maybe when we looked at it for each one of the houses the total of six there is not a suitable house for what people want. You know what I am saying?

Dr LIM: Yes. In the central district in the desert district, we have got a program called "The Papunya Model." We designed seven particular types of houses that the community in Central Australia have actually had great input into.

Mr GARNARRADJ: After all it is not only that, what I am saying of course we have to pay the design fees the architect and all that sort of stuff.

Dr LIM: I think what...

Mr GARNARRADJ: Are we only funded when we say for six houses allocation are we only talking for the houses ?????? not including the architect and all that other....

Dr LIM: That is right. What has happened is that the funding. The cost of each house is well above what it should be and that is the problem.

Mr GARNARRADJ: What I am trying to say, maybe don't you think that for the payments for the architect, the consultants and stuff like that maybe that should be(inaudible).

Dr LIM: Well let...I can't give you a specific yes or no answer. It has to be a yes and no. Housing built in the bush is expensive, first of all. Number two, when IHANT provides the funding allocation to a community. They say look we are going to give you enough money to build six houses. What happens is, when the houses start to be built there are huge cost blow-outs so that by the time you have finished the fourth one, the money is all gone. So suddenly you only end up with four rather than six homes. Somehow within the whole system there must be better controls of how the funding is spent and the CEO is coming in to have input. Somehow there has to be better control. As I said we have the Papunya Model. What has happened is that they have actually fine tuned the design and cost of each of those seven homes down to a very, very clear cut figure. So that in Papunya or Yuendumu or wherever you can have six houses, this is the money you are going to get. That money will get six houses built and that is what is important.

Remember also that through the IHANT Program now that there are a lot of resources been put aside to have skills transfer. In other words a contractor might come into a community and start building but, one of the responsibilities is including the people in the community as part of the building crew. To teach them, train them so that when the buildings finished and handed over, there are people within the community that continue to maintain those homes. That is an extra cost. That is part of the training cost that is built into it. Anyway.

Mr TIDSWELL: Through the Chair, I would just like to touch on housing. Andy is dead right about that housing stuff. We had allocated through IHANT \$171 000 per house. At the moment it is costing around \$220 000...

Dr LIM: \$200 000 Yes. Oh \$220 000 wow okay.

Mr TIDSWELL: \$220 000.....I have a quote for \$280 000 to build. Our housing situation in Gunbalanya is very bleak. It is terrible. Our housing is very bad. We need over a hundred more houses just to be at an acceptable level.

Mr GARNARRADJ: Could we have some quiet here please.

Mr TIDSWELL: To bring it back to what we have been talking about the substance abuse and parental responsibility is that sure we can blame the parents. But when the parents are living in such terrible conditions. Those families are living in such terrible conditions as well, it is hard for a family to maintain any sense of normality when they are living in those sorts of conditions.

Dr LIM: I agree with you there Colin. It is chicken and egg. You know where do you start? I think I suppose if I was a parent, I would have to draw the line somewhere. This is where I start. Today, I start here okay. I have what I have, I can't change that, but I can tomorrow for my child. I have what I have today, I will do what I can with what I have today, but tomorrow is my child's day, and I must do what I can to make sure that tomorrow is going to be good for my child. I, as a parent from a Chinese point of view. It is my children and my grandchildren that are important, not me. My life is just about over, so what I have to do is create a situation that my child and grandchild are going to prosper. Me, tomorrow I will be in

the ground and it will be all over and nobody will remember me, but if I don't do anything today to make sure my child gets something better tomorrow than what is there. That is what I say. Whether you have got a house or not. I grew up in a village not much different from this one. Top End Northern Territory and back overseas, people are not much different. We lived in a traditional way. Different colour skin and talk different languages, eat different food but eh, life's life. It is what we value for our children. Not what we value for ourselves. If we do not do something today, our children tomorrow will be doing what we are doing today! What is the point. So if you have a bad house, you can't change that. That is what you have got. You can ask for better. Yes it is important. But today because you have what you have you do the very best you can for tomorrow.

Mdm CHAIR: It is not as easy as that.

Dr LIM: I am not saying it is easy.

Ms ELLIS: People share everything. It is so different our culture in that what – correct me if I am wrong here. But what is mine is everyone's you know. So in these houses they are just appalling. Some of the ladies work very hard to put food in the fridge they really do. But when the food goes in the fridge, it goes to absolutely anybody. And so that makes it extremely difficult if you are wanting to have a home for your husband and kids. Then you get another family who just – and I don't quite understand how this can happen but I dropped one woman off home and said how many people are in this house and she said thirty or forty. I don't know whether you can picture it or not, but I don't know that I would like to clean the toilet of a house of thirty men in it. I don't think I could.

Dr LIM: I do understand. I grew up in a house, two bedrooms, my great grandfather, grandfather, grandmother, my father, his three sisters, his younger brother, my mother, myself and my two sisters, two bedrooms and a long drop toilet. When I bath myself, I had a bucket of water out of a That is what I lived in. I am not saying that I am any better or worse than anybody else, I am not saying that at all. Life is life. Today we have what we have. We do with what we have the best way we can. But we do it so that our children have a better tomorrow. That is what matters. For the life of me, I can't conceptualise why people – not only Aboriginal people, don't get me wrong. Anybody who gets two hundred dollars in his hand every week, which means you can buy food. You should never go hungry. Okay, I will go and dig a trench so that I can plant some vegetables or whatever. I can't conceptualise that that is what I am having difficulties with. If you four hundred Chinamen in here tomorrow the whole place will change.

Laughter

Mdm CHAIR: I can see what you are trying to say. But is some of it because we get so caught up in all of these other issues. Don't look at grog, gunga, petrol sniffing and gambling as addictions. We treat

Dr LIM: Chinese gamble.

Mr WOOD: Chinese play cards.

Dr LIM: Chinese are the worst gamblers in the world. We do that too.

Mr NAYINGGUL: Through the Chair. Could I just pick up from where you are. It is seen as us Aboriginal, black, Bininj. You grew up in your village and you had certain rules. Did you?

Dr LIM: Yes. There were rules.

Mr NAYINGGUL: Like a book which you followed. But right now Gunbalanya haven't got book of rules for anything about what we are talking about now. New or trying to looking back where I was, in my years and yours. We can't do that these days. We, all of us should say okay, let us try this. Let us start off now. Forget about the past. All of us. Doesn't matter what is in our head we can think of something better that should happen next morning after we wake up. We need action. All these matters that that give problems in Gunbalanya, that are already problems, we have to sort out. After my time is over, I hope I still live, but I don't think a good part of it I will not see I think. But let us start off somewhere and start doing things. At the moment we are on the ground where there is no trees or anything, like your people would do, if you put five hundred Chinese here. They would grow. But you can't take the Aboriginal back to where they were, back in the fifties.

Now we have all got wise in a few years past, many years past and we have seen the problem growing, it is getting worse. We have got a pretty good picture of what we have seen so far in the past. And we can see what is coming, now let's do something.

Mr WOOD: Can I just say something on that. There is an issue that I have raised several times and that is about employment. I know you are saying don't go back to the past but I worked at Bathurst Island for a long time. We didn't have Unemployment Benefits at that stage. Everybody worked, and those that didn't want to work didn't get paid. There was plenty of work. When I look around here, you can see that there is plenty of work for people to do. But, how do people feel about the effect of CDEP where people can collect the CDEP but don't have to work. Do they feel that there is enough work here for people without being unemployed.

Mr GARNARRADJ: No work no pay here. That is the policy in Council.

Mr WOOD: How many people don't get CDEP. There are people who don't want to work and that is it.

Mr GARNARRADJ: To answer your question. We have CDEP and it is around 140 or 150 mark.

Mr WOOD: Do you have enough equipment for those people to work?

Mr GARNARRADJ: Correct me if I am wrong here CEO, we purchased a big lawn mower for this wet season coming. I am sure it is going to be here to work.....mowing, we are waiting on that machine. We have CDEP on track like, rubbish collecting, maintenance around the community, picking up rubbish.

Mr WOOD: How many hours a day do the people work?

Mr GARNARRADJ: We have some people working full time.

Mr TIDSWELL: Just to answer that question. We have just done figures on that actually. At the moment the Council for this financial year, the Council paid \$300 000 in top up maintenance. That is as much as we can afford to do basically. Those people are working.

Mr WOOD: Andrew said one hundred and forty people.

Mr TIDSWELL: Yes there is about just off the top of my head there are approximately thirty people who get top up wages. That's again. With ATSIC now they only fund us for four hours per day. That is all we get funding for and anybody who works over those hours, we have to find the money from other sources, which we try and do for those participants who want to work. But it can only go around so far.

Mr WOOD: Do you think that people should have full time work.

Mr GARNARRADJ: We want to see people get on full time employment.

Mr WOOD: I must admit, I have a problem with people going to the Club between 12.00 and 1.00 in the afternoon and then getting on machines.

Chatter

Ms ELLIS: At 12 o'clock and having six beers, I mean who wants to work after six beers.

Mr WOOD: Well you wouldn't allow people to operate machines.

Mr GARNARRADJ: We have a policy that anyone who drinks alcohol at the Club after lunch coming back from the Club does not work.

Mr TIDSWELL: That is right. I must admit we have very little trouble with the full time Council employees coming back from the Club. As far as full time employment goes, we have people here who would like full time jobs, but we have not got the money here to employ them.

Mr WOOD: I look around, and this is not being critical of the people of the community, but there are houses that obviously need maintenance. There is rubbish that needs to be picked up, lawns that need to be mowed. I just went and had a look at the gardens and obviously pigs will get through that fence and I wouldn't worry about the pigs, they wouldn't have much trouble getting through that fence. So there is lots of work and yet.....

Mr GARNARRADJ: I guess it comes down to experience of employment. We have only got something like five trainees (Inaudible) like housing. Just imagine if we had twenty or forty it would be great wouldn't it. They would be working on all these houses. I mean, five houses a day.

Mr WOOD: The reason I am putting that is because, as I see it, part of the problem is boredom, part of it is that people have not got much to do. Like they are not out doing some job that they can enjoy. We had older men going out and collecting fire wood for the pensioners. They went out as a group and they did a days work. It might not have been as fast as somebody going in a motor car somewhere else, but they enjoyed the work and they came back having had a fulfilling day. Then they could have a beer and then they would go to bed. But if you have people sitting around all afternoon just waiting for the Club to open.....

Ms GUYMALA: Through the Chair, we have me and (Inaudible) who works for the Women's Legal things. We work at night sometimes and sometimes during the day. My name got cut off the CDEP payment because they take my name off from ATSIC. My name is Guyuwanga Guymala and I don't get anything, but I still work for the legal team and that is my job and I have the outstation too. Me and Marlene have the outstation too. Because you can see it, there is too many violence. Even from alcohol, drugs, sniffing, gambling. Those kids they suffer a lot.

Mr GARNARRADJ: Through ATSIC Policy if we have people on CDEP who have not attended for five weeks they are automatically taken off their list. That is the ATSIC Guidelines.

Dr LIM: In the CDEP you have a stricter rules.

Ms GUYMALA: We have no (Inaudible) Crisis Centre for the long term.

Mr SINGH: Excuse me through the Chair. Andy through the Chair, sorry Marion, you are the Chairperson, I think if people are talking can we have better law and order on the table. Give the people an opportunity just to talk instead of cutting people off. I feel like people are being cut off. if I am correct in saying, I think before, sorry, I have forgotten now – Sue had the floor and I felt she got cut off. I think if we are going to talk, give people the opportunity to express or give their opinion and then when they are finished, give the floor back to the Chair for the next person to come on.

Mr GARNARRADJ: I think there has been a misunderstanding here, as we all came in to this forum here we weren't being told who was going to Chair it. Am I correct there? \

Mdm CHAIR: Well I have been passing up to you as Chair of the Gunbalanya Council. I am the Chairperson of the Select Committee, but whether you Chair it or I Chair it. I did pick up on what Joe was saying and it would be good for recording purposes that who ever is talking and got the floor, that we allow them that time to go through what they are saying. Otherwise the recording, poor Liz will have to try and work it all out. So it just makes it a bit easier for our recording purposes. So whoever is talking at that moment, if any of us have a question and that includes us MLA's if we can keep those questions until such time as the people have finished talking.

Mr SINGH: Maybe also I should ask the Chairman of this hearing, maybe you should also give us a time frame, maybe five minutes for anybody who wants to say something. What is the normal time frame for people?

Mdm CHAIR: We just allow people to express their opinion and we usually just talk through the Chair and we allow them to have their say and express their views without feeling like they are being rushed. Also bear in mind that the MLA's need to be able to ask questions so that when we go away we then sit down and we have what we call deliberative meetings of the Committee and go through all of these issues because we have to do a Report to the Parliament. So that is how we set it up, because I also have to make sure that I can get enough questions in from the MLA's. When we are working through all of this information, we are the ones that will have to come with a number of recommendations which go before Parliament. If we do not explore and ask questions, we will not get the information we require.

Mr GARNARRADJ: I guess a lot of us here haven't been conducting ourselves in a professional manner if you like. I don't know how you guys take proceedings in your meetings.

Dr LIM: This is going very well actually. Seriously it is. It is going very well.

Mdm CHAIR: It is going very well.

Mr SINGH: I think through the Chair if I can just maybe just say something. I think if a speaker is finished in expressing their opinion, maybe if they could just maybe finish off with "thank you Chair". Then the Chairperson knows that that person has finished, then the next person can speak through the Chair etc etc. Thank you.

Mdm CHAIR: I just need to lock them in. They need to make sure that Richard, Gerry and myself take the opportunity to question and clarify any points so that there is no confusion or we don't go away with questions unanswered.

Ms GUYMALA: Through the Chair, I am not finished yet. We have a big problem in our area so we need you to support us more. In the community at Gunbalanya. Because we are based on the community, we need a (Inaudible) In the CDEP Program things you are talking about CDEP all the time. But we need proper wages too. Like people see the proper wages they can continue working for good for ever I think. If they don't see the proper wages that is the main problem. People will drop out from work, because that is the thing.

You see, they see the difference. Because the white men they get more wages. Aboriginal people, they get smaller. That is how they don't want to work a full amount. But we need proper wages to work continue this work we are going for good through CDEP. Because we have a problem before, through CDEP, I have seen a lot. We had many problems. It is really big issue in this work area. People want to work but things are getting hard for them. We like to work really hard, but things turn out really hard. Pressures coming from everywhere. I guess me and (Inaudible) it is really hard to the work area on these legal things. Sometimes like in the work area we call the Police sometimes they help us, they give us a hand. But we need a Night Patrol to get started. Night Patrol and strong families to work together in this area. That is a problem, it goes through the petrol and alcohol and smoking dopes. That is the biggest problem in the community. People will want to see to improve the place and improve the workers too. We are finding it really hard for the workers, especially the workers.

Mr SINGH: Through the Chair, I would like to put my dollar coin into the slot machine – not to play the music, but maybe to put this to the Committee to take back to Government. And I would like to ask this Committee, or the present Government; what is a fair system. What is a fair system for Indigenous people of this country or of the Northern Territory and of this community?

I am going to hit this Committee with two issues. The first being, I always love to ask the Northern Territory Government that though we get fundings, and the fundings always come from Canberra and comes to the Northern Territory Government, like this big cake that I am holding with my hand. Somebody in Government, either in the Territory holds a big knife and the first thing I am going to hit this Committee has to do with housing. When it comes, when we put our hand up and maybe this will answer some of your questions Dr Richard Lim to do with Aboriginal housing. Now when this thing comes to each Aboriginal community. We put this to the CEO and we show our frustration, because we are members of Local Government

Council and we have been elected by people out there in the community that say to us and say to our Chairperson here, "we need housing". Now this money comes to the Territory and it gets cut, alright, and the cake stays in somebody else's hand and we only get a small slice of that cake, but we only get a little bit of the cream, and we eat the cream like that. We say so much for the system. And then they say to us well you need to do rent collection. Like some of the speakers around the table here say that there is not one person that stays in one household or under one roof. There are so many. And in those houses there are so many people paying rent so the tenant for that house doesn't have a set rate like tenants in Darwin when you occupy a house. Or you have your private house, or you are renting a house. That set rate may be four hundred dollars a week, sorry four hundred dollars a fortnight whatever the figure may be. Now the people that occupy Bininj houses pay twice as much. Now the head of the house might get told "now you are the head of the house, the rent collection for that house is \$60.00". In fact all of us here staying in this persons house, we are all paying \$60.00. So when you calculate that \$60.00 over a fortnight, it is not \$60.00 it may be \$600.00, alright.

Now the question I want to put to this Committee to answer the alcohol, all these substance abuse, alcohol, drugs and everything else if we are living all under one house, how can a family deal and address the issue and the problem? Of all the substance abuse when we got Joe Blow here, he is an alcoholic. Let's not put it in very negative terms, maybe has got an addiction, maybe he has got a problem with that. We have Bob over here and maybe Bob has got a smoke addiction. Mary over her on the other hand, we are all living under one roof, has got a gambling addiction. Then apart from that we have all the children around, so how can we fix the problem when we have sick people.

Indigenous people and you can read this in text books, you can look at videos whatever have been brought into a settlement, so maybe a way of colonisation or maybe a way of bringing Indigenous people closer in established communities as a way of controlling them. Maybe a way of wiping the Indigenous race out, I don't know what. But the system that I am thinking about and I feel strongly in my heart needs to be fair so that it gives us proper housing and don't say to us oh well we are not looking after housing this and that. A lot of the Aboriginal people today, we have no concept, we have no understanding of money. We have no understanding or concept of business. So all these problems and this sickness to do with alcohol, gambling, marijuana and everything has been placed on Aboriginal people and it is killing us.

I will finish on this last thing. It is to do with CDEP. When I look and think of CDEP, I think of it as a painting on a wall. That the Government has covered up again, systems that are supposed to be meeting the needs and providing better services for Indigenous people in communities has come up with a nice theory of a painting or a picture to place on the wall. This is recorded so I hope this will be tabled in Parliament so that all the other Senators or whatever, Government people can read this. When I look at thing of CDEP it is like that painting on a wall. It is a way of getting our people off the streets, off the dole and working. Working for what? Meanwhile, in communities it is pushing our people out of real jobs, real wages or income and other non Indigenous people from outside this community are coming in and taking our real jobs away from us because we are told that we do not have the proper qualifications. Some of these people that are coming into the community don't really have qualifications. For me as a teacher, to be employed as a Public Servant to be a classroom teacher I have to have that qualification. I have to go to Uni to get that qualification. But to push our people out of CDEP, out of real jobs and to bring somebody in, most of those people do not have qualifications. They say it. It is right across the board. Some speakers around the table here has raised the concerns that a lot of the people don't want to be on CDEP is

because there is no incentives. Someone can be on CDEP at the age of twenty and can be maybe deceased at the age of forty or fifty or sixty if they get there and still be on CDEP with no real goals, no pathways. It is not leading nowhere for our people. It is killing our people. It is eating our people like a lost tribe. But the answer for the Government – “Ah yes CDEP is wonderful at Gunbalanya or down the track or up the track. It is wonderful”. But there is no incentives. It is not leading our people anywhere. The Council is struck, sorry not struck, we are stuck with another issue, another problem. How do we deal with this problem. How do we fix it for our people? Our President gets a home our CEO gets a home. Local Government sits back in their office, maybe Local Government is doing something for this community or doing something for the Indigenous people in communities,. Maybe they are saying “our hands are tied due to funding. It is not really our problem. Oh well we will see what we can do for you people out there”. I wonder, are they really doing something for us?

Also is what career pathways as I said. What training is there for our people? Will our people eventually, like our CEO has said ‘top up’. Some of them are not getting ‘top up’. But most of our people are not getting ‘top ups’ and will they ever be guaranteed a job? A career. A question that is very unanswerable at this stage. And that is where I will leave it. Thank you.

Ms ELLIS: Joe, I take in what you are saying and I agree, one of the main things that I think we agree on is the impact of substance abuse. But I have made it no secret that I would love to have the Clinic staffed by Bininj people. I have made no secret of that at all. If I could employ local people in that Clinic I would. Now I have had a sign up to get people employment. I don't think you can always blame the system. I think all relates back to this substance abuse that most people have houses where a number of the people are drunk a lot of the time. There is a lot of domestic violence and I think that it often comes back to that. I think the Government will have to try something, but the process we have at the Clinic is if I offer someone a position on CDEP and they are reliable and they do the job. They can have the job well and truly above a white fella. Nothing would make me happier than if the kids went to school and they got through school and they achieved an education and they were able to become Registered Nurses. Nothing would be better for Gunbalanya.

But how do you get the kids to school? You know it starts with getting the kids to school. It is hard to say go back to the old way and it's the white fellas and the school system. But that is the way it is. If we could get local people in our community to get employed, I think things would turn around, but you have got to stop them being off their face with alcohol, petrol and stuff so that they will send their kids to school.

It is not just a matter of the white fella pushing. If we didn't care we wouldn't be here. I would love it if I could get someone to come work in the Clinic every single day and want to work. There would be nothing better.

What I think as far as the kids go is... It has been interesting watching the kids. If Neville didn't do Auskick and footy with the kids, then nobody would do it. (Inaudible).

Since we have been here there seems to have been quite a few large community meetings regarding petrol sniffing where people like Guyuwanga stood up and said “ You know it has to come from us. It has to come from the local people to say we are really strong”. I think she is right. Until people start embracing their real culture and being strong, nothing much can be done. However it would be good if there was somebody could initiate cultural activities We talked about it at the Clinic yesterday. it would be great if all of the men got out of the community for a day, make them go, send them away. Then us girls could have a good discussion about all sorts of things. We talked about that and thought that would be great, but

I don't think that it will happen. It needs a lot of energy. We need someone who can focus on doing something. To try and get some pride back.

It is a bit scary (Inaudible) culture . You may find in twenty years there will be no Jacobs, none of these older folk to pass on the true culture unless something is done now. (Inaudible) stop procrastinating. You know we can talk and talk, but nothing is happening, nothing is altered. I am sure that people say (Inaudible)

Mdm CHAIR: We are going to talk to Hagar and the women after we have a break. This is what I was getting at before and Gerry and Richard, when Richard was saying with his life. I think we have all come from a different culture. I have been for a long time in the health sector and I pick up what Joe was saying as well. For a long time, and whether we use the - I mean the cultural stuff is good and I think to get people refocused back on that, because only our people can do that. But I keep thinking that whether we use that as a means of or as an excuse not to deal with the addictions. You know, not to deal with the problems. Like let us get tough. Let us look at the alcohol. Let us do something about petrol sniffing and gunga. What these people are alcoholics and drug addicts. They are suffering from an addiction, an illness. We have to treat that illness. It has to be fixed before they can refocus on their families and looking after their families. I think if you have to open that up to deal with all the other things that are happening around as well. I know that they have to be dealt with.

But I think that individual addiction has to be dealt with. We as a Government can't walk away from this. I know that the community has to come up with solutions. Sometimes people look at the Clubs and they blame the Club because that is where people drink. But we have to look at when they walk out of the Club and what happens in that wider community. Is it the Club that is responsible for what is happening? Or is it individual people who cannot deal with their own problems that are creating all of these problems outside. So it is trying the weigh up and look at. I mean the Club is only one issue. The reality is these Clubs are not going to go away. We all know that prohibition doesn't work. So we can't just get rid of the Clubs. But there are certain things that can happen that can make life a bit easier.

I think sometimes blaming the Club also gives us another excuse not to address what is happening within our own homes. That is something that we have to take on board and look at a bit more and explore and come up with some answers. While we go from community to community and we hear it all the time. The same story, but nobody has come up with a solution. Dr Lim and I are going to sit down and have a good chat tonight about a number of things about the Committee and the direction we are taking.

There are still a number of things that we want to discuss. I am very mindful of my recorder over there who hasn't stopped and whether I can just give her a five minute break if you don't mind.

Mr GARNARRADJ: Chair, Marion Scrymgour, MLA, Dr Lim, Gerry Wood, Pat Hancock, Secretary and the lady doing the recording

Mdm CHAIR: Liz

Mr GARNARRADJ: Elizabeth, ladies and gentlemen, I should say that I have to go back to work now, so I would like to thank you guys for all coming up here and I hope that the outcome is successful.

Mr WOOD: Thank you.

Meeting suspended

Mdm CHAIR: We will open. Do we have everybody who was intending to come. We will just recommence, go on from where we were. Joe, do you wish to speak.

Mr SINGH: Through the Chair, I would like to, maybe add to one of the speakers just before we broke off for lunch. Whereby maybe the Committee or this session that has been getting off track and talking about housing and CDEP. As Councilor, I would suggest that it is our main concern in this community along side substance abuse and I was just trying to address some of the questions that some of our visitors may have had and maybe wanted and maybe wanted some answers to some questions.

I think some of the managers from different organisations in this community get very offensive when local people in no intentions at all trying to say that European people or target European people in this community. What I stated earlier, I believe in good practice and if we are going to make this community develop and grow we need to not lie or not say nice things in peoples faces but behind peoples backs you put a knife in their back. I use that terminology and I think you know what I mean. I believe in the theory that we need to all try and work together. This is one of the focus, and I am not a visionary, but I am a person who is true to my heart and what I try and express, I express deeply from inside. That is what I have been initiated through ceremony from old people and I see the foot tracks that old people have left for me and that is where I want to tread or I want to walk. I make it very clear that we all need to work together if this community is to get somewhere.

It is not a matter or means of blaming or targeting European people or blaming Aboriginal people. It is a matter of how we can as a community make this place a better place to live in. Make it a safe place to live in and make it a place where we can develop and grow. And our young children can all be as one. Not be separate, looking at colour and religion. I know we are living in a multicultural society and how can we make this a better place. We have got problems in this community and that is nothing to be ashamed of. Nothing to deny or say no, it is a perfect community there is not problem. When as a matter of fact there are problems here. I would just like to finish off on. I am not only just a teacher during the day, and at night I close my doors. I have been on the streets at night helping Elders to do Night Patrol. And I have opened my doors, to this very day I still open my doors. In the past I opened my doors to young youth who were holding an object to their nose and when I asked them the question "Why are you doing it?" The response that I got from those boys or young men was that there was no love. There is no comfort. Nobody cares for them. Their own parents don't care for them, nor does anybody else for them. For me to hear that from these blokes which were my students that I used to teach. it was like a bullet through my heart. It was very hurtful. I felt very speechless, I felt very helpless. How could I help this person? What can we do as a concerned ceremony person., who has been through ceremony. I sit for a lot of the young boys, I run for them in ceremony, I do a lot of things for them. I am not old, I am only a young male. The grey hair that I represent on my head if from what old people have given me. I am not wise. I have a long way to go yet to be recognised as a leader. But I think back and I heard this young persons cry. I took this person in, I fed them and I said to them "if you want somewhere that you want care, you want food and this and that, come to my place, my door is open. I think that there are a lot of people in this community that do care. I am not saying that nobody cares. There are people that will open their door. Today, I am still opening my door, my house is part of a house, but also a safe house, where young women or middle aged women or whatever. Women that are married and have children that get bashed up from their husband through alcohol related problems or issues. Domestic violence, we use

that term or label. They have no where to go. We have crisis legal women here. We have our Crisis Centre here. As I said to one of the members here, visitors, Gerry, I said that a lot of times when someone has an alcohol problem, there is no counseling for them. When you have a gambling problem, there is nothing here. You can't get counseling, you can't get off the disease or off the addiction. In Darwin, maybe in Sydney or wherever, yes, you just walk down the road or go up the road and there is assistance. You can get these helps. Here there is nothing. I like the Committee to take this on board, because these are very serious things.

Also through the Council we are pushing and supporting that our local Police Officers are stretched to their resources and as expressed to the Council that they would love to have another two Police Officers stationed here to combat the problem that we are facing in this community and to try and help out.

As well, the Council is stretched to its resources and funding to deal with the many ongoing or problems that are arising. How the Council can support the Women's Resource Centre, or the women getting bashed up and everything else. Council would love to see a base or something set up for our young youth instead of just convicting them. A lot of our young youth here have convictions. They have a book to their names, with conviction 1, conviction 2, conviction 3 etc etc. Then they just go behind bars and again I am using that word animal. Instead of being respected as human being. We would like to see our young youth, we would like to give them something, maybe we would like to send them out to an outstation where we could help them, rehabilitate them and get them onto a program where they can come out of sniffing and see the light at the end of the tunnel and say life is worth saving, life is worth something. That is very important. Rather than I am throwing my life away, because no one else gives a damn about me. But that is not true.

At the school we are frustrated, just like a lot of the other organisations in this community. We are frustrated that when we put up a list and on that list we have three categories.

Category 1: Please parents encourage your kids to come to school;

Category 2: Your kid is coming to school but needs to come more often; and

Category 3: Your kid is attending school 100%, coming to school every day, every fortnight. It is pleasing to see that you are valuing education and sending your kids to school.

Then we get some organisations in the community who would love to support and see that education is important and want to do action rather than supporting and just talking and no action. So then they tell parents, get your kids to school otherwise if not we are going to bar you from coming to the alcohol outlet, or coming into the premises. Parents see this as offensive. Don't see the real point for their children, they don't value education and take it out on the Licensee. The Licensee is only seeing the bigger picture and seeing the little picture and seeing the importance of team work and supporting the community and Council. He is trying to explain to the parents but they think it is very offensive and they don't see the real purpose being what this Licensee is trying to do, trying to help, trying to get the parents to take on board the responsibility to spend more time with your kid. Otherwise I am going to bar you from drinking. Then the Licensee gets told that you can't do this dah, dah, dah, we are going to kick you out. That is as far as I will go on that.

But we need *Truancy Act* not only for urban settings, but we *Truancy Act* as well in this community and all communities. So that the Police if it become a by-law that the Police can then act on it. Because then there are limits as to what the Police can do, their hands are tied and everything else, due to red tapes or whatever, maybe. So yeah, I share a bit of things there and I hope that these things and again housing.

I will finish on this one. Housing again is a very big problem. We talk about housing all the time, because with housing you have so many people living under one roof. You have, like some of our speakers around the table have said, you have on fridge, that fridge, the food that is in that fridge is not that persons food. It might belong to somebody else and everybody helps themselves. We have got problems here. We were put on this community by a white system or by the Missionaries, and please I am not pointing the finger, and I am not criticising here. Sometimes when I was brought up and I was getting with Missionaries and I think that Missionaries have done some wonderful things. But I go back to my childhood days and I look and think about it and I say well also Missionaries done some negative things. But look on the bright side, the good things about it is that it made me who I am and I think with the Missionaries bringing us together like this, we had no practices or anything because we came straight from the bush, like an uncivilised person, we had no training or practice in how to look after a house, how to budget money, how to save money. We don't have these concepts, and we are all learning today. And young parents, if they are not learning properly, again, it gets back to education, they are not going to get anywhere. That is where the breakdown is, in empowerment, control and giving Aboriginal people, let them run with some things.. Don't criticise them. A lot of times the people here do not go forward because they say "why should I." This is what we get at the school we tell the Balanda teachers at the school, Eurpoean teachers, we say the Aboriginal people are afraid of getting put down all the time. Some of them don't know how to get up. Some of us, we do get up, but our body is getting weary or tired or sick. Some of us, we just don't know how to get up. Some of us just get sick and tired. We get put down, we get put down, we get criticised. When will the system be fair to give everyone a fair go? Thankyou.

Dr LIM: Joseph has made a lot of comments there and I think Aboriginalisation of employment is obviously an ultimate aim that all Australians should go for, but in the meantime, until many more Aboriginal people get to a level of education and training that can ensure that they able to be able to perform the tasks that are there it makes it very difficult. So that is why you have the dual system at the moment with Balanda looking after significant jobs. But Aboriginal people must start to pick up the responsibility fore getting trained to a level that is adequate number one. Number two that in the Australian system there must be regularity of work. If people take on that job, you have to make sure that they do turn up. I am a doctor, if I employ a second doctor to work with me and that doctor only turns up once or twice a week and the other days and I can't rely on him, suddenly your whole medical practice falls apart. So you need to have somebody who is adequately trained and they have a work ethic. Unfortunately, that ethic sometimes clashes within culture. A white society might expect people to turn up five or six days a week and now in modern Australia you work long hours now for the same wages and you are working lots of unpaid overtime. In other cultures, you know people will work in the morning and not in the afternoon. The afternoon is for siesta and all that. So those sorts of issues need to be examined and followed through. We are in a society that I see, that I come to a white fella country and I have to learn white fella ways, so that I can use the system as best I can for myself and for the system. If I don't work in white fella ways, I will never be able to use that system. The only way I can make that system benefit me, is to really understand that system. If I came to this country and was not able to speak proper English, I could not stand up in Parliament and debate. I could not make myself understood by the people who are trying to listen to me, if my English is not good enough, and if I do not understand the language, I do not understand what people are saying to me or criticising me for, so I need all those things.

The thing that Joseph said about parents valuing education is so very important. The more we value that, the more we can learn and the more we can learn, the bigger picture and use it

to the betterment of our people, who ever they may be. I think if we all follow that direction, I think it would be good. I was saying earlier that I think the strong women of any community now have to start looking at the children and help bring them up. Because their parents are not doing the job anymore. If we do not look after these children, then when they grow up, they are going to be just as bad as their own parents. The vicious cycle keeps on going. It keeps on going. It is up to the strong women in the communities to say – Look we have to start looking after these little ones and make sure these little ones get educated, well fed, good health and keep them going, make sure they go through to Year 12. Make sure they go to university if you can, or at least TAFE Colleges to get trained. If you do not do that, the Aboriginal people are going to be suffering for another five hundred years.

Mr TIDSWELL: Through the Chair, Colin, CEO of the Council. I would just like to make a comment on this because I am a little bit passionate about. This is the fourth Community I have managed now and I am supposed be working myself out of a job. That whole concept of self management, self determination on communities is getting further away. I am seeing more and more white people being employed on communities everyday on communities because Aboriginal people have not got the education to fill those positions. It is only the middle aged people like Joe and all those people who went through the Missionary system that can read and write. All those kids coming out of school now can not read and write. If people think these communities are a mess now, wait for fifteen years time when Gunbalanya is three times the size and nobody can still read and write. See it in fifteen years time if we keep going like we are.

Mdm CHAIR: They are big issues and they are issues that the Indigenous people are going to have to start looking at in their society. The issue of education, just like Richard, I am just as passionate and hold the position of Parliamentary Secretary and not just travel within my own electorate but I see it right throughout the whole of the Northern Territory. In communities where school attendance is probably one of the biggest issues that we are facing. We talk about substance abuse, but that is at the crux of it. I will have an argument any day with people who say “no substance abuse isn’t an issue or the reason why kids aren’t going to school.” It is the issue and that has to be confronted. Substance abuse is at the front of all of this dysfunction.

I would like to ask Hagar and some of these women and maybe Joe, you and Andrew. One of the things where I have gone to a number of communities and a lot of the women have been saying to me – some of them have said no, but a lot of the women have been saying that we could look at the Family Allowance Payments. Unfortunately, there are a lot of mothers who are getting payments for their kids, but there is no connection between Family Allowance payments and the education of their kids and the school. And maybe we can look at a system where there has to be at some stage – The Commonwealth Government, I have talked to them before about this and they are reluctant to do it because if they put it into place for Indigenous people as a means that they also have to put it in place for non Aboriginal people. So it would be a system right across the board, and they don’t want to do that. But I think at some stage, you know a lot of our parents are getting money, but a lot of that money, when we look at that money it is the kids that we are thinking of. This money goes on gambling or it goes on grog or some form of substance. The people who that money is for is our kids, miss out. The money should be spent on the children for their food, clothing and things like that. I think we also have to stop pussy footing around our mob and start addressing and being hard and being honest and saying our kids are being neglected. We never talk about child abuse and what is happening. Not having your children going to school and getting access to an education is a form of child abuse. It is abusing and neglecting your child to get that education that they are going to need in ten, fifteen, twenty years time. That

is the scary thought, that places like Gunbalanya, Maningrida, which is just as big a community, I see the same issues happening there. That population keeps getting bigger and bigger and the problems aren't going to go away, they are just going to get bigger and bigger if we do not do something.

I don't think there is one easy answer to any of this, there are a number of things that have to be done. But I think we have to start with the money that comes out of Government coffers to our people.

Mr WOOD: I agree. The problem is, that if people in a community can't take a leading role and do it for themselves, to some extent Government I think is going to have to step in. For instance if people do not want to work, well I am afraid you do not get paid. If people do not send your kids to school, perhaps you do not get the Family Allowance. There has to be a point where, if the community can't take hold of the problem itself and we are saying that in fifteen years time it will be worse. Then I think that governments have a responsibility. I should also say that I think that there are Aboriginal people in our community who are taking the place, not necessarily taking the place of but being equal with non Indigenous people. I am not saying that out of turn, but Marion is an Aboriginal person. She is in charge of this Substance Abuse Committee and we are part of it and we don't

Mdm CHAIR: And you listen to me!

Laughter

Mr WOOD: But the point is that she is proof of the pudding. I must admit that I think that Aboriginal women seem to be the leaders in Aboriginal society today. But Marion is a leader, she has other duties as well as this. So she is standing up in the community. But I must admit that most of the communities I have been to it is the women who seem to be the ones who are protecting the culture as much as they can, even though they are under a lot of pressure. They are the ones I always listen to if I want to hear what I might call the bare truth sometimes. Because not all males are on the same wave length. There are many communities where many of the male Aboriginal people have a vested interests in not telling us the facts as they are. Because you would have seen the headlines in the Northern Territory News recently about drugs on Aboriginal communities where it was said that many of the Aboriginal Community leaders are the reason that we have drugs on communities. Written in the paper. So we do need leaders but if that leadership is not going to come, then these kids on these communities are going to continue to be hungry, poorly educated and have no future because no one will take the bull by the horns on these communities and Government perhaps has got to step in. Otherwise they're not doing their job as well. So, I mean this Committee as I said before, I hope we do not end up simply with a paper left on a desk or a shelf that collects dust. I hop that we can come up with some practical and meaningful solutions. They might cause some pain and probably will cause us some criticism from various quarters. But when you hear people like Noel Pearson in Queensland talking about banning alcohol altogether from Aboriginal communities or Aboriginal people, you can see how much concern there is in other parts of Australia. If we do not do something pretty soon, you will have some hopeless generations with no goals, no culture, they will just be a lost generation. Not lost because they are dead, lost because they do not know where they are going. So, I would be interested in what the women have to say today. I should not have butted in there Marion.

Ms BULLWANA: These are the things that we have been talking about for a long time in this community. We try to care for our people, especially the young mothers who haven't

(Inaudible) Some of them don't know how to be parents. They bring children into this world but they don't know how to look after them. They don't understand what parenthood is about because some of them are still too young and they do not know what to do. We still need more helpers to support the Elders, that is the old people, here in this community and a lot of support from European people and they have their own children and family.

Some of us are really trying hard and we don't talk too much because we see that things don't happen. We are sick of talking and keep on talking and things are getting worse and worse. We should all be supporting one another from each culture. Balanda culture and Indigenous culture.. We want to be even. Just bringing our ideas and listen and support one another.

Ms ELLIS: Hagar, can you share what is like.....or is it too hard.

Ms BULLWANA: Me and my. I have a nephew who is sick all the time. He used to give me a lot of headache, he used to come home and knock on my door, ask me for food or whatever you know. I used to get really angry with him you know. I used to say to him go away or else I will call the Police. The Police will lock you up and keep you somewhere. I thought about it, I had to have a real meeting with the family and discuss that boy. Even though he is my nephew. It is not my job you know. It is my other sisters son (Inaudible) culture. (Inaudible) even though he is my nephew. I am not his mum. I said to my sister you have to do something for your own son. We used to argue a lot and it really hurt my feelings.

Ms GUYMALA: Through the Chair, some of the families we got they are sniffing and smoking dopes. They are the ones that are us.....sometimes ones with the illness go to the hospital treatment and we are finding it hard and that is how we – families get hurt by this trouble they got. It is hard for us to get the kids in a better situation. Things are really hard for us and we don't understand what it really means to our kids. It is a hard thing to recognise the kids (Inaudible) Because when you push away the kids, in your future, what are you going to find. Because your kids are your future. If you die, then the kids will fill in for you. Carry on for you. That is why we need to support our kids if they sniff and smoke dopes and other bad things. They are too young, too young to die. We are finding it really hard. Used to be really good when we didn't have any hard times or problems.

Ms ELLIS: I think that this is what is happening, these women, Hagar and Guywanga are doing their best for the community. They are the strong women. They work so hard, and it is enormously hard, to keep talking, this has happened. The community meetings and a lot of the men speak and a lot of the older women, but none of the women who have these kids to deal with. You know unless we get these positions going and get a shed for the kids and get somebody who does something (Inaudible) he kids get fed for one or two days and then they are hungry so they sniff. Unless we can do something, I think the Government has a real problem, whether it is with Aboriginals on communities or in the major centres. I think you need to have some guts and say let's deal with this because it is people like Hagar, Guywanga and Julie having to deal with these families and it is totally disruptive. Hagar goes to work every day and looks after her kids and looks after my kid. Like our kid, our little girl (Inaudible) It is not just Aboriginal kids that she helps, but she is a brilliant woman.

Mr WOOD: Could I just butt in Mdm Chair. You mentioned the hall for the youth and I gather that is being funded by the Club. I have a problem with that. Simply because I think that that just is the circle going around. The hall is funded by the premises that makes its profit from one of the causes of the problems within the community. Whereas in most, like say Palmerston Council are asking for a Youth facility. Well that money comes from the

Government so they are not beholding to anyone for that Youth Centre except the Government. So, do you think facilities should really come from the Government rather than accentuating the problem, in other words, just going around in circles. One is relying on the problem to produce something else to create a problem later on. That is how I see it. Sadly, and I have seen clubs on a lot of communities, right next to the football ground.

Ms ELLIS: It is the same in New South Wales.

Mr WOOD: That is right.

Ms ELLIS: Like our RSL.

Mr WOOD: My cricket club is the same.

Ms ELLIS: It is the same all over Australia. But I think that is where the money is.. Alex will be quite happy to tell you that. Where are all you white fellas.....

Mr TIDSWELL: Through the Chair, I think it would be lovely if the Government would give us the money. The maximum, I think the maximum Facilities Grant you can get through the department is \$150 000. Not enough for a house, let alone a youth hall.

Mdm CHAIR: I don't think anyone is disputing that Gerry. As Richard was saying, we have to look at something. The strong women are the ones who will have to take it on board. We have to start something. Every time I come out here I talk with Hagar and Julie and the other women,. They are the ones who are facing this issue everyday. We talk about it every day and as I have said a couple of times in Parliament that we have to get beyond the talking and start doing the actions. Because while we are still talking, the problems are still there, the problem is growing. I speak for both Gerry and Richard, I mean your courage and strength. Not just women either, I acknowledge Andy and Joe as well because in a lot of communities there are some men who do fight this battle with the women and they need to get acknowledged as well.

Mr SINGH: Through the Chair, if I may say, I think the wisdom, the love, the caring and everything else that Hagar and she is just one example of so many other women that we have in this community and it is very true, I am ashamed to say it is true right across the board that the women are carrying the weight or the burden for the males. It is nothing to hide, but it is true. And any children, they do need the love of their mother and they do need the love of their father and just having one side of the love and not the other or not seeing the other not there for the child is leaving a big gap in that child's life as that child grows up. It is okay for a female because they have their mothers love there, they go through ceremony they learn all the things about the woman's side of things in life. But if you do not have your father then that young boy is going to grow up and going through ceremony and everything else never really having that full understanding. Also on that note is the old people, our grand parents eh, and all that carries a big burden as well. If the mother and father are not there for their child. It is the grandparents (Inaudible) I think I would like to put it to this Committee. I don't know if we are allowed to get corporal punishment back. When I was a child, I tell you what, I think all of us learnt by trial and error eh. Everytime we did something wrong, how many times we got a smacking on our bottom or got told. Today, I think our society now with the influence of the media and the American influence, you see right across the board urban setting, in traditional settings a lot of our kids adapting to western culture, like to the American style, not the good old Australian style. Wearing caps back to front, baggy shorts and that. What I am trying to get to is our kids need to be disciplined. If we punish them or smack them, then the

law will come and say, "hey Joe you have broken the law here, you can be punished" when all I was trying to discipline my kid. I think if we can get traditional law back into practice and not demolish or say western law is better we are going to have one. We have to move with the society and live in two cultures. That is very, very hard to live in two cultures. Maybe we need to get that practice back where we can discipline our kids properly. Take that responsibility back into our hands. Thank you.

Mr WOOD: I was going to say that there would be some non Indigenous people who would probably say that a little bit of corporal punishment for young people would not go astray. My wife used to teach at a school in Palmerston. It was mainly Aboriginal kids she used to look after there. But she wished that she could have had a little bit more firmness than what was allowed because she could not get the kids to sit still and take notice and they didn't learn anything. They went up to Year 7 and still couldn't write their lunch order, after seven years of primary school. I know that it is not the flavour of the month to talk about that but and we are not talking about "over the top" either, but sometimes I think a little force can go a long way in helping kids.

Mdm CHAIR: I think you can discipline your children.

Dr LIM: That is right. You do not need to bring corporal punishment back. Nobody is going to stop me from giving my child a whack on the backside when it misbehaves. Parents should have more courage and conviction of their own rights and wrongs. We are all driven by this so called political correctness in so many things that we are no longer, that we are no longer people with our own responsibilities and everything else. Somebody else is saying you cannot do this, you cannot do that. Nobody can tell me what to do or what not to do. As long as it is within reason of course. Surely if a child is misbehaving or whatever you have every reason to punish a child one way or another. If the punishment warrants a whack on the backside it needs a whack on the backside or you don't have pocket money, or you don't watch TV or whatever.

Mdm CHAIR: I have heard kids say to their parents, "You touch me and I will go to Welfare."

Dr LIM: Do that. Yes. You know what I would say to my kid? "Do you want me to pack your bags for you, great let's go?" And I would do that. The thing is, children will test parents as far as they can push their parents. The parents have to have a bit of courage.

Mr WOOD: Through the Chair, the only problem you have of course is that if the parent do have an addiction to something and while they are in that state then trying to punish the children. That is the danger, someone is drunk and takes it out on the child. That is a danger. That is abuse.

Mr SINGH: That is happening. I didn't mean that we should put in practice that we need to get back corporal punishment and put it in a negative term. I wanted to put it into a more positive term. I think the way how I was brought up was very strict by my mum. I wasn't allowed to go with my grandmother to the card games, I wasn't allowed. Because mum saw, and I am just using this as an example here, she saw what it would lead to if I went with my grandmother. Then my grandmother came back at my mum and said "that is my grandson, I have all the rights". My mum then said "yes you have all the rights to take him hunting but not take him down to the card game."

Mr WOOD: For all the right reasons.

Mr SINGH: I am not saying that there are not a lot of mums that don't stand their ground, there are a lot of mums that do this and there are some mums and some dads that use corporal punishment in a negative way and they clip the kid over the ears and not pulling them up. It is like you play your sport and the person needs to play the sport fairly, safely and respect the other person who they are playing against. Not just go out there to kill that person, or hurt the person. And when the umpire pulls you up, the umpire should tell you why you are being punished so that you have that understanding. You learn from corrections.

Mr WOOD: Could I ask the ladies a question please? We heard this morning that some people felt that alcohol was not a great problem in the community. Do you think alcohol is the biggest problem in the community overall?

Ms BULLIWANA: That is what we see. Because some of the parents are not looking after their children properly or sending them to school. They are not feeding them, that sort of stuff.

Ms GUYMALA: Not just alcohol but other things as well that we worry about. We don't want them to grow up and do the same thing as their mum and dad.

Mr WOOD: Do you know how much, how many cans people drink a day. I am just wondering how much money is spent on alcohol.

Ms ELLIS: Gerry, I am sure if you look at the profit that the Club makes, you will see that a fair amount.. I don't know.

Dr LIM: Who owns the Club?

All: The community.

Dr LIM: So there is a Board that runs the Club.

All: Yes

Dr LIM: Is the Board Representative. Is the Council represented on the Board?

Mr TIDSWELL: No it is an Incorporated Association.

Dr LIM: Okay. Classical Incorporated Association and runs its own thing and not responsible to anybody except itself. I tried to actually bring Clubs and Stores under Council ownership. Because the Council has to report to the people. And Council has to report to other layers of Government. So there is accountability all the way down. With Incorporated Associations it stops there at the Board. There is no more accountability, whereas if the Council owns both the food store and the Club, then the accountability goes up the ladder and you can have a better way to ensure that the Club and Store are doing the right thing by the community. Maybe that is something that you as a CEO could have a look into that and see how you could influence it.

Ms GUYMALA: Through the Chair, (Inaudible) for some it is drugs and gambling. Most of the mothers doesn't have any money because of the grog and buying dopes that makes a big problem here they go and belt the wife and kids. One of the times we made a statement for the kids. Tried to help the kids too. There are lots of problems too. It is true, alcohol

because the people in the community before, a long time ago they used to before the Border Store. The grog came from the Border Store and the people had too many violence there, too many fighting and then they had to question people and we have to move down here. They had an agreement they had to move the Club here more closer. Then they were drinking when I was going to school they moved the Club here and things were getting take aways sometimes. They would drink at the Club and get take aways. Sometimes the kid go and get the take away with their parents. Now they stay and drink at the Club. But outside grog, someone is bringing in from outside and some of the kids they get into it. They drink with them, even their grass.. They mix with the petrol sometimes, because they have no one. Kids need comfort and love and caring really. And now we have the trouble. We want somewhere else out in the open. We don't want any of these kids drinking in the Club (Inaudible) So we don't want it that way. We want something here to try to get the kids doing better things. Trying to help the kids really get better, not to break in or stealing or something else.

Dr LIM: Should we go and see the Store and the Club.

Mdm CHAIR: We do need to go up and visit the Club and talk to the Manager.

Ms BULLWANA: Through the Chair, while you would have close Club through lunch time session so parents stay home doing something for the kids or washing clothes or saving a little bit of money for them (Inaudible) The other thing too parents just want to spend all their money at the club not buying food and we have problems. They are just thinking of themselves. Not their own children. So that is why some of us get so worried and we want our children to grow up in a happy and health way.

Ms GUYMALA: Through the Chair, they have to stop gambling too.

Mr SINGH: Through the Chair, just on gambling. I think it needs to go through legislation and if there is money being exchanged in a public area not a licensed area.

Mdm CHAIR: It is already illegal Joe.

Dr LIM: It is. It is. You can play cards anytime anywhere but once money starts changing hands it is illegal.

Mr SINGH: Well then the Police should act upon it.

Mdm CHAIR: Just before we close, I would like to thank you all for your participation today.

Meeting closed 2.30pm

TRANSCRIPT NO. 9

MANINGRIDA – COMMUNITY MEETING

8 August 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Dr Richard Lim, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Ms Helen D. Williams, Traditional Owner
Mr Dene N. Herreen
Mr Gordon Machbirrbirr, Malaba Health Board
Mr Norman W. Nardika, Malaba Health Board
Mr John Horgon, Council Clerk
Mr Ken Hutton, Kakadu Studios
Mr Horace Wala-Wala, Maningrida Homeland Centre
Mr Ben Pascoe, Night Patrol

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: We might get started.

Mr MACHBIRRBIRR: Just before the welcome, I just want to say Richard that there has been a few new elected Board members through Council as well as in other organisations. Some of those people are new and building their confidence in how to come and participate in those special meetings, in terms of Balanda people coming. It is up to the CEO the committee to actually start the energy and confidence in the meeting area.

We have been on the Board for a long time, but there have been new elections and therefore those new elections they need to redevelop their competency in good management and setting their goals and achievements they want to achieve following the election. the Council one.

Ms WILLIAMS: We had a Council meeting yesterday and nobody turned up those new Council members only the old ones. Same people always, so we have a problem. We have eleven committee members were here and I asked a couple of them and they made excuses you know.

Mdm CHAIR: What we might do is start because I am conscious of time and we have to get going.

Mr MACHBIRRBIRR: What time you got to fly?

Mdm CHAIR: We have to get back because we have got sittings and we all need to prepare for that.

Mr MACHBIRRBIRR: 11 o'clock.

Mdm CHAIR: Oh no. It is after 11 o'clock now.

Mr MACHBIRRBIRR: Your Earnst and Young eh.

Dr LIM: No, no, I don't belong to them I am just wearing a tee shirt.. No, no, I am not an accountant.

Mdm CHAIR: Can I start this? As the Chair, there is a committee of six, unfortunately a lot of our members, some of them went back after we went to Oenpelli yesterday. Richard and I make up a sub-committee of the sub-committee of the Committee –

Laughter.

Dr LIM: Yeah, it is very confusing.

Mdm CHAIR: Richard is the Member for Greatorex for the CLP.

Dr LIM: I come here and see that blue stuff out there and don't know what that is because I come from the desert.

Laughter.

Mdm CHAIR: That is what the desert does to you.

Mr HORGAN: A bit of a dry argument really.

Mdm CHAIR: The Committee is made up of myself as the Chair, there are other members of the Committee; Elliot McAdam who is the Member for Barkly, Len Kiely, the Member for Sanderson, he used to also be out here a long time ago, Len Kiely. Sue Carter, Sue is the Member for Port Darwin and we have one Independent Member, Gerry Wood. Gerry flew back after we went to Oenpelli yesterday.

The Committee has been established to do an inquiry into substance abuse. We have done a lot of the communities in Central Australia and we have also gone through and held meetings in Darwin, Katherine, Tennant Creek and Alice Springs, and certainly a number of visits in the top end. This is our second visit to Maningrida. The first time we came we had to leave because there was an unfortunate death. So we left and have come back again. So thank you for meeting with us.

We do want to look at the issues of alcohol, petrol sniffing and cannabis. It doesn't mean that if there are other issues with that that substance abuse should be brought to the Committee's attention. So over to you guys to talk about it.

Mr MACHBIRRBIRR: Is this Committee going to give us some money?

Dr LIM: Well the Committee has no control over the way the budget allocation.

Mdm CHAIR: We don't have funding.

Mr MACHBIRRBIRR: Well would you be lobbying for our requests.

Mdm CHAIR: What the Committee does is, what the Committee is doing is working towards a Report that goes into the floor of Parliament. Our Report doesn't go directly to Government. It actually goes into Parliament and it is debated...

Mr MACHBIRRBIRR: National.

Dr LIM: No, no, Territory.

Mdm CHAIR: No, the Territory Parliament and is debated by both sides of politics. Government, we hope, will pick up those recommendations. There are some issues that come to the Committee when we go around that do need urgent attention of Government. The Committee holds deliberative meetings where we discuss what those immediate issues are. We will draft letters and I will sign them and they will go to Government. We are not part of Government. If there are Government policies or issues that.....

Mr MACHBIRRBIRR: So the Report will probably

Dr LIM: Who knows. Let me give you an example. I came here for the Euthanasia review back in 1995. We did a Report six months later that went to Parliament. Then I did the Kava Report. We came around here as well, we have been to Maningrida many, many times and we did the Kava Report. Within two years the Kava Report was implemented and now kava

Mdm CHAIR: So now you have the *Kava Management Act*.

Dr LIM: That is right. So those are the things that can happen.. But it is a Parliamentary body that does that sort of thing.

Mr MACHBIRRBIRR: That is okay Richard, I just said that because we community members are important members. We are the people that normally face other Parliamentarians when they visit and we speak. We have been speaking for a long time. What are we going to say, but it never happens, it never happens you know, I wanted to point that out, otherwise we are wasting our time, speaking now.

Dr LIM: I agree with you. I believe though, that community members should never ever think that talking to Parliamentarians is a waste of time, because, while Parliaments move slowly and people say "nothing is happening, nothing is happening" every time we do this sort of thing it is a small step forward.

Mr MACHBIRRBIRR: Okay, we want big money. We want big mob money to Council to run a Night Patrol Program with capital funding. And capital expenses.

Dr LIM: So what you are saying to me is that there is no Night Patrol in Maningrida.

Ms WILLIAMS: Nothing at the moment.

Mr HORGAN: There is.

Mr MACHBIRRBIRR: But under the substance abuse these are the protections., We need big mob money to Council. Council then manage the Night Patrol where they buy the cars.

Mdm CHAIR: Do you want to give us an outline first John.

Mr MACHBIRRBIRR: Now listen. Buying a car, buying a uniform, buying a good facility, like they have in Darwin, where Night Patrols work under the daily rate of whatever. Under the provision of the township through Council.

Dr LIM: So for a community of what, how many people, 1500 – 2000.

Mr HORGAN: Yes 2200 in the Dry and 2700 at least during the Wet.

Dr LIM: So it is about 2000 – 2700 and there is no Night Patrol at all.

Mr HORGAN: No. no, hang on. Wait a minute Gordon. There is a Night Patrol. Let us get the fact right. There is a Night Patrol. The reason why the Night Patrol is not working right at this very instant as we speak is simply because, the vehicle that they use is in the workshop being repaired. There is a Night Patrol, it does work. They have rosters and it is quite well organised, helped by the Police, they set up the rosters. What has been suggested and has not occurred as yet is that we would take over a seized or forfeited vehicle from another community. We are not allowed to take one from here. Although if the vehicle was from another community we would be able to take it and use that as our Night Patrol vehicle. That is how we got our original one, which is now in the workshop. It is a seized vehicle from somewhere else.

There are quite a lot of seized vehicles in the Police yard waiting. Some of them are waiting for Appeals, so if they lose the Appeal those vehicles will become available. So that is fine, we don't have any problem with that

Dr LIM: So will the vehicle be obtained at cost or free.

Mr HORGAN: They are basically free. The Council has to run it, and operate it but the actual vehicle itself is free.

Mr MACHBIRRBIRR: What I was trying to say is that it needs more than one.

Mr HORGAN: Yes sure, I understand.

Mr MACHBIRRBIRR: I find it difficult, because some of them people came to request for me. He said there was no Night Patrol money, kids were running around and then the Night Patrol should... Then there was one old lady who was nearly just about to die and because there was no Night Patrol and she couldn't tell the Night Patrol to find the doctor and all that.

There was only one car and it was over this way and not over this way. We have about seven or eight languages, tribal groups here.

Dr LIM: In Alice Springs, I have spent time with the Night Patrol of Alice Springs and have driven around town with them.

Mr MACHBIRRBIRR: John is right. It is a fact that we have a program here, but all we need is more money to actually try and get more car and employ that seven language groups to actually identify in their own language.

Mr HORGAN: That is true.

Dr LIM: If I could ask a question.

Mr MACHBIRRBIRR: In other words more employment to be of benefit to a language.

Dr LIM: I understand that. Now do you need a vehicle for each language group, or you find that maybe you need two or three only and not seven?

Mr HORGAN: To run that many would be just impossible, unless they were all brand new, they would cost a fortune.

Mr MACHBIRRBIRR: I would suggest that maybe we need four vehicles you know. So that there is one there, one here, one here and one there.

Dr LIM: In Alice Springs, we only operate from two vehicles.

Mr HORGAN: That is right, same with Darwin. They have two or three for the whole area.

Mdm CHAIR: Could I just stress that because of the recording, we need to try and talk one at a time, so that it helps with the recording.

Mr HORGAN: What I will say about the Night Patrol vehicles is that to have four or five vehicles as Gordon is suggesting is not very practical because it is very hard to control that many vehicles. And that is the point. You will find that they will suddenly disappear and go off bush and that will be the last you will see of them. But realistically, yes we should have at least two, but not only two, but also two that are mechanically reliable so that they do not spend most of their time in the workshop. That is the problem we currently have. We had a good run with the existing one that we have, but it is starting to wear out and bearing in mind that it starting off being second hand or perhaps third hand. It is spending more and more time in the workshop unfortunately. In an ideal world, like Gordon said, we should have newish or new ones so that we don't spend so much time in the workshop.

Dr LIM: Gordon in Alice Springs, with nearly 30 000 people and 20% of that so that is about 8 000 in Alice Springs, Aboriginal people. The Night Patrol have two vehicles and they work together. So that is what they do. That is a sharing of resources.

Actually I spent time with them. I started with Night Patrol at 10 o'clock and I worked through with them in the van. Went around all the town for five hours. We went from camp to camp and around the housing and all that you know.

Mr HORGAN: They have radios and rosters and the whole bit you know so that we can talk with each other.

Mr MACHBIRRBIRR: It is just that under the Report that you are doing on substance abuse use funding. Substance abuse is all these petrol and all that. I brought it up because I would like to see that more supported under the dollars to actually improve our family living

style where the kids doesn't go out and get drunk or sniffing or whatever and there is no Night Patrol patrolling.

Ms WILLIAMS: We should have the whole community here because the meeting could pass the information on to parents. Then parents could be the ones to control their young kids you know. It is a whole community problem too. You know what I mean? Also what I was trying to say in the first place is that one particular person who is really involved is our Police Officer, he should be closely working with Night Patrol and leading the way, you know what I mean? People are wondering what job or project he is doing, this bloke, you might know which one I am talking about. He should be a leader, leading this Night Patrol mob. Because he is pretty strong, but he hasn't been leading them, teaching them.

Dr LIM: Well let me ask this question. In Maningrida what do you all believe is the worst problem with substance abuse. Is it alcohol, is it gunga, kava is it petrol sniffing. Which is the worst problem, can tell me, is petrol sniffing the worst. Is it alcohol the worst? What is the worst problem in Maningrida?

Ms WILLIAMS: Petrol sniffing for the kids

Mr HORGAN: Smoking.

Dr LIM: Gunga is the most problem.

Mr HORGAN: Yes.

Dr LIM: Okay. So gunga appears to be the major problem here. When I was doing the kava review we were told, and we spoke with a lot of people here. We were told that kava caused a lot of people to be lazy, not work. You had some people on CDEP they got on the kava and they would stop working because they were too tired because they would drink all night and sleep all day. Things were starting to break down in Maningrida. That was quite a few years ago. So today, what I am hearing is that gunga is the main problem and that alcohol is not such a big problem.

Unknown person: No, no.

Mdm CHAIR: That is because of that Management Plan that is in place.

Mr HORGAN: Maybe at this point, I would like to submit to the Committee the Minutes for the last few Maningrida Drug and Alcohol Committee meetings which describes all of the ..It describes everything that we, the community have talked about in some detail. Not just to do with alcohol. It addresses marijuana and various other things. Even from the point of view of putting up signs on the road, right through to how we operate our Night Patrol and what we are doing.

Mr MACHBIRRBIRR: Richard, the reason we call ourselves that one is the we used to be a Drug and Alcohol Committee member. We used to look after grog, but we changed our name to look at a more wider area. That is the Committee that controls the liquor, the grog and whatever. At the moment this Committee is looking at the issues of gunga as well because gunga has now been introduced to youth and it is a bit of a problem. Those sort of things. And these days it is really hard for parents to actually manage their family.

Ms WILLIAMS: Petrol is out of the picture.

Mr MACHBIRRBIRR: Yeah out of the picture. Petrol is not longer a problem.

Dr LIM: So nobody is using it at all or?

Mr HORGAN: Very, very few.

Mr MACHBIRRBIRR: We only use petrol in Elcho Island, Oenpelli, Croker Island all have petrol.

Dr LIM: And kava is now under control?

Mr MACHBIRRBIRR: Kava sometimes but not really like before. You just stay with kava. But gunga is more like a nightmare you know. Have a look round many kids – my kids too.

Ms WILLIAMS: Kava is not meant to be here in the first place. They come and sell high price than they over somewhere else that they sell for \$15 then here \$30 - \$40.

Dr LIM: So there is no retail outlet here for kava here.

Mr HORGAN: No it is not a legal retail. There is no Kava Management Plan.

Dr LIM: Can you tell me then what is gunga doing to the community?

Mr MACHBIRRBIRR: Gunga is doing to the community is mental problems. Taking a lot of money out of the community. We lose a lot of money, carried out. Families argument.

Dr LIM: Because they want the money to buy the gunga?

Mr MACHBIRRBIRR: Yes, yes that's it. Family argument, no food for the family.

Dr LIM: So if there is no money in the family to buy food and there are family quarrels it means that it is not only the children using the gunga, it is the men and the adults that are using gunga. Is that right?

Ms WILLIAMS: Yes.

Dr LIM: The adult's spending money on gunga.

Mr HERREEN: Adults spend money.

Mr MACHBIRRBIRR: Adults spends money as well as youth. But I am not in the family . Can I have this out of the record?

Dr LIM: Yes you can have off the record, yes you can. Off the record.

In camera evidence removed from transcript

Dr LIM: But when the community knows that there is royalties money coming into town, it is pay week, so there is lots of money so the drugs will be coming in. The Police can actually stop them in Darwin. So then nobody gets into trouble. It stops in Darwin. Surely that can

happen. If the Police say look, there is royalties' money going into the communities next month, we had better gear up now and we will be very, very strict in Darwin, at the airports and roads out of town. We will have a sniffer dog on the roads and the airport and catch them there. Then that will stop them coming in.

Mdm CHAIR: There have been some successful seizures. Like the Tiwi Islands, they have managed to catch a lot at the airport.

Dr LIM: Then the people here don't have that trouble. That is the way that it can happen. They can be stopped.

Mr HERREEN: The good thing about the new legislation that was brought in about the drug legislation that was brought in is that you can put up signs up outside drug houses and stuff but what it has done in the meantime has made people go further underground. It takes, four, five or six phone calls to get the contact to get your drugs. It is not as easy but you still get what you want.

Mr WILLIAMS: Can I just talk about the alcohol and drugs. Last time (Inaudible) from Katherine and they were caught with marijuana coming to the community the Police they seized the vehicle but the next day they released the vehicle and sometimes it is not fair for other people, like our community people their vehicle is seized forever behind the Police Station. It should be the same for everybody and I feel sorry for the community people.

Dr LIM: I just wonder what the reasons are behind that. We don't know about that.

Ms WILLIAMS: That is another thing for you to bring up too. They are going to court.

Mr HERREEN: One particular story of (Inaudible) is a good example of what happens within these communities. People get really upset with the Police because they lock up these six young people doing the wrong thing, bringing the grog in and bringing in gunga. So people kick up a fuss (Inaudible) That shows you the sort of mentality of the people here.

General chatter inaudible

Dr LIM: Let me try and make some comparisons. Since the kava legislation has come in, do you think that kava is better controlled?

Mr HORGAN: It doesn't effect us.

Mr MACHBIRRBIRR: Richard, it doesn't really come every single payday. It just sort of comes and goes. Only if the family wants it. Yeah, yeah. When the family runs out of money. They sell it in Raminging. When the family wants some they try and make money from you but the money goes back to Raminging into those families. So it just comes. Not everyday.

Dr LIM: My question was, if you make marijuana the same as kava, would it make any difference? Obviously not because you have....

Mr MACHBIRRBIRR: No, no. Because the kava.....

Mr HORGAN: Sorry. I was just talking with somebody in Ramingining yesterday about kava, because they have retail kava under license there and his comment was that some of

the eastern Maningrida Outstations over by the Blyth there, they are all big kava users and the comment was made, not officially.....

Chatterinaudible

Mr HORGAN: Yes, they were saying maybe those guys in those eastern Outstation area might consider coming into or changing the Kava Management area for the Ramingining area to include those Outstations. I said to him that I know that the PAC, which is the Outstations organisation would be against that because they would see that as the thin edge of the wedge. You know like coming into Maningrida, which is probably true actually. Because if they legally have kava over there, then they will probably start... But that is only summation, it is not ...

Chatter.....inaudible.

Ms WILLIAMS: Instead of chasing the kava, it is alcohol that is

Mr HERREEN: (Inaudible)

Chatter.....inaudible.

Dr LIM: I don't know why they drink kava it tastes awful.

Ms WILLIAMS: We used to drink it along time ago.

Dr LIM: It tastes awful Coffee is much better than that.

Ms WILLIAMS: I myself, I used to drink it.

Dr LIM: You had crocodile skin eh?

Ms WILLIAMS: Yeah.

Mr MACHBIRRBIRR: Yeah scale.

Dr LIM: Yeah scaly.

Laughter

Dr LIM: Okay. Let us come back to gunga. Gunga is the big problem here. Adults and youth all use it...

Mr MACHBIRRBIRR: It is tuned back on now

Dr LIM: Yes. So there are mental problems. Money going out of the community. Family conflict, children not getting enough food. You have domestic violence because one member of the family wants to money from another member of the family. How is the community dealing with that?

Mr MACHBIRRBIRR: The community.... Amongst the family I would say, amongst the family we find it Like for example if another family keeps coming to another family to get

food, that family will be packing up and moving to another house. This is what is effecting within the family.

Dr LIM: Okay. So what the second family doing is saying no. But they don't actually say no, they move somewhere else, which is the same thing.

Mr MACHBIRRBIRR: They were saying no. They so no, I have only got enough for my family. But sometimes then other men comes. I was facing one. I went to Colin and said can I put my high fence around.

Laughter

Mr MACHBIRRBIRR: It happened to me.

Mdm CHAIR: I think setting up the Alcohol and Drug Committee has been a big step.

Mr MACHBIRRBIRR: I did because.....

Chatter.....inaudible

Mr MACHBIRRBIRR:..... Because that family comes amongst that gunga.

Dr LIM: With the mental problems, what is the community doing about that?

Mr MACHBIRRBIRR: We have a Mental Health Worker. He has got..... riding around in a vehicle and taking people (Inaudible) and he is doing things. he has a 4 wheel drive vehicle (Inaudible) Ask Territory Health so that we can look after them and we also requested that we budget you know buy him food and provide support by transferring. Mental health is now a controlling. It is working. Before he didn't work because he didn't have a vehicle. Then the THS bought him a car, which can't go on 4-wheel drive, which sometimes makes it a bit too hard. But NT Carers supported him.

Mdm CHAIR: Could that be that he is here only on a limited tenure.

Mr MACHBIRRBIRR: Yes, limited time and then he is going back. But gunga affected the people. A lot of people started suicides, attempting suicides.

Dr LIM: Is that adults or youths?

Mr MACHBIRRBIRR: Suicides threatening suicides to try and demand money.

Dr LIM: Is it mainly among the youth or is it among the adults?

Mr MACHBIRRBIRR: Well it is among the adults.

Ms WILLIAMS: My brother is like that. Also we have a mental problem and we need to handle my brother (Inaudible) We know what it is like. We find it very hard. Sometimes when they talk they are going off their mind, you can't sort of make these people go to the Clinic. The nurses say you go and tell him that patient to come over to the Clinic. But they refuse to go. It is very hard help them stay on their medication. So what they are going to do about it....because what they tell us is to take them there and sometimes (inaudible) Sometimes they can be violent towards us.

Mr HERREEN: That Mental Health Worker (Inaudible) there are occasions when you can't even get the people down to the Clinic. I think they are understaffed and whatever.

Dr LIM: Are the schools providing lessons on drugs and alcohol?

Ms WILLIAMS: No. That is what we need. Someone from the ?? program.

Unknown community member: Hard enough getting them to school.

Mdm CHAIR: A lot of the urban schools, and correct me if I am wrong here. In town they do drug and alcohol awareness programs. That is usually run by the School Based Constable and in some of the communities, and I have raised this issue, that the Police should be doing that as part of the awareness programs that they do in town.

Mr HORGAN: Yeah. Could I just make a comment on that one. As an overall thing and this is related to this Committee too I would say. We definitely need a larger Police presence here. We need at least one female Police Constable here, at least. Because at the moment, we have two Police Officers plus one ACPO. We need, Ideally we need another ACPO plus another full time Police person, preferably a female. Because there are a lot of problems for women.

Mdm CHAIR: That is right.

Mr HORGAN: Domestic violence and other issues. Even things like drug searches at the airport. There is no way in a million years that the male Police Officers can undertake.

Mdm CHAIR: The Police have been in a real dilemma about that . It is not as if they are ignorant about that, because I have spoken to Police and in a lot of the communities, they are very conscious that they do not have female officers. It is very hard to get female Police Officers to come and live out in the communities. Particularly if they are single, it is really hard. They do not want to make the move. It is like trying to get male nurses on the ground in communities. You will get female nurses sometimes coming out, but you won't get the male nurses. I am not trying to making excuses for them

Mr HORGAN: No, no, I understand, it is a problem. Even just getting any Police here in the numbers required to service the area properly.

Mdm CHAIR: They need more than two because they have to service Millingimbi and

Chatter.....inaudible

Mr HORGAN: It wouldn't be so bad if Ramingining had its own Police presence.

Dr LIM: Hang on, one person talk. One at a time otherwise the recording machine can not pick up what you want say.

Chatter Background noise .

Dr LIM: So there is no Sports and Recreation Officer here.

Mr HORGAN: Yes there is. The old story. Get the facts right. Council have, after a lot of interviews, employed a Sport and Rec Officer. He is a Community Sports and Rec Officer, not just a short cut version. As a Community Sport and Rec Officer he is doing a lot of things. He is getting a lot of programs up and running which were not going before. He has copped a bit of flak because the way the football is run and all that sort of stuff. He is actually introducing rules. That is a personal opinion.

Dr LIM: Introducing rules to.....

Mr HORGAN: No. Introducing rules to the game of football.

Dr LIM: Oh okay.

Mr HORGAN: Do you remember those. They used to happen. So having Tribunals and things like that. Other such unheard of things. But he has a very good program running. We are sending teams away on a regular basis now. Not just football, but other sports so it is quite a big thing. But what Gordon was talking about is that there was a Sports and Rec Officer here, but he was not qualified. He didn't run any properly organised activities.

Background noise.....inaudible.

Dr LIM: Obviously you understand that very, very, well. Could you, in your capacity in this community build a bridge to demonstrate between the Balanda and Yolgnu

Ms WILLIAMS: Bininj.

Dr LIM: *Sorry, Bininj people, there are so many parallels.*

Mdm CHAIR: They get burnt out too though.

Dr LIM: Yes I know that. We all do.

Mdm CHAIR: But you get your hand pulled in a lot of communities. I see it with Dene and Helen. There is a hand full of them in this community that everybody depends on and wants them to be the bridge.

Mr HORGAN: That is true.

Mdm CHAIR: And their response to it, because they get that weighed down with the pressures and no support, is that they go to Darwin. They take off. Then the community actually collapses because of the expertise and the resource that people like Helen and Dene bring. We have to start looking at how we can support, in the longer term, people like Dene and Helen, Horrace you know. Look at the stuff he does with the men.

Dr LIM: Can you spell Bininj for me.

Mdm CHAIR: B I N I N J

Ms WILLIAMS: It is not really ours but it is used by most in Arnhem Land.

Dr LIM: Forgive me for using the wrong word of Yolgnu.

Ms WILLIAMS: Yolgnu is alright but.....

Mr HORGAN: The Yolgnu people are from the eastern side.....

Mdm CHAIR: Yolgnu, they take from the other side over that way.

Ms WILLIAMS: This one we have been talking about a long time. It is about alcohol too about grog license. I myself have experience, personal experience. Long term like alcoholics drinking in Darwin. Everyday you get up and drink and everyday you become an alcoholic. Once this mob was talking about this to ATSIC and ATSCI tried to bring these long grassers away from Darwin to here you know. Maybe they still have alcohol in their body for two days. The next thing they start the shakesgoes on maybe two weeks, then after they decide to have a rest or a month or two then all of a sudden it is cheque, pay boom off they go again. So there is really nothing much you can do for a person like that you know. It is always in and out, in and out. We know that very well.

Dr LIM: So what do you think should be done for these people then?

Ms WILLIAMS: Mmmm. A lot of the people from Larrakia mob want them back in their own communities.

Dr LIM: Yes, but at the Outstations.

Ms WILLIAMS: Not Outstations. The community. We don't really see the Outstation people getting stuck with community people. Outstation people are really happy staying out in the bush. It is really hard.

Mdm CHAIR: But you are dealing with people. You know if they want to fly countrymen back here from Darwin. Like you said, they will come back here for a while and then they will go back again. So what is the answer? Is it if you bring them back they can have treatment or rehab stuff opening here or programs. What is it?

Dr LIM: You see the thing is we spend money bringing the countrymen back to country and then they come back into town and the cycle keeps repeating. So how many times can you keep doing that? It is like giving somebody a free ticket to go and get drunk. It is crazy. All you are doing is reinforcing the bad behaviour. You are not encouraging good behaviour.

Mr HERREEN: When you talk about Oenpelli (Inaudible) that is the reason why there are a lot of Oenpelli mob in town and suggest (Inaudible) they have a different definition altogether. You have your separate areas, separate language groups, pretty much stick to themselves. There is always a little bit of nastiness and bitterness and jealousies that goes on. When you walk past, you don't even communicate with each other.

Dr LIM: I do that to her too.

Mr HERREEN: But when you are in town...

Mdm CHAIR: That is a different political divide.

Laughter.

Mr HERREEN: But when you were in town everyone comes together. At one stage we walked down at Casuarina and there must have been fifty or sixty Maningrida people sitting there because it was raining and they were all Saying good morning to everybody and whatever else. That has got a good bit of strength there maybe. it brings everybody together. But then they have a drink and grog gets too much and they get jealous again.A definite need for rehabilitation. There is a definite need again for education about the grog.

Dr LIM: Would you then suggest that the rehab services be in Darwin or say places like Maningrida.

Ms WILLIAMS: We have that FORWAARD.

Dr LIM: But if they go to Darwin and that is where they get drunk. Should the rehabilitation be done there first or should we bring them back here and then do the rehab here?

Mr HERREEN: I don't know. it would probably be easier in Darwin. The resources are in there. (Inaudible) it might be the Court System in there (Inaudible) the Court might send them to attend these services.

Dr LIM: Would you then agree that maybe if people are picked up by the Police or are arrested for drunken behaviour that they should be put into compulsory rehab for say six weeks or three months. Force them to stay in there and get treated.

Ms WILLIAMS: I will tell you that some people like being picked up by the Police. They like being picked up so that they can stay on the safe side, that is one thing, they like being picked up and come out the next morning.

Mr HERREEN: Another problem (Inaudible)

Mdm CHAIR: What Richard was saying before, if you have somebody in town drinking and causing problems and they don't care about themselves or anyone else that something should be done to rehabilitate or try and treat that person.

Ms WILLIAMS: That is a good one. Yes.

Mdm CHAIR: I think that was what you were trying to seek out.

Dr LIM: Yes. It is...

Mdm CHAIR: Or do you bring that person back out here

Dr LIM: And treat them here.

Mdm CHAIR: Like have treatment facilities or rehab services out here rather than town you know. At least if you have rehab here

Dr LIM: They would have family to support them and all that. Whereas if they are in Darwin they are on their own. Nobody to support them.

Ms WILLIAMS: There are both good and bad people in Darwin. For instance

Mdm CHAIR: Would it be better to have a CAAPS here rather than in town?

Mr HERREEN: Down there.

Ms WILLIAMS: There are good and bad people out there. Sometimes it is a very.....from here. Around here we have the Club. We have alcohol club drinking, but they go to the Club and talk to people. We would like to go again and help our older people and do something. But it causes conflict, alcohol.

Mdm CHAIR: You two manage not to drink when you are out here. You don't drink.

Mr HERREEN: (Inaudible)

Ms WILLIAMS: We spent a long time in Darwin. We got banned for a long time. We used to look after the long grass people. Different tribe, different families. We felt sorry for them. We got banned for a long time.

Dr LIM: You got banned because you went there to help them. Why did they ban you.

Ms WILLIAMS: We helped them have shower and dress. Help them to eat, but we were not supposed to. But we felt sorry for them, everybody. We just got banned. So we decided to join them for a while.

Dr LIM: If you can't beat them join them as they say.

Laughter.

Ms WILLIAMS: We ended up staying two months.

Dr LIM: I come from a culture where to some degree that also happens. Among the Chinese public drunkenness is very, very much frowned upon. It is taboo. You do that, bang, the community really ostracises you. Among the Indians, it is a different kettle all together. They drink toddy, they drink coconut and there is a huge amount of public drunkenness, a huge amount of fighting. Public fighting and that is a different culture. Indians do that, but the Chinese don't do that. Malays, Islamics don't drink at all.

Ms WILLIAMS: An in Indonesia, religious, they don't like to drink.

Dr LIM: No alcohol. Islam it is banned completely so you can see the different cultures. When the Indians it is out of habit. Just like here, you have a bunch of drunks, they cause public havoc. The thing is though, there are drinking clubs just like in Alice Springs we have the Chou Chou Club where many Aboriginal people go and drink in there. Where in Malaysia there are Toddy Clubs for the Indians. They go there and they drink and then they are behind a fence along there. When they are finished they come out, but cannot take the alcohol out with them. But there are a lot of police issues with that also. The community thinks that this is bad. The thing is the community has got to have a standard. You come up as a public drunk, that is bad, that is bad. People could be shamed when it is said that you cannot behave like that. Until the community starts putting that standard on people it will not change.

Ms WILLIAMS: Marion has never seen us walk into her office drunk, among her visitors and that.

Mdm CHAIR: No they are very good when they come into my office.

Ms WILLIAMS: I even go into the Local Government Office for a cold drink, cold water.

Mdm CHAIR: I will say about these two

Ms WILLIAMS: When I talk never drunk in public, in Darwin.

Mdm CHAIR: They come to the office when they are in Darwin and use the phone and stuff like that. I have yet to see these two in crisis in Darwin.

Chatter:

Dr LIM: My comment is in Maningrida, is there a community standard? Like if you see somebody drunk, is that man or that woman get community pressure – “you should not be like this, that is bad, that is bad for Maningrida. It is bad when Balanda come here they see you drunk and everybody gets shamed.” Does that sort of community standard get articulated?

Mr HERREEN: That is where the parents usually comes into it. Like in the (Inaudible) and stuff like that. Or their permit is wiped out. The big problem is though when that person hasn't got a permit t doesn't stop him going next door and getting grog or getting petrol. Some even stand over people for their grog and there are a lot of disabled and older people in this town here who would rather give them their grog than have them beaten up. The community tried to (Inaudible) responsible I mean.

Mr HORGAN: Ultimately, I suppose it comes down to on each barge weekend, which is the fortnight grog delivery. What it boils down to in the end like Dene said is the total amount of grog that it coming in. Technically like he said they are not actually supposed to go next door, but if they don't go next door, they will get it from somebody else. They are not technically supposed to do that, but it is almost impossible to police that. So what it boils down to in the end we have a hundred carton limit on any one barge. That is the idea. They have proven that when it gets over one hundred, one hundred and twenty there is so much trouble in town, people fighting and stuff like that. Whereas, if it is below one hundred, it is usually, it wont stop it but there is less of it.

Mdm CHAIR: You chill the beer now don't you.

Mr HORGAN: Oh yes, it is all refrigerated, yes, refrigerated. A refrigerated container.

Dr LIM: Is there a can limit, like a six pack limit to each person?

Mr HORGAN: No the total amount is two cartons per fortnight. Technically, you have a point there that they can get their two cartons and binge drink the whole lot. The Police try and encourage them to take one carton and leave the other carton in storage until the next day.

Mdm CHAIR: When I was talking with Ray he was saying that they are getting a lot better with that. Some will just pick up one carton and leave the other carton and they might not go back for a couple of days to get the other carton. He said that they are noticing a form of management among the men.

Dr LIM: Is it two cartons per person or two cartons per home?

Mr HORGAN: Per person.

Dr LIM: Per person.

Mr HORGAN: Per Permit holder. That is what I was saying before Richard. In certain circumstances we might have three or four Permit holders in one house. That causes problems so we need to try reduce that to say two permits per house.

Dr LIM: So if there is misbehaviour or whatever by someone, how lenient or how strict is the community. They say okay you have really done your dash, you really blew your chances, no more grog for the next three months.

Mr HORGAN: Oh yes, in there, in the Minutes in February one, the Committee actually set down a whole set of rules which as you suggest are: first offence, three months suspension. This is for misbehaviour penalties, second offence, six-month suspension and third offence, permanent suspension. When they resume their Permit after three month say, it is only for light beer for three months after that. Then they can slowly work their way up through middies and heavies.

Dr LIM: And it works?

Mr HORGAN: It seems to work pretty well.

Dr LIM: Do you think that this sort of system could work across the Territory.

Mr HORGAN: I think it is the basis for a very good permit system. It has been refined over the last eighteen months to two years.

Dr LIM: It seems to be Maningrida specific at the moment.

Mr HORGAN: Yes.

Dr LIM: It has been imposed by the Maningrida Council.

Mr HORGAN: And the Liquor Commission.

Dr LIM: And the Liquor Commission. Okay.

Mr HORGAN: It actually specifically says Maningrida Liquor Permit.

Dr LIM: Okay, well let me expand that even further. Would you introduce such a system into communities, such as Tennant Creek, Katherine, Nhulunbuy?

Mr HORGAN: I can't see why not.

Dr LIM: Alice Springs and Darwin, they are big communities now?

Mr HORGAN: You might have a problem there simply because of the shear numbers. This works because we are able to control the area.

Dr LIM: That is right. But it was the data base management more than anything else. That is the control isn't it?

Mr HORGAN: Oh no.

Mdm CHAIR: No the community has great participation in this program and that is what has made this work. Unlike years ago, I remember when I came and worked her. The community has greater control.

Mr HORGAN: The community itself has set this up. There have been a few refinements, but essentially that is it. It works – one because the community is behind it. Two, it works because it is able to be enforced because it is a restricted area in itself. There is no alcohol except if you have a Permit. Now that would come undone in larger towns and cities, particularly where it is not exclusively say Aboriginal community. Because then you have another lot of expectations from visitors coming in. Well you have no control, whereas here we do have that control over who is visiting and they can't get Alcohol Permits themselves.

Dr LIM: My question

Mdm CHAIR: Management Plans in communities, I think are a good thing.

Dr LIM: It is because it takes in the community and it is truly involved. That is the beauty of it. Places like Darwin and Alice Springs where you have people from all over the world coming in, how would you then say yes you can drink, no you can't. It becomes impossible to do that.

Mr HORGAN: But certainly in the context of Aboriginal communities as such this works very well and should work in other communities. So long as the community itself has the running of it. I will give you an example of that. Arracon, which the Prime Minister visited the other day. You know you saw the big sign saying \$75 000 fines and confiscation of things. I mean a comment was made to me by a person in the media who shall remain nameless on this record. That is all very well putting a big sign up saying \$75 000, but unless the actual community itself is behind it, it is meaningless. Because what are they going to do? Are they going to fine everybody in town that has a can of beer in their hand, \$75 000. It is just silly. It looks good for the politicians and the media, when they take pictures of this thing. In reality it is a meaningless thing.

Dr LIM: Any rule that is introduced into a community has got to have a meaningful and be applicable. If it is not applicable, then...

Mr HORGAN: The community itself has to be behind it.

Dr LIM: It is like saying "if you drink a can of beer I am going to shoot you dead." You know you can't do that.

Mr HORGAN: That is right.

Dr LIM: It becomes no threat. It is not a threat any more.

Mr HORGAN: In answer to your question, this is, as far as I can see and I can't speak for all communities but the basis of it would work in most communities I would suggest. If the community wants to get behind it and do it themselves. That is the vexed question.

Mr HERREEN: This whole system, it used to be used by the Council would give you the Permit and the Police would sign off and you had a Permit. Three or four years ago the Police Commissioner ?? lost that Permit for about eight months..

Dr LIM: I remember that yes.

Mr HERREEN: The Police Commissioner came out with all those "Hob Knobs" and whatever else and set out new conditions. One of them was the Community had to restructure the whole program. Which is what this came out of the permanent Alcohol Committee made up of representatives of all of the organisations, school, the Health Clinic, and so on. One of the others was to have a Night Patrol. Which had no possibility of working. It is here, but people (Inaudible) This is where it gets back to the people.

Dr LIM: How long did it take the Drug and Alcohol Committee to work this Program out? This list of restrictions I should say.

Ms WILLIAMS: Oh I would say two or three months.

Mr HORGAN: Yes over a period of two or three months they discussed it and then came to this conclusion. But the whole program, like Dene said was probably eighteen months, wasn't it before they got their act together.

Ms WILLIAMS: More.

Mr HORGAN: Yes. More than that.

Ms WILLIAMS: Each representative view, talked their view (Inaudible) represent those areas On drugs they said we will see how the person has behaved and report back after three months.

Dr LIM: And in general, the community supported this obviously?

Mr HERREEN: I don't know if they supported it, but they are aware of it.

Dr LIM: They are aware of it. They comply with it. If they comply, means they support it. If they do not support it they will not comply. It is true isn't it. It is like driving through a town at 60 kilometres an hour. If you don't support it you drive madly. If you support it then obviously you comply with the law. That is good.

Mr PASCOE: One other thing we had was restricted areas. We had restricted areas at Oenpelli, Ramingining, Millingimbi, Docker River and Yirrkala. Well actually the whole of Arnhem Land community is restricted. But in this area, Maningrida area which goes right up to the river. So that if we see trucks coming in with alcohol, gunga or whatever we know it is in our restricted area zone and the Police can catch them or whatever. So we have access to road and we also have access to barge so we control the barge and the vehicles area. Also the plane when we do control now and then. That gives us a lot of workers for the community to see that not only these people have control over the barge, the fortnight barges, but the Police are patrolling. We have Police also involved to enforce the law. That way the community is getting.....

Mr HORGAN: As you say, sometimes some of the T/O's don't always support the restriction.

Mr PASCOE: Yes some T/O's over the last thirty or forty years. And there is also (Inaudible) they were the ones who sort of talked to Department of Aboriginal Affairs, old DAA and they set up what were to be restricted areas. Since then it hasn't been changed, from Cahill's Crossing to the whole of Arnhem Land. Because they wanted to stop grog coming in from the town into the various communities.

One of those old people are afraid as you can see now, the community is already growing and a number of touring people coming in, going out and there are new things introduced to the community. Like kava for instance.

Mdm CHAIR: Ben do you think, like you know how the whole of Arnhem Land you were saying was restricted in a lot of the communities like Oenpelli. If you look at Oenpelli, Nguui on the Tiwi Islands, they have Social Clubs. They have clubs. Do you think having permits is better in terms of controlling? Or should it be looked at in terms of clubs in communities.

Mr PASCOE: We had a club here in the late sixties I think.

Ms WILLIAMS: Seventies.

Mdm CHAIR: And it was no good?

Mr PASCOE: No it didn't work. They used to fight each other, spear each other.

Mdm CHAIR: Hang on, so having this plan actually manages and controls the situation.

Mr PASCOE: This time, the Permit system we have got now we have control over that so we

Dr LIM: So when the barge brings in the cartons every fortnight, they are earmarked for each Permit holder already, is that right?

Mr HORGAN: Oh yes it is pre-sold.

Dr LIM: Pre-sold okay. So there is not an outlet in other words.

Chatter

Mr HORGAN: No, no no. The beer ceremony only lasts about fifteen minutes. Everybody rushes up. Their name is on the list and it is marked on top of the carton and ticked off the list and hand it out. It is all prepaid, pre-sold, yes.

Mr HERREEN: It comes in a refrigerated container.

Mr HORGAN: Yes there is a little container shed. A refrigerated container. They bring it in and plug it in of course and.....

Ms WILLIAMS: Cold.

Mr HORGAN: Yes it is cold. it is just a little shed, open it up.

Mdm CHAIR: They never used to do that.

Mr HORGAN: Yes it was terrible.

Laughter

Dr LIM: What is the purpose of it?

Mr HORGAN: It is just so that it is ready to drink.

Dr LIM: Ready to consume.

Mr HORGAN: Yes, exactly, because if it is hot, people get drunk faster and causes problems.

Mr HERREEN: People will consume it at the same rate, but when they are cold, it takes a bit longer to take effect.

Mr HORGAN: That is right. Who wants to drink

Dr LIM: With any Permit holder, does the two cartons last a fortnight?

Mr HORGAN: No, about ten minutes.

Chatter.

Dr LIM: A real pity isn't it. It seems to be the feast and famine thing that I have noticed in many Aboriginal activities. Not only grog, but other things. It is either use the lot all at once, don't save anything for tomorrow. Ideally, if you had one can a day, one or two cans a day you could have grog for the whole fortnight. Your friends and family would come along and take it.

Mdm CHAIR: Families put pressure on. Say if they had a fridge with all the beers in there and were trying to limit themselves. Family would pressure on them and want to fight them.

Dr LIM: Isn't that a bastardisation of the original tradition whereby, if you had something, you were prepared to share. You shared. But now, it is you have it, I want it. Which is wrong, it is back to front. In the old days it was, I have, you don't, I will share with you. Now it is, you have, I don't, I want what you have.

Ms WILLIAMS: Some still offer Bininj, that is the way. In the custom, you know you can't refuse them.

Dr LIM: So there is no way that a community can actually say "Hang on our old culture was when we have, we can share, alright because you don't have. Today, we have it back to front. It is all wrong now." Can't the community say "This is wrong?"

Mr HORGAN: It doesn't work that way.

Dr LIM: Doesn't work.

Mr HERREEN: That is what some of the community members are saying. They know what these families are like. If you give them too much grog, they will turn on other members with arguments and fighting. If you want to do that. There are some very bad individuals around that cannot control their grog (Inaudible) People will say oh well have one of those (inaudible) these are the silly things that happen, irresponsible things.

Mdm CHAIR: How about TRG's coming here.

Chatter.

Ms WILLIAMS: (inaudible)

Mr HORGAN: Yes that is right. (Inaudible) Supply the amount of grog. You can't buy any grog.

Mr HERREEN: That is exactly what I have talking about they (Inaudible) last night, a ? fire last night (Inaudible)

Chatter:

Mdm CHAIR: There have also been a lot of bad accidents on this road with grog coming in too hasn't there?

Mr WALA WALA: Yes. Sure.

Mdm CHAIR: Do you want to talk about that Horace?

Mr WALA WALA: We have had accidents along this road? Mainly in the wet area. And some of them have been pretty bad. Some fatal. It is to do with people bringing in alcohol. People bringing in gunga into the community. Whereas, community people have this family payment, whatever, we sort of encourage our young and tell them look this is what is going to happen if you bring in alcohol or gunga when you are driving. You could die. You think, when you buy a car, that is good, but later on you use it many times you might have one nut loose and when you travel at eighty or one hundred miles an hour you could roll over and get killed. These are the kind of things that we have been able to educate our people in the community about. Some of them, most of them were young fellas who died on our roads. They weren't even forty five or fifty. These are caused by alcohol and that is why when we talk about it, Police, Night Patrol and the community we want to set up road blocks and say look, this is what is going to happen. You bring in grog, we will find you and we will catch you and you will lose your truck, take you to Court and then you will have to start saving up for another car.

Laughter.

Mr HORGAN: While still paying for the one that they just lost.

Mr WALA WALA: These are the important lessons that we are showing the community. If you do this, bringing in gunga or alcohol, this is what is going to happen. Not only that it is going to be a shame job. Probably in the next two, three or five years time we are going to have community ACPO and this community ACPO will be his responsibility to work with the Police and lead the community. You know countrymen, friends, later on but you know, the

community comes first. So it a bad one, with bringing in alcohol and other drugs into the community. Whereas when we get back to the Permit system we say we have changed the system around and said this is your Permit, you are not allowed to give to him, him or him or any silly drinkers and if you do that it is your responsibility. You will lose your Permit for three months. He doesn't want to drink light beer.

Laughter.

Dr LIM: Does that work.

Unknown Community Member: Yeah.

Dr LIM: Like you have a Permit to have two cartons and he has not. You are not to share. If you share you lose your Permit.

Mr HORGAN: They can share with another Permit holder.

Dr LIM: But not with a non-Permit holder. Not allowed to.

Mdm CHAIR: Someone who has been banned.

Dr LIM: If I lose my Permit for whatever reason, you cannot supply me with any grog. If you are caught supplying me, you will lose your Permit.

Mdm CHAIR: And that is working is it?

Mr WALA WALA: Yes.

Chatter.

Dr LIM: The thing is, the rule is that you will lose the permit if you get caught you can actually lose it. Well that is alright. I have been toying with an idea for a long time. Nobody has picked it up. I reckon that everybody in the Territory, every person who is registered to vote in the Territory, who is eighteen and allowed to drink carries a Driver's License or a drinking card, on the one card that is your Permit. That is your Permit. Let me get my Driver's License, I want to show you something.

Mdm CHAIR: We all have Driver's Licenses.

Chatter.

Dr LIM: No, No. The Driver's License is not the issue. The plastic card is the issue. Not the Driver's License. When you have a Driver's License it looks like that. If you don't have a License you have a card like this side. But you still have a photograph there. On the top here is a blank space, really no use to anybody. This is just Northern Territory Government, that is all.

Chatter.

Dr LIM: This is serious stuff okay. On here you have your ID. You know, your date of birth, your address, whatever you like. Exactly the same as your Driver's License except it is not a Driver's License, it is a "Drinking License." On top here, in this useless space you put

ten squares. Each time you commit an alcohol related misdemeanor you either lose one square, two squares, three, four or five holes or whatever. If you are a drink driver, you lose all ten squares at once. That Driver's License disappears. If you lose five holes, when you pull out the card, everybody can see that you have lost five squares, so nobody needs to keep a data base. The data base is on the card so there is no administration required. A Policeman stops you, asks you to blow in the bag. Okay .05, that is alright, you lose five squares or whatever, I don't know. I am just using that as an example. When the Policemen picks you up and has to punch the tenth square. He says "sorry mate, you have lost it." The Policeman will drop it off at the Licensing Commission. Then when you go to drink – and asked for the card, I haven't got one – then sorry you can't drink. If I have a card and I supply you and I get caught, I lose five squares or whatever. That way the Permit works for every Territorian. It has a photograph so the person can be identified. You walk in the pub and buy a can. Got your license? No license. Sorry mate I can't sell it to you. I would say, but I am Richard Lim, I am a trustworthy person. Sorry mate can't give it to you. You do not have a Drinker's License.

Unknown person: How do you stop other people supplying the person?

Dr LIM: The same system applies. You supply a person without a permit, you lose your permit.

Mr HORGAN: Who is going to enforce it though?

Dr LIM: You have inspectors. You have Policemen. The publican, who supplies you the grog without your card, he loses his license. So suddenly the publican is responsible. Everybody is responsible for everybody else. Who do we target? We target the drunk. That is the person you are targeting. The person without the card cannot drink. If that card is returned to the Licensing Commission, it means that that person without the card cannot have a new card issued for three months minimum. If you can get grog from your friend that is your good luck, but your friend is at risk of losing the card. I think it can work. I think it can work.

Mr HORGAN: You might have a few civil libertarians on your case.

Dr LIM: Yes that is true. That is true. But then again, what you are doing now, in this community could also be complained about by those same people. Except, the community says you butt off, you don't know what you are talking about. We want this in our community.

Mdm CHAIR: But in Aboriginal communities that would work, but it needs a lot of thinking as to how you would enforce it and make it work in Darwin and other urban centres. I can see the merits of what you are saying, now that you have gone on a bit more.....

Dr LIM: I think it is a workable system without any cost.

Mdm CHAIR: Yes, but it still needs a lot of consideration.

Mr HORGAN: There would be a major cost in policing it.

Dr LIM: No there is not. If you get pulled up by the Police for whatever. Or if a Policeman walks in the pub – everybody scatters –(laughter) you know you have a problem alright.

Mr HORTON: But in major centre how would you control it?

Dr LIM: You control it. You carry your Driver's License all the time don't you?

Mr HORTON: Yes. But I think the drinking patterns, when you think about it. The drinking behaviour of people. How are you going to change a card. You would have to change the behaviour.

Dr LIM: No you don't. The card is in your back pocket all the time. You drive a car. Does anybody stop you?

Mr HORTON: (Inaudible) the licensing and drinking, I don't think (Inaudible) because people.....

Mdm CHAIR: I was thinking more of – what is going to stop me, I could have a card and the right to drink. I go to the bottle shop and buy ten cartons and all the other bits of grog that you have when you have a big party. What is stopping me from supplying

Dr LIM: Supplying to everybody else.

Mdm CHAIR: And having the party at my home.

Dr LIM: Nothing, except that one of your guests could be a Licensing Inspector.

Mdm CHAIR: No. I am very choosy about who I have at home.

Laughter

Dr LIM: I am talking about the worst case scenarios. It is no different, I am a permit holder in Maningrida, I have my two cartons and I find my friend has no permit. I know that. Let us have a party, come to my house and have a drink. Who is to know. Except it is a small community, the gossip goes around and you hear about it. But if someone wants to break the law it can be broken. Anything can be broken. I am saying that looking at the general population (Inaudible) you will be able to control to a very large extent, those people who are actually causing the problems. Because you have to carry that in your pocket all the time, you are easily identified. If you do not have a card, nobody should supply you with the grog. Whether they are a licensee or your friend. Because if your friend supplies you with grog, your friend can lose his license.

Mdm CHAIR: I can see what you are saying Richard. We are having problems with the two kilometre law being enforced. Take Away outlets should not be serving intoxicated people, but they still do.

Dr LIM: Those things are subjective decisions. How do you judge somebody who is drunk walking up to the counter to buy his grog. Whereas.....

Mdm CHAIR: It is quite easy to spot them, I can tell you, I have stood outside Woolies in Katherine and the number of countrymen I have seen walk through and buy grog. They are just about crawling and yet the person at the counter will still serve them.

Dr LIM: Admittedly, if the Licensing Inspector was there or the Police were there they should have closed the place down.

Ms WILLIAMS: There is one bottleshop in Darwin they are not allowed to sell to people walking into the bottleshop.

Dr LIM: Yes. You have to drive there.

Ms WILLIAMS: It is a drive in bottleshop. No walking. They are banning people walking in.

Dr LIM: So they catch taxis. In Alice Springs that happens, same thing.

Chatter:

Dr LIM: They cannot walk in so they take a taxi.

Laughter.

Dr LIM: If people want to break the law, they will break the law.

Ms WILLIAMS: We have problems from here around to Port Keats

Mr HERREEN: One of the biggest problems in Aboriginal communities is alcohol management.

Dr LIM: Yes.

Mr HORGAN: Yes.

Mr HERREEN: .(Inaudible) –obligations.

Dr LIM: Also, as I was saying earlier, the obligation has been bastardised. It used to be sharing out of the goodness of your heart. Now it has become you are obliged to share. That has happened in the Chinese culture too and I think it is time that leaders like us should be saying – “that is wrong, that is not what the tradition is all about. The tradition is all about people helping each other. Not others demanding that you have to share, which becomes you must share.” If you have a kangaroo on your back and nobody else has kangaroo, then you share the kangaroo with them because they might starve otherwise. That was the intention of the tradition.

Mr HORGAN: Survival.

Dr LIM: Today, it seems to be you have it, I don't have it, then you must share with me. Who says that? Nobody says that. You will help me, because out of the goodness of your heart you want to help me. Not because you have to help me, because you have it and I don't. That is where it is wrong. Leaders do not say that. We must say that to our people. This is wrong. This is destroying our true culture. Our true culture is about helping each other, not demanding from each other.

Ms WILLIAMS: Like dugong meat.

Dr LIM: Yes.

Mdm CHAIR: Yes, like if they go out and get dugong and turtle they are then able to come back and share.

Dr LIM: The same thing happened when I was growing up. We had festivals and my mother, from a poor family grew up to be reasonably well off and we used to buy a pig. Roast a pig and we would share with all our less well off relatives. You do that, not because they think that you must share, but it is because you believe that you want to share. Different principles.

Mr HUTTON: I think the emphasis on culture is a good strategy, because looking around the Territory you are not actually pointing the finger at any one particular race. This is a real issue because Aboriginal people often get identified as the race that is offensive to the law. Which is not always the case. There are a lot of Balanda whose drinking habits are atrocious, absolutely atrocious.

Mr HORGAN: There are quite a few Balanda people here that can be a pest to our community too don't worry.

Mdm CHAIR: Two weeks ago according to the NT News, there was a huge fight in MacDonalds between a group of white backpackers. It was terrible. They said that there were people screaming and all these white fellas had this big brawl in there. It spilled out on the street. It was page 5 in the NT News in a little caption. Had that been a countryman in that fight, it would have been page 1. But nobody says anything about these young white backpackers. That is why I get angry because that is what causes the racism and the racial strife you know because the NT News and the media control what they portray. But this group of backpackers went absolutely stupid in MacDonalds. There were families in MacDonalds that were eating. Did you see this report. No one mentions that. This is the point I was making in Mitchell Street. Everyone was talking their finger at the itinerants and the long grassers, but nobody bothers to look at Mitchell Street at three o'clock in the morning when you have young kids coming out of Rorke's Drift and everything else, drunk and fighting and bashing people. We are not talking about that.

Mr HUTTON: I think Marion a strategy that is cultural, that comes through cultural links is probably a better model to start looking at. I mean to go down the road of trying to regulate with Police is really a difficult one. It is so difficult to do. But if you go down the road of pursuing cultural, first of all delivering cultural understanding by the cultural people so that the laws are in place and the young ones then know what the cultural laws are by the Elders of those cultures, including the ethnic communities which are all around the Territory. Because they also suffer with drug abuse. But there is a really interesting mechanism there, which is not really being attacked in terms of dealing with alcohol and substance abuse. All those Associations, Ethnic Associations, Balanda Associations and Aboriginal groups own the structure there, but they are not being tackled from above you know what I mean. Like there are some families here that we really need to have educated into the community about alcohol and substance abuse. If you use the Elders structure within all of those communities which is supported by regulations, by the Police but it is driven by the Elders, by the NT or the owners of the laws within their cultures you might have a chance to shift the thinking. Because, as I see it the thinking, the problem is in the thinking. The problem is not really in the substance abuse itself, it is the fact that people do it, and continually mentally agree to do it to their bodies without any question is the real issue. We have to get inside their heads.

Mdm CHAIR: They get to the point where it becomes an addiction.

Mr HUTTON: An addiction yes. It is the kids, they just go for it regardless. It doesn't matter what you say or put on TV or whatever. Those kids just go straight in there and hit it. No problem.

Ms WILLIAMS: (Inaudible) you were saying that front page of the NT News last week, those people at the cemetery. They were from here we recognised them. But someone had that camera already set up. That picture shows part of the car window. It shows that window. Someone took that photo from the car.

Mdm CHAIR: Someone may have reported that and then gone down there and taken that shot.

Chatter.

Dr LIM: What would have happened was that a few people would have been visiting the cemetery and put off and probably told the newspapers about it and reported it....

Ms WILLIAMS: It is still going on in the Letters to the Editor. Still going on. Last week and again yesterday. We don't carry a camera and if we see trouble like that we were talking about. One day some of us might walk around with a camera taking photos same thing like they do to us.

Mdm CHAIR: They would have seen them at the cemetery and rang the NT News. I suppose people see it. That is also where a lot of the Letters to the Editor in the NT News have been focussed on the cemetery where they bury their loved ones, and that is what a lot of the letters have been saying – for us that is our sacred site where we bury the people that we love and if we were to do this to Aboriginal people sacred site, then they would get very upset. Because it is wrong. I think it is wrong too. As Aboriginal people we shouldn't be going and sitting on someone's grave and drinking. That is something that has to be talked about.

Ms WILLIAMS: I know, back in 2000, my Mum was a resident of Chan Park for sixteen years and our family buried her there.

Mdm CHAIR: Was she in Darwin? You could still go in there.

Dr LIM: It depends. If you bury your Mum there and you then go to the graveyard to pay your respects, two things happen. One is somebody will walk passed isn't that nice that Helen is there to pay respects to her mother. A racist person will say "bloody drunken black fella."

Ms WILLIAMS: Yes. Mmmm.

Dr LIM: That is people. That is human beings from everywhere. One will show respect to you and others will not.

Ms WILLIAMS: People that know me.

Mdm CHAIR: What made that worse, when they took that photo was that some of those countrymen were drinking. That is what made is worse, is that they were sitting there and drinking. That is what causes all the concerns.

Dr LIM: I find this interesting. Aboriginal people talk loud. Chinese people talk loud.

Ms WILLIAMS: Yes

Laughter.

Dr LIM: My wife says to me "shut up, shut up, you talk too loud." But in the street when you talk loud, Balanda think you are fighting.

Ms WILLIAMS: Yes.

Dr LIM: But you are just talking, just talking normal. So it is important for people like Marion to stand up and tell people. You white guys, this is normal and don't assume that we are having a barney in the street just because we yell at one another across the street.

Ms WILLIAMS: I said that too. Excuse me, it is our voice we like to talk like that. What are you talking about.

Dr LIM: But for Balanda that is what it is. You talk loud, you must be fighting. When I talk like that to my wife she gets embarrassed. She is a white woman and she gets embarrassed. She says "talk softly" and I say "why, I can't hear you when you talk softly to me?"

Laughter.

Dr LIM: That happens you know, so I think it is important for community leaders to stand up and explain that there are so many differences, yet parallels in our society and we should not just always assume the worst in people.

Having said that, it is nearly 1 o'clock, we have to catch the plane.

Mr HERREEN: What was said about educating young people about drinking and driving and they would usually come (Inaudible) video last year. A few of the Elders in the community. It was called a long hard night and it involved everything from making your car is road worthy to getting a license, whatever right up to the tyres, glare and night vision and so on and so on. A training tool.

Dr LIM: Well how long was the transmission broadcast.

Ms WILLIAMS: Just half an hour at night.

Dr LIM: We don't use Imparja often enough. I recently sponsored a program, which was just about blowing your nose. There is a jingle, just about blowing your nose.

Community members: Yeah, yeah.

Dr LIM: I paid for that.

Unknown person: Really.

Dr LIM: Out of my pocket, because that is a little 30 second 1 minute thing, but it promotes. Look, I am out of pocket, but I said go and do it because this is the sort of thing

that we should be using Imparja more for. Blow your nose, because you can get infections from there. Your ears don't get infected. Suddenly, you can hear better, you can go to school better. The whole thing starts to improve because of that. We should be using Imparja more to broadcast that sort of message right throughout the community, like we did when Imparja first started, ten or fifteen years ago. They were broadcasting about good food, drinking milk, eating fruit. All sorts of good things. Good messages. We the audience should be going back to Imparja saying we want to see those sorts of things for our children. I tell them, but I am just one voice. If it comes from Indigenous people, then it makes more value that Imparja is there for Indigenous people. Because our children need to see good examples and good stories. The communities should start saying do that, do that and see what happens.

Mr HORGAN: As you say, it is under utilised, yes.

Mr PASCOE: One of the saddest things that has happened is that a lot of the senior Elders have lost contact with the younger generation. It is not only in Aboriginal communities. But the fact that it lost makes it harder to educate the young people in how to do things properly.

Dr LIM: Yes. But it is up to people like yourself, the middle generation that have to do something. Really, it is the middle generation. Because the older ones can't bridge the gap between the youth, but you guys can. You are going to be the next lot of leaders within the community as the Elders pass on.

Mr PASCOE: In our culture, grog is not our culture, kava is not our culture, gunga is not our culture. We would like to use bits and pieces of them just for pleasure. Because we know, when we use them more and more, then there is lots of violence and problems. It is not only now but in the next fifteen hundred years time, what is going to happen then. Kids are going to be running around here using needles, smoking cocaine.

Ms WILLIAMS: The population will increase.

Mr PASCOE: That is why, when them old people said - what they said about the Macassins. They said the only thing that the Macassins taught us was to drink ? "Manaki" and they said it tastes good. They didn't give us gunga, they never brought kava in, but they gave us that home brew and from there it has reached to a point where we have (Inaudible) We are not trying to sort of stop there or go back. But this one is for this community where we can keep control of our young, drinkers, people, anybody in the community. Then later on work along with alcohol, maybe, that club - forget it we had that before. This didn't work here. This thing (Permit system) works here. We would like to keep on top of this one where it is now. You know, controllable. The Police are controlling and the community is using this as a format to let the people drink in moderation and use that as a key to introduce trials and educate them as well. But I don't think that other steps that you said would work because people will turn around and say "I got license to sell gunga" .

Laughter.

Mr PASCOE: I got license to sell kava. So the whole thing about substance. Which substance are we talking about?

Mr HORGAN: Yes that is right.

Chatter.

Dr LIM: I have enjoyed this morning's discussion and I thank you all for your time, we really do appreciate it.

Mdm CHAIR: Thank you all. We have to have a deliberative next Wednesday to have a look at our program for the rest of the year and reporting in the future.

Dr LIM: The Committee has provided an Interim Report.

Mr PASCOE: Is this for Arnhem Land?

Dr LIM: No. For the whole Territory. From Darwin to Alice Springs.

Mdm CHAIR: We have gone to a lot of the communities in the Centre. We are going everywhere.

Dr LIM: The thing is substance abuse is a very big subject and for us to take it on we need to take it up in small chunks so that we can deal with. So we have decided to concentrate on petrol sniffing, gunga and alcohol at the moment. Other stuff is less of a problem. The big three problems in the Territory are those ones and we are going to concentrate on that and then once we do that maybe another group will take on another topic and all that. The Report should come out in the next six months, twelve months.

Mdm CHAIR: Next month we are going to Port Keats, Daly River, Millingimbi, all those sorts of communities.

Mr PASCOE: Today?

Mdm CHAIR: No, no. After the sittings. We go back into sittings for the next two weeks. We go back into Parliament.

Meeting closed.

TRANSCRIPT NO. 10

WADEYE – COMMUNITY MEETING

10 September 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Ms Sue Reece, Nurse Manager, Wadeye Community
Health Clinic
Mr John Marchant, Office Administrator, Kardu Numida Inc.
Mr Chris Westwood, Juvenile Diversion Case Worker
Mr Dale Seaniger, Deputy Town Clerk
Mr Felix Bandung, Traditional Owner and Council Chair
Terry Bullemor, Town Clerk

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: Good morning. On behalf of the committee, I believe there are no traditional owners, but I would like to thank the traditional owners and the community council for allowing us to visit your community, and I declare open the meeting of the Select Committee on Substance Abuse in the Community. I welcome all participants appearing before the committee today, to brief it on it's terms of reference.

The meeting is open to the public and it is being recorded. A transcript will be produced and eventually tabled in the Legislative Assembly. Please advise if you want any part of your evidence to be in camera. The decision regarding this will be at the discretion of the committee. You are reminded that evidence given to the committee is protected by parliamentary privilege and, for the purpose of the Hansard record, I ask that you state your full name and the capacity in which you appear today the first time that you speak and thereafter simply state your name to assist the recording and transcribing staff. All comments, if at all possible, should be directed through myself as the Chair.

I will introduce myself quickly, Marion Scrymgour. I am the member for Arafura and also the Chair of the Substance Abuse Committee.

Ms CARTER: My name is Sue Carter. I am the member for Port Darwin and I am also the Shadow Minister for Health.

Mr WOOD: I am Gerry Wood, independent member for Nelson, just out – that's Humpty Doo and Howard Springs.

Ms REECE: I am Julie Reece. I am the Nurse Manager of the Port Keats Health Centre.

Mr SEANIGER: Dale Seaniger, Deputy Council Clerk of Thamarrurr Regional Community Council.

Mr WESTWOOD: Chris Westwood, Juvenile Diversion Caseworker.

Mr MARCHANT: John Marchant, Office Administrator, Thamarrurr Regional Council.

Mdm CHAIR: And Pat Hancock is the Secretary of the committee, and Liz McFarlane, who is assistant to Pat, and they keep the committee on the straight and narrow.

Usually, in most of the evidence where we have gone around communities, three of the issues that we are focussing on, one of which I – is – quite a big issue is alcohol; the second issue, which is a serious crisis affecting a lot of remote communities, and that is the issue of cannabis and the increase in use and influx into communities of cannabis; and the third one, petrol sniffing. So they are the three areas that the committee, although our terms of reference is quite broad, we can look at and take on quite a broad area of licit and illicit drugs, so that gives us quite a wide scope; however, we felt that looking at those three, which are quite critical at the moment in a lot of – not just the remote communities but also in the urban centres of Darwin, Katherine and Tennant Creek and Alice Springs.

Usually there are some presentations. We might just open it up to – to discussions. The committee members, during the course of the discussions will ask questions as we are going along. People are comfortable with that.

Dale if you want to – or Julie...

Mr SEANIGER: Well, from a council perspective, as far as the first one is concerned – you mentioned alcohol – alcohol here is a problem as it is in most places. The – we have got an unusual situation here, in terms of the fact that we are a dry community and a lot of people would think that that is the answer to...

Ms SCRYMGOUR: How long for?

Mr SEANIGER: A dry community? About seven years. So the club's licence was surrendered. It was a licensed club prior to that. We had some problems in the community, not being able to control the consumption of alcohol, and I think that was more of a management problem at the time than anything else. People subsequently said, 'Well, we're happy to have it as a dry community and people can apply for permits', so at the moment pretty well – I think it is mostly all the non-Aboriginal people who have permits. Maybe one or two Aboriginal people have permits.

Mdm CHAIR: Who manages that, in terms of the permits? Is there a sort of management plan in place in terms of the control of permits.

Mr SEANIGER: Yes, it is signed off initially, to source a permit. It's signed off by the local land owners, for starters and then it goes to the police for them to sign off and then it goes to the Liquor Commission.

Mdm CHAIR: Are there limits on that, with the permits?

Mr SEANIGER: It is restricted to drinking within your own home or in the home of somebody else that has a permit.

Mdm CHAIR: And is that just for beer – I mean, when we talk about alcohol...

Mr SEANIGER: All alcohol.

Mdm CHAIR: Is that just for beer. I mean when we talk about alcohol is that just beer or you could get wine?

Mr SEANIGER: Any alcohol, yes. And that's policed. I mean, people have lost their permits for various reasons for periods of time or lost them totally at different stages and behaved inappropriately.

The defined area as far as alcohol coming to the community is restricted from Moyle and Peppimenarti which is the other side of the Moyle is about an hours drive from here. They have a licensed club there, so ...

Mdm CHAIR: How far away is the Moyle from this township?

Mr SEANIGER: It is about 70km.

Mdm CHAIR: And that takes about an hour to get to there?

Mr SEANIGER: It is a bit less than an hour. It is not far from there to Peppimenarti, so people often come back to the Moyle after the Peppimenarti Club shuts – and the alcohol on the other side...

Mr WOOD: What is the wet season like?

Mr SEANIGER: No, it is pretty well locked up during the wet. ... fly-in.

Mr WOOD: Can they get alcohol still from the other, cut across the Moyle?

Mr SEANIGER: No, basically if you go somewhere you go to town at Peppimenarti which is the other side of this community, the other side of the Moyle.

Mdm CHAIR: Is there a decrease in the population when the wet happens in terms of a lot of the drinkers moving from town to...

Mr SEANIGER: No, actually a lot of the people come back. That is probably the big downside of us not being a dry community. We find that being dry community, when people have the ability to drive to Peppimenarti or Daly River, they are away from the community for extended periods of time and also when they come back at (Inaudible) I am not sure what levels, depending on the communities but I guess Julie from the clinic and the Police will be able to give you some indications there, but there is certainly some humbug some nights when people come back intoxicated.

Mdm CHAIR: So when they come back there, they are coming back in drunk rather than staying...

Mr SEANIGER: Yes. There is two violators over there at the moment. You will see them at the police yard at the weekends and there is two full of ...

Ms CARTER: There is one this weekend and one the weekend before. Both in separate vehicles, and quite badly injured and very drunk. We have already heard about the truck going each day for \$50, how many people roughly would go on that truck?

Mr SEANIGER: Forty or something like that, I do not know. Yes, but it is not only the truck, I mean every afternoon there are vehicles of all shapes and sizes leaving the community. But you are probably looking for a figure that goes to the club and the police can probably give you that figure more accurately than I. But, I do not know, it would probably be 100, 120 people.

Ms CARTER: And the club might go to, say four o'clock or something?

Mr SEANIGER: Four to eight, I think it is. I think Saturday night might be longer and I think Sunday it is shut. There is a lot of talk over the last few years and particularly over the last 12 months in relation to having alcohol back here in some form and even the people who are opposed to or who are opposed to, or in support of closing the club many years ago, I think are coming around to the realisation that they are better off as long as they can have the management structure in place to have...

Mdm CHAIR: Who was managing it prior to...?

Mr SEANIGER: It was a club structure. I think that in itself was the problem.

Mdm CHAIR: They had a separated incorporated association and they had their own club members were elected to that?

Mr SEANIGER: Club membership, yes, and I think that thereby there was the problem, that they had a manager in place but at the end of the day the committee could basically overrided the manager.

Mr WOOD: I knew the manager. That is about what happened to him. That is why he pulled out, he lost control...

Mr SEANIGER: The Wadeye people have talked about it. The licensing people have been down on a few occasions and they were quite happy to come back. Our people have obviously been involved in the process of establishing the rules and we get to look at all the models that are out there, whether it be only draft beer or light beer or whether restricted numbers of beers, whether it is takeaway beer or whatever it is, and whether they have meals. All those sorts of models need to be looked at. At the end of the day with the management of it, the business arrangement with somebody actually had to enforce the rules that our people put in place.

There has been a lot of dialogue about that. That is a fairly difficult issue for people to deal with. I think more and more – this whole community is about organisation and people are talking about at some point having to normalise and educating people as to go – howbecause at the moment it is binge drinking, people normally go to town for meetings where

you have got to catch a plane back, it is binge drinking, you know, get in as much as they can along...

Mr WOOD: Do you bring back Gove –I am thinking back to Daly River, Daly River used to have the same pub just down the road. The idea of a club was to try and hold people there and not go down to the pub, but the facts were that they used to drink at the club and then head off to the pub. Do you think you would still have the same problems with the bus going into Peppimenarti after the club over here with this – you see you would have to have some controls the other way?

Mr SEANIGER: I think that is certainly something we have to look at. I think the other terrible thing about the other community, Palumpa is also in support of something happening back this way because Palumpa copped a lot with drugs going through there, particularly just after the wet and the rain and the main road is cut off, people going – drugs going through their community coming home.

Mdm CHAIR: Palumpa is a dry area as well?

Mr SEANIGER: Yes. Non-Aboriginal community as well. Is that right Julie?

Ms REECE: Yes. These last two accidents actually admitted drinking at Daly all day. Both had been drinking, one was a Friday night and the other was a Saturday night and they had both been, both car loads came in and entered Daly without getting pulled over, so that is the other thing. There is more cars in the community now than we have ever seen before. So they reckon that the... is at such a great rate at the moment. I think there is about four of the new cars there they have driven out...

Mr SEANIGER: It is that time of the year where the tax cheques come in.

Ms REECE: The tax line come in so they go in to Darwin and buy a car but it is usually gone within a month. And that is a huge problem for those families because often they bottom on credit. It is the women that are usually the best ones for a problem of the debt, because they are usually the smart ones that sign the papers and I know some of our health workers; one of our health workers in particular at one stage, was paying off three cars. One car she had for a whole full week before her sons wrote it off A whole week! Yes! And that seems to be a huge problem because this what she was buying it does not seem to be a 'no'. And you know, this half a dozen new cars in the community at the moment. You see them driven by all sorts of different people, and you think gosh, you know, why do they let you drive the car? If that person comes up to you and says their -----yours then you are about to give it to him, and it is very difficult for those people it to him. You know, it is very difficult for those people.

Ms WESTWOOD: With the drinking, is it a lot of the young ones that are having...

Ms REECE: No, not a lot, no. It is more the older fellows. That is the problem. The education of the young ones are seeing that it is ok for Dad to come home and bash Mum, or it is ok for Dad to be away days and weeks on a time, and it is impacting Darwin. I mean, you know a lot of the long grassers that are in Darwin are there because there is no alcohol out here, and they are there for extended periods and we get a lot of bad press in Darwin, but to a lot of our people, Port Keats is just their mailing address; it is not where they come from. Because they have been here where there is far more structure is. It is identifying people

back on their own country. So there is cultural issues too. Why they can go, they sort of runaway in different groups to drink.

Mr WOOD: Have any of the long grassers been flown back to Port Keats so far?

Mr SEANIGER: Yes they have.

Mr WOOD: And what happened? Did they stay, or did they get back

Mr SEANIGER: Oh, they are backwards and forwards. And there is even some of our older fellows that were taken in for that,...

Mr WOOD: That ceremony that they have had there...

Mr SEANIGER: They have stayed there (laughing).

Mdm CHAIR: Oh, they have stayed in Darwin, have they?

Mr SEANIGER: Oh, we have got them back now, but I mean that would have dragged on for about three weeks at the one time.

Ms CARTER: So with regard to that program that is still running I think, bringing people back out here. They were to sign up on something so that the money to cover their airfare would be taken out of their Social Security?

Mdm CHAIR: Centrelink payment.

Ms CARTER: Centrelink payment, is that what ended up happening?

Mr SEANIGER: I am not sure. You would have to talk to the Larakia mob about whether that is in fact happening. Because I mean they can sign up ok, but whether they continue to do that I do not know. I mean, that is something you would have to talk to them about. With our, probably history records here that it does not always happen, just because it...

Mdm CHAIR: Who runs the Centrelink agency here?

Mr SEANIGER: Well, we run the agency. The Council runs the agency. But a lot of that information would be obviously confidential but the Larakia mob are taking it out successfully from their end as far as cost recovery is concerned.

Ms CARTER: But what you are saying is that even though people are paid, provided with an airfare to come back to Port Keats when they choose to leave Darwin from drinking in the longgrass, then they might only stay here for a short period of time and then they have gone again.

Ms REECE: There is nothing wrong quite ? order mental illness there would be long period of drinking, so as soon as you have to send them into town or something, then it starts all up again too, so that is another one of the problems, that they very rarely even get to a hospital to be seen. We have got one particular man who has got extreme cardiac failure, and we send him in to town now five times for a cardiac echo and he does not get through ? We have tried all different escorts and everything, it just does not seem to happen. And that is extremely frustrating. We get him to sign a thing to say you know, he will pay his airfare

back and all this, and now is to say 'if you do that you do not get a fare back', but that is what these guys find. So it does not seem to work either way. And we never get the money back. Even though they have signed a thing to say 'Yes we will refund their money', you never get it. So it is a huge problem.

Mdm CHAIR: One of the issues, and Julie maybe yourself or Dale will be able to tell us. With a lot of the communities, I mean, grog is I mean quite a big issue. But what is emerging in a number of the communities is,

Ms REECE: So it's a huge problem

Mdm CHAIR: Julie, Scrymgour, one of the issues and certainly maybe yourself or Dale will be able to tell us. With a lot of the communities, I mean grog is quite a big issue. But what's emerging in a number of the communities is the dual abuse with both alcohol and gunya smoking. How great is it here?

Ms REECE: It's quite high. I think the other thing is the financial drain on the household. Like we have young women here that are beaten within an inch of their lives by their partners for gunya, when there's gunya in town. You know they come up because they've said no this is the kid's feed money you can't have it, and their husbands beat it out of them, because they need their gunya, and so the kids starve. We have a great program in the clinic and we are always feeding kids, and you get these kids in and they whinge, whinge, whinge, and you say "When did you last eat, have you had breakfast this morning?" "No." "Supper last night?" "No." You know and this is 2 and 3 year old children, I don't know how their mothers can stand and watch them starve. They haven't got any money, these girls are powerless, these girls, you know, 15, 16, 17, 18 year olds.

Mdm CHAIR: And their husbands are around the same age?

Ms REECE: Yes they're generally around the same age and they are the big gunya users. Kids start using gunya here very young aren't they Terry, about 10. Some of the ones we've had, kids in ganja-affected at 10, and that to me is criminal because it means the parents have actually bought it.

Mdm CHAIR: It was said on the Tiwi Islands where a lot of the kids, as young as nine were sticking their heads in bucket bongs.

Ms REECE: And the other thing is the psychosis. The level of schizophrenia here is really high and psychotic illness and I'm sure it wouldn't be as high if there wasn't nearly as much marijuana. So marijuana definitely tips the

Mr SEANIGER: It is not just, I think it's the type of marijuana that is used today too, it has got a heck of a lot...

Ms REECE: It is hydroponically grown and is really strong and they're right off their heads.

Mr WOOD: And what's their suicide rate?

Ms REECE: We don't have a suicide, it is a pretty good rate.

Mr WOOD: It's not gaining from marijuana use.

Ms REECE: No it's not culturally acceptable using suicide, which is wonderful. I don't know why it's not but hopefully it will stay that way.

Mr SEANIGER: In the five years I've been here I've only seen one threat of it, it was only a mild threat anyway. That was four or five years ago.

Ms REECE: The only people who threaten suicide here are mentally-ill people, who want to get into town. Fairly harmless threats actually,.

Mdm CHAIR: And do you have regular, I mean is there many evacuated out of the community going to Cowdy Ward?

Ms REECE: Yes, we probably have, ah, we'd have one a month that would be evacuated to Cowdy Ward I would say.

Mdm CHAIR: And how's the response with that, do you see the revolving door happening?

Ms REECE: It tends to be the revolving door quite often because once they come down off whatever substance they're on, their behaviour then is impeccable so they get discharged, which doesn't tend to solve the problem. They are getting better at it, but it is, you do see the revolving door quite a lot.

Mdm CHAIR: Is there follow up from, if you evacuate a patient out of here and they've gone on a psychosis, and they've just gone off their heads and you're sending them into Cowdy, what's the follow-up from Cowdy back to the community in terms of, or anyone back to the community in terms of an ultimatum?

Ms REECE: You just get a discharge summary when they are discharge from hospital and then hopefully they can catch a plane straight back, if they don't then they are often lost in that net for quite a while. They don't always return straight to here, so that in itself is always a problem. And when they come back here, they're set up on a program, medical visit about once a month and we've got quite a lot of people on anti-psychotic drugs and we have various course to work in, they come up every two weeks give them their needles. And they're all pretty good at coming in, if they are not, we usually get the boys to go and get, we very rarely have anyone refuse, very rarely. If it is you talk them down because they don't need it. We usually talk them into it.

Mdm CHAIR: So you have visits regularly by the mental health care, one a month?

Ms REECE: Yes.

Mdm CHAIR: What is your numbers in terms of the levels of, I mean people with psychosis?

Ms REECE: I really could not say that off hand but it would be quite a few, there would be 20 I suppose, anti-psychotic drugs at least. Then there is quite a few of other people who are on the more minor anti-psychotics in the interim (Inaudible) as well.

Mdm CHAIR: Julie, with the domestic violence, it is not, they are not just drunk and, I mean they are actually committing the violence against their women just for the sake of gunga.

Ms REECE: Yes, for the sake, for the money to get the gunga. It is particularly prevalent, actually it has got a lot better here, with that police-woman here who has been fantastic and a really good supporter of the women here in the community. Unfortunately she has just been transferred. But while she has been here, she came just after I arrived, and I saw the domestic violence go right down in that two and a half years. Police have also had a lot more training in domestic violence in the last two and a half years and they have got a lot more pro-active. So it has got a lot better than it was, but it still tends to occur, that family violence, where fellas want money for gunga.

Mr WOOD: I was going to ask, probably it is not quite in our realms, but the issue of gambling comes up. It is not part of the substance abuse but is gambling a big issue here?

Ms REECE: Yes it is a huge issue. All the women, not all women, but a lot of them play cards. It is a huge money. If you win at cards you win about \$3000.

Mdm CHAIR: And what happens to the money?

Ms REECE: The money, it is quite interesting actually, because they do have a system. Like, if you are in the supermarket and the woman in front of you, or the woman behind you, it usually is, the woman behind you is the one who has won at cards last night, if you are very clever you can go into the supermarket and buy all your groceries and get just in front of this woman who has got all this money and then they ring up the market, the cash register amount and say right, that will be \$300.00 And they just turn around and say to this person who won at cards last night and she has to fork out the money. So it does tend to go around a little bit with the women, not always. Some of them are really cheeky, they will jump on the plane and go to Darwin and spend it, or buy cars or whatever. A lot of them do actually share it with their families. So it just depends.

But it is a huge addiction, it is bad on your health. It is particularly hard for the little children because it is very difficult to get mothers who are involved in very exciting card game to actually break that card game to feed their children. And that is probably the hardest thing to deal with here, is the fact that you have got hungry children and all they will do is put them at the breast to shut them up. And you can see their growth charts. They start off, most of the babies that are born here are a good weight, we try to get all of our antenates really healthy, we look after our antenates very well, and when the babies are born they are lovely looking babies, they look fantastic for 4 months, and that is when they should go onto tucker. And if you could live with a little kid with cereal bowls and everything else and talk to them about starting this tucker program, and it just does not happen because they just, it just does not happen.

So these kids, their graph goes along here, beautifully like this, in the percent hole that they should be in, and then it goes Shhhhh. And then quite often they get so far down off the bottom of the chart they have to go into hospital for what we call tuckering up, for those kids, too skinny now, you are going to have to send them to Darwin to tucker up. Even though we give them, (Inaudible) Protein drinks, because (Inaudible) they are still too little. So we send them into Darwin and then literally fatten them up. They put laser-gastric tubes in feed them all night, those kids, and they are grateful. So up they come again and then they go slowly down and the next slump is down here. And it is just, they have got this zig zag growth

charts, it is a huge problem. And it is purely and simply because just weren't fed. And we often get children in the clinic that are nine and 12 months old that do not know how to eat at all. And it is only once they get to the running around and the scrounging stage that most little kids start to eat. They get quite good at scrounging and snatching. And I am sure you have had a few that have starved. But they don't, the oral thing is not there, with a lot of these kids. Some of the mothers are fantastic, they feed their kids, we have got some health workers in the clinic who have got beautiful babies. But there is a lot of them that aren't what they should be. And that is again, all the renal disease that occurs because of this, all the chronic diseases, all the trouble with men. All occurs at that age, the under 3's I mean you have got to keep them healthy. And you can sit these kids at the table and you can even feed them Weetbix and they will eat three Weetbix without even drawing breath these kids.

Mr WOOD: Is that due to mothers not caring, or cards, or is it a mixture of things?

Ms REECE: It is a mixture of all, it's mothers playing cards, because they do not have time, or they don't, hardly any one cooks here. Because they are so destructive with their houses, they just don't seem to cook, somebody has always wrecked the stove or whatever. They have fires and they cook potatoes in the fire, and occasionally they will cook a bit of meat, but mostly they live on takeaway.

Mr BULLEMOR: Julie, do the men gamble and play cards as well?

Ms REECE: Yes, the men play cards as well.

Mr BULLEMOR: Do they have mixed games?

Ms REECE: They have mixed games and they have men's games and women's games, they do the mixed games, the really big games tend to be mixed.

Mr WOOD: It could be all night.

Ms REECE: All night, days and days sometimes.

Mr BULLEMOR: Oh you see the large groups of them there, from early in the morning and throughout the day.

Mdm CHAIR: How many different language groups or clan groups do you have there?

Mr BULLEMOR: From what I have read there is up to 16 I think, different languages but there is something like six sort of main ones, but you may need to ask Dale for those...

Mdm CHAIR: 6 main groups, because I just wanted to know who was the main traditional owners that support the kids. What influence they have or they might have amongst all these other groups?

Ms REECE: Yes, because the fruit shop was put in here as an incentive to get the mothers to buy vegies and fruit for their kids, and there is a small percentage of them now that buy fruit but they don't seem to buy much in the way of other foods. Not the majority.

Mr WOOD: The butcher shop the same?

Ms REECE: The butcher shop is selling quite well but again, we stick to the professional type people that feature assistance. The health workers, the people who work here in council are sort of slightly better educated. One of them have got a family out the back here, they have got 13 kids and they live the take-a-way, literally.

Mdm CHAIR: Is access to money a problem? Apart from the alcohol, and the drugs and the gambling, do the households then get enough money coming in to begin with?

Ms REECE: Well, not for the price of food in here, because by the time you add freight onto the food, it is extremely expensive. Like, a box of Weetbix is about \$8.50 or something, it is \$4.90 in Darwin, that is a huge increase, and things like that. Food is very expensive. If you go over to the stores you can buy the same groceries from (Inaudible) as how much it costs.

Mr WOOD: Who owns the store?

Ms REECE: The committee. There is a committee of local elders who own the store

Mr WOOD: So the profits goes back out there...

Ms REECE: So profits go back into the community, yes.

Mr WOOD: Do you know who owns the barge?

Ms REECE: Well,....., but it was sold last week, I do not know who owns it now.

Mr BULLEMOR: Sold it last week?

Ms REECE: So it is still .coming so I will find out what comes next week who it is. Perkins has just been bought out-----

Mr WOOD: I didn't know whether they were looking at owning their own ----- like Tiwi Islands, everyone knows that.

Ms REECE: Not that I am aware of. You know with the new barge ----- do you Dale?

Mr SEANIGER: No, not at all. Actually I rang him the other day. Mick reckons he didn't know it had been sold.

Mdm CHAIR: Wasn't it Gulf somebody?

Mr SEANIGER: They bought Gulf straight out, I believe. Perkins, yeah.

Mdm CHAIR: Perkins?

Mr SEANIGER: Yeah, somebody got an Idea that they were sold, but they don't think so.

Mdm CHAIR: I was just asking the before, I mean, there are 16 different language groups here?

Mr BULLEMOR: There is, in Thamarrurr with the Karudimin structure, there is 20 clan groups that have come together under this regional structure. There are three major

languages that get spoken here, but I think it is about eight languages that are spoken around the region. I have got old Patrick up that way (Inaudible) But Mirrpatla is the language that is taught in the school which is the language of the local landowning group which is Karudimin.

Mdm CHAIR: Is the school bilingual?

Mr BULLEMOR: They teach Mirrpatla and they teach English as well. But English to these people would be their second or third language.

Ms REECE: The don't start teaching English at school until the fourth or fifth grade, yeah I am pretty sure that it is.

Ms CARNEY: What is the school attendance like? Tell us about the school.

Mr BULLEMOR: It is run by the Catholic education and up until two or three years ago, Sister Elizabeth, who was here for about 17 years I think...

Ms CARNEY: That is the Sister Elizabeth Little?

Mr BULLEMOR: Yes. And when she left here they put another fellow in who was a great principal, but sort of was not going along the same directions that the people wanted to go. There was nothing wrong with him personally, he just did not fit the bill locally. He sort of only did his 12 months, and sort of after about six months it was obvious that we were having problems. The attendance rate had dropped right down, we were having some problems in the community at that time to, but I think we got down to as few as 27 people at school at one stage there.

So following that sort of little episode, the Catholic Ed. was sort of madly chasing around Australia trying to find a super man or a super woman to take Sister Elizabeth's place. The people said "Look we have got a lady here who was the Deputy Chair of (Inaudible) who really wants to stay and we really want her to stay, put her in the principal's position, and we as the leadership group will take over the role of running the school in consultation with Catholic Ed". So Tobias Narndy actually moved into Sister Elizabeth's office, and Tobias and Jemma and the like of people, basically run the school board, and it works very, very well. Currently they have, I think last week they got up to about 300 kids at school which is great.

Mdm CHAIR: And do they stay or do they sign in, in the morning and....

Mr BULLEMOR: No, they are putting a newsletter out each week, which, they print all the names of the kids that have been there every day, and they have been getting up to 150 kids there every day.

Mdm CHAIR: How many kids in the community?

Mr BULLEMOR: I think there are about 800 school age children so we still have a long way to go but the graph is looking good, which obviously is going to mean there is going to be some, you know, we have to look at the situation up there which is happening right now, there having a workshop up there this morning and another one tomorrow about where to from here, and if that trend continues, how do we get on with the classrooms, and teachers, and staff housing and local support. Local support in terms of our leadership group too, looking at bringing some of the younger people through the system to share the burden.

Mr WOOD: What are the employment opportunities, of course when you go out, you have got 800 kids at school, they have got to somewhere.

Mr BULLEMOR: That is also being looked at, at the moment, it is a problem Gerry, and has been for quite a long time as you know. With the advent, some of you, like the new shopping centre over here, the new arcade, there are people being employed there in the takeaway, the bakery, the butcher shop, the post office, Centrelink and the Credit Union, and the local people run that themselves.

Under the council and Australian governance under this indigenous community coordination trial that has targeted our community, we have looked at targeting the construction industry; both building construction and civil construction as an industry, looking at the housing and the roads networks. Not just purely on needs basis but on an industry basis, to give job opportunities to people. Yeah, there is not a lot out there at the moment but it is something we are working on, we are working with Darwin Skills Development and Department of Employment and Workplace Relations with a strategy at the moment that Darwin Skills Development are doing the work right now on the scopeing exercise in relation to the job opportunities and a skills audit. We are looking at some of those students coming out of the school next year and going into training into Health and Aged care. I am not sure what it is like in the clinic Julie.

Ms REECE: Yes, we have got some more positions, which we are going to get, my young neighbour is now going to be a Health worker next year. I have found with most of them, because they are such timid people, if you get them, I have tried with a few kids, and you say, "right you know, we will train you to be a health worker", and they look all excited and they can't sustain it. So what I do now is say "right you come to the clinic and work for six months as just an assistant, and see how you like it, and then if you like it at the end of that, we'll put you into Bachelor". Because I find that a lot of them can't take the pressure from their families, from working in the clinic. We had several really good health workers resign because of family pressure. Because if you work in the clinic then according to your family you should have absolutely carte blanche for Panadol. You should be able to give your family a Panadol whenever they ask, and that is huge amounts. They are very addicted to Panadol here. These four people get so much pressure they just cannot tolerate it. We had a very good young health worker. I brought her into the support group in the baby room, and she was working so well, and this particular girl went to St John's College, she was computer literate, gorgeous girl and she left she said she could not take the family pressure. And they, just all the time, every time you turn around they are up close to her, going "panadol, panadol".

Mdm CHAIR: Do they take...

Ms REECE: Dangerous amounts of panadol? If you gave it to them they would, yes. They are very heavy with the painkiller, and it has the incredible placebo effect. They can be dying and you give them two Panadol and before it is even digested they are cured. They take an incredible placebo effect far more than any other medicine we give them. We go through thousands of Panadol per month, thousands.

Mdm CHAIR: The shop does not stock them?

Ms REECE: The shop stocks it as well.

Mr WOOD: There's liquid and tablet form?

Ms REECE: Yes, they have got liquid and tablet.

Mdm CHAIR: It would be interesting to see if the shop shelves...

Ms REECE: The shop sells out before the barge, every time.

Mdm CHAIR: God, really?

Ms REECE: Yes.

Mr WOOD: Put it down as another substance abuse.

Ms REECE: Yes. Clearly it is a substance abuse.

Mdm CHAIR: Especially, when there is so many illicit drugs

Ms REECE: We have got four a day, that come in every single morning and will sit all morning waiting for their four Panadol.

Ms CARTER: In communities with renal disease.

Ms REECE: Yes.

Ms CARTER: It is so bad.

Ms REECE: And particularly with Panadeine, because we have had a lot of Panadeine, which has got Codeine in it. You get really nasty headache withdrawals from them. So you have got these people all the time saying, 'I've got a headache. I've got a headache', and you say, 'You've got a headache because you're taking that Panadol too much'. 'Oh, no, I need Panadeine'. They will not take ordinary Panadol. 'I need Panadeine.' Panadeine and Panadol are the ones, the particularly addictive ones, that really get to the Panadeine. It is a longstanding thing.

Mdm CHAIR: If you get stuck into that you can't drive.

Ms CARTER: It is a huge thing.

Ms REECE: That is really hard on the workers, you know, the health workers, at night really get humbugged a lot. But we try and help them.

TAPE 8 BLANK Contd WITH TAPE 9

Mr WESTWOOD: contd: ...two years ago. Most people would be aware probably of the process is that they will have committed an offence, the police will go through and charge them in some way. The police decide whether or not they should go on to a diversion program or go through the court system. So once they're placed on to the diversion program, it is then a question of organising a conference and deciding what the program will be, so where they'll be placed to perform a function.

Now, the ideal situation is that they go into something, for me anyway, the ideal situation would be if they go into something that will hold their interest. That they have some interest, because otherwise I just don't see that they are going to fulfil their obligation and they'll end up back in the court system. So the difficulty here and probably in a lot of communities is that there are not the right programs or program providers that they can go into and have that variety of choice. For instance particularly in say the 12, 13 to 14 year olds, almost the only choice out here is that they go to school, and the school is actually an informal program provider, than a formal program provider.

Ms CARTER: How far does schooling go at Port Keats, like what age does it cut off at...

Mr SEANIGER: Basically primary school.

Mdm CHAIR: Many high school children have to go to Darwin?

Mr SEANIGER: Yeah there's a number of them want to get away

Ms REECE: And they've got girls there up to 18.

Mdm CHAIR: In the school?

Mr SEANIGER: We've got to get those girls out of this year, this is the point that you were coming to before there Gerry that there is no school window opportunity outside the school. We're creating, it's going to be a slow process but you just can't create industries overnight at Aboriginal communities as you all know. Even the restructure of this organisation, we've got, a girl started yesterday upstairs and hopefully we're going to get that other young girl that Julie was talking about in the next couple of days. And we've got new staff started down there at Youth Services Office, we've got new Aboriginal staff who have started in the Housing office, because there's growth in Thamarrura, the established traditional community council, so there are people identifying that they have got opportunities. But it's still going to be a slow process and there won't be a lot of it for quite for a while.

But what Chris was just saying then too, putting these kids in the school is creating havoc in the school in some instances, I mean the school police should be very patient, tolerant and so on but they can cause a fair bit of upheaval when they put kids in there that are on, you know, particularly don't want to be there.

Mr WESTWOOD: Particularly having a look at previous cases there are situations where kids are placed in a school that have never gone to a school. They can be 12, 13, 14, and have never gone to school. So their chance of fitting in and being accepted...

Mdm CHAIR: How high is that here, what sort of percentage have you come across in this, I mean in your five weeks I know that it's a bit unfair, you have just been here five weeks, but how many of those kids haven't been to school? Roughly, I mean the figure if you can work it out.

Mr WESTWOOD: Perhaps looking at say about 20 cases, past cases of kids that would have been placed at the school I would think that 40 or 50% of those kids have virtually had no schooling.

Ms REECE: It seems to be 'non-acceptable' to go to school, if you are a boy in some families.

Mr WESTWOOD: Some family groups in particular.

Ms REECE: Some family in particular are very anti school because we've got a big sign up in the clinic no children during school hours, you know children should be at school and you say to these mothers who have got kids with them, "you know this kid should be at school, shouldn't be here in the clinic with you". And they just don't send them to school.

Ms CARTER: Why is that?

Ms REECE: Apparently school is a bad experience for the parents or grandparents I don't know what generation, and so that family just stops any of the kids going to school.

Mr WESTWOOD: I have also been told that it is difficult, apparently, for some of the families to let their children go there because Mirapatha is taught there and that's not their language.

Mr SEANIGER: We had a situation last year – the year before last, when they started doing school up at Koy and the curriculum was set up there for them to teach them in Mirapatha, of course because they were patriot. "Nobody care's how they learn, you take that away, that is rubbish, we want our own". It is like trying to teach an Italian Greek or vice versa.

I think what Chris is saying too, there is no support mechanism here like in Darwin, you might have the Duke of Edinburgh or you have got different organisations that you can tap into to do an alter version and I think we can plan the juvenile diversion program, you can't, it is not one size fits all. What might suit Darwin or Katherine or Tennant Creek obviously does not fit a remote community and probably the opposite too. It is pretty difficult to say that this is the structure that will work.

I think the other thing is that the people here need to have the ownership of whatever happens on the ground down here. Theodora will tell you some of the programs – she came and saw us yesterday about a Commonwealth program that is basically being thrust upon them. I say they are not ready for that, that is not the way they want to do things. You have got to have ownership of the program or it simply will not work. In that juvenile diversion program we had quite a good strong basis of local people sort of pushing that when it kicked off and it is wasting away with the...

Mr WESTWOOD: Yes, they certainly have that history to them as well. When the, particularly in with the boys, when they get to the sort of 15 years of age, there is a couple of other program providers around, the CDP, the Rangers, the Alcohol Awareness Program – so there are some alternatives in there. I mean what I think – it is early for me, I have not lived or worked in a community before, but to me, I would like to see some culturally based programs or centres developed in terms of one that I think that for particularly the 12, 13 and 14 years olds might be able to go to would be some sort of art program. There is quite a few artists in the community and if we could get some of those artists on side and have a centre somewhere where – my difficulty might be that the police may not see that as – there is some sort of thought with the police that juvenile diversions should be a punishment and I do not think that is how it can work. It cannot work that way.

I mean if they go in with a couple of the respected artists, if they have got an interest in art and could work with those people, then they have got a one on one type mentoring, which will

teach them their culture as well because art is worked through the culture. So I think if some sorts of programs

like that could be developed - which may be difficult to do, may take some time to do, but I just see that they need to be placed somewhere where they have got some sort of interest and they are likely to fulfil the obligation.

One of the other difficulties with quite a number of these were placed at school, a decision was made that they would – the program might have been to attend school for two days a week for two months. That does not help the school in any way, shape or form because the school says that we then have maybe a couple of kids coming along two days a week and the rest of the kids that are coming every day of the week see these people as being able to come and go as they please. So it upsets the culture of the school if you like, in terms of maintaining attendance and again getting a child to fit in that has had no previous school experience or limited, is very difficult.

We are endeavouring – there is an effort at the moment to set up, what they are going to call a 'cultural centre' at the school. We have got a teacher set aside for that and the hope of that cultural centre is that the more difficult children perhaps, and those that are coming off a diversion program, would go into that centre. The hope is that they would have up to around about six local respected members of the community representing different clans, that would be able to go in there on a one on one basis with some of these children and then assimilate them through to the classroom, perhaps in that way.

Mr WOOD: Can I get back to employment, that is the question I ask in most places. If you have enough money in the Commonwealth to basically employ everybody, say the money at CDP, you have people work only a certain number of hours, and that is all the money you get and you have got to put it up. If the Commonwealth said that they could supply enough money for people to work, whether it is mowing the oval or repairing houses or attending parks and gardens.

Mr SEANIGER: We need support from the industries, Gerry. We really push for normalisation in this community. We build our own houses, we have got the capacity for both – our people are the biggest asset we have got here and they have got huge skills. Their eye and hand coordination for operating machinery is excellent. They are good operators. We have got plenty of people here that are wanting to work and we have not got the industry to sustain it. Now the IHANT programs, the Indigenous Housing Authority of the Northern Territory program, it is in a bit of a, we might only get three houses this year and nothing next year.

Mr WOOD: The whole community?

Mr SEANIGER: Yes, we cannot even keep pace with the babies that are being born. What is it, 80 or 90 babies? babies a year.

Mr SEANIGER: 90 babies a year. We can't get enough housing at the moment to keep up with our birth rate. We get a NAHS program, we are lucky if we have got two NAHS programs – that is the National Aboriginal Housing Strategy – in the last four years. That has only been 14 houses in the last four years. So I think probably in the last four years we might have had 20 houses.

Right now if we were to come to national housing standards as of today, today we would need something like 185 new houses, of course that sort of money is not kicking around. I mean to keep pace with our birth rate – we have got an occupancy rate at the moment of about 16 to 18 per house. I know that is the same problem all over Australia – all over the Territory anyway – but what we say is do not keep talking about us being Aboriginal people, just talk about us being people.

Mr WOOD: What I was getting at – I mean the industry takes time to develop but in the meantime also, you try to keep people occupied and working even if there is only, to some extent, some have jobs for one day and as people get more skilled and as you get more industry – but is there – I refer back to Bathurst Island when I was work supervisor, we probably had about 79 positions and we employed about 110 people. And they would do anything from erosion control of parks and gardens, planting trees in the main street, treating firewood – there are a lot of those jobs – but we at least had full-time – people wanted to work full-time, they could...

Ms REECE: I think that is (Inaudible) thing. Because we have got people that work full-time and only get paid for half a day because they are on CDP and I think it is criminal.

Mr WOOD: If the Commonwealth said we have enough - If you have got the jobs and we supply the money, that would be an assistance?

Mr SEANIGER: Oh yes, we keep coming back to industry. Industry wouldn't take that long. If we could quarantine some industry that – some work that happens. Like we have just had two houses built down there for Territory Health. Nobody even knew that those – including that these houses were coming on the ground and we were not given the opportunity to quote on these jobs. We could have quite easily built that. The same with the road works.

If we get access to the contracts that go on in the region – it would not take a lot to organise it – we would have an industry. But the other thing is, yes, the Coastal Lands Management we are doing little bits of that at the moment but not enough. We have got people who want to do it, we saw those rangers down at the boat ramp there a while ago. There is people wanting to do all those things. There is a whole range of industries, we have talked about the agricultural industry that you and I were talking about earlier. There is fishing that goes on here. There is a raft of opportunities but we do not have the resources at the moment to explore all those things.

Mr WOOD: Do you see – and why I put the emphasis on that. Do you see unemployment or lack of real work promotes problems with substance abuse.

Mr SEANIGER: Oh yes, It is a real social problem.

Ms REECE: If you have got nothing to do, why not get stoned.

Mr SEANIGER: I think the other thing is the over crowding in the houses. I mean that causes huge social problems. I mean people cannot sleep.

Mr WOOD: Those houses that we saw you making – the concrete houses – are they part of the IHANT program or are they separate? Are you making them yourself?

Mr SEANIGER: No, they are part of the IHANT program. Actually they are houses that Mirrar got the funding for on the outstations. There is four of them that we are doing the construction for them.

Mr WOOD: How many houses do you reckon we need? You are only given three, how many do you need, do you think, per year – houses, to keep up, well to catch up?

Mr SEANIGER: Well to catch up we need 185 right now, but that is obviously not going to happen.

Mr WOOD: There would be a straight out industry there, wouldn't there? If you could build a 185 houses, you could built a big industry.

Mr SEANIGER: Even if you acquire 20 houses a year over the next 10 years...

Ms REECE: You could do lots of things.

Mr SEANIGER: If we could quarantine a certain amount of funding every year on a permanent basis, a five year basis of planning – we have got no strategic planning for the region. It is the same with the roads infrastructure, there is no strategic planning for road infrastructure here. If we knew we were going to some contract works for the next, to look forward to, and the same with kids in school – but you can't pick them up one day and then put them down two months later and say: 'That's it fellas, see you next year, maybe'. So there is just no continuity.

Mr WOOD: Can you manufacture a house here cheaper than someone coming in and building one?

Mr SEANIGER: Not necessarily, but what we have got in there is the list of local employment component and the fact that we put, say a 10% profit margin on a house, the same as a builder from Darwin would do, but that money stays here in the community and that is what grows in the community. The consumer that you see driving around town and stuff, that we brought out contracts that we have not been able to achieve. But the money sticks – we don't have a that contractor comes out and lives under a blue tarp and takes his money back to Darwin.

We do not want to compare to Darwin, we just want to be able to do our own work out here.

Under all the same guidelines and legislation and scrutiny that engineers place on the Con the Greek or whoever else.

Ms REECE: So why doesn't that happen. We were told the (Inaudible) they will give you 2 new housing (Inaudible)

Mr SEANIGER: This bloke turned up. He wanted a nomination...

Mdm CHAIR: Is this departmental houses?

Ms REECE: Yes, this is departmental houses.

Mr SEANIGER: He turned up, he wanted accommodation for his workers, six workers for 20 weeks. He came and saw us about doing the concreting and supplying and preparing the pad. I said: 'Sorry mate, none of that....'

Mdm CHAIR: Had the council had the contract previously? Has council ever built...

Mr SEANIGER: We have had contracts. We built the duplex for the police over the back here. We did not build the police house.

Ms REECE: We built the medical ...

Mr SEANIGER: ...and that is what grows and assuming that you see a couple of and that's what grows and the ... you see when driving around town is ...(technical problem – no recording)

Contd:...we build the police house...

Ms REECE: We built the medical, the Registrar's house.

Mr SEANIGER: The Registrar's house, that was a ... construction.

Ms REECE: That is a nice house.

Mr WOOD: He is a bit cheeky that bloke, I mean you think you are doing a contract, including contractor's accommodation, and he has done it presuming he is going to get it basically for nothing...

Mr SEANIGER: Yes.

Mr WOOD: ...instead of bringing his accommodation with him.

Ms REECE: Those houses cost \$400 000 for very ordinary little houses.

Mdm CHAIR: When were they constructed?

Ms REECE: They have just been finished yesterday. The keys were handed over yesterday.

Mr SEANIGER: And you did not know anything about it?

Mr WOOD: Well how would they know where they had to go? The council runs the spot – you have got a town plan...

Mr SEANIGER: Well there is another issue. We have not got any serviced land left in the community. Right now we have not got any – we have got one block, sorry, of serviced land. Land Planning and Environment gave it a lot number. That lot number was allocated to Territory Housing probably 12 months ago but we do not know if people will go there.

Mr WOOD: Has Port Keats got a town plan of any sort?

Mr SEANIGER: Oh yes.

Mr WOOD: So it knows where it can spread or where it can grow?

Mr SEANIGER: Well we need Lands Planning and Environment to come down and need to do that before we talk about more houses.

Mdm CHAIR: So there was no consultation, you are saying, then, when – there is nothing with the councils...

Mr SEANIGER: He came in here, he did not have a permit, and we said: 'Have you got a permit?', and he said: 'Well we have got a permit for everywhere', he said: 'We just finished painting a house in Oenpelli'. We said no, you do not have a permit to go everywhere. We said you had better go over the police station. So he has drove in and drove out on the same day, very much surprised at what his expectations – there was not anything personal. I even said to him: 'Look mate, this is not anything personal, this is the way things have got to happen down here. It is just...'.

Mr WOOD: Let us say that there is a local council, or the new ...

Mr SEANIGER: Thamarrur.

Mr WOOD: How much say has he got in the establishment of the town, like not just the – the Lands and Planning are big people or do you people say you want a new suburb here or...

Mr SEANIGER: Yes, the people have the final say.

Mdm CHAIR: I mean it is a local government area.

Mr WOOD: No, it does not work that way.

Mdm CHAIR: Well it should, it should ...

Mr WOOD: No, no, I am agreeing with you. What I am saying is, a lot of - like Litchfield Shire, it is the exact reverse.

Mr SEANIGER: On this land, the local ... people would say whether that is appropriate or not. The same with Thamarrur people, when they put that subdivision over there, those four family groups said that we want two houses here, two houses here, two houses there.

Mr WOOD: And they are serviced?

Mr SEANIGER: Fully serviced, yes, that was a NARS program. It finished earlier this year.

Mdm CHAIR: This is a gazetted town, isn't it? It is not, is it Aboriginal land? Has it been deemed Aboriginal land? I just thought, because it is a mission set-up, and I see it is part of the Daly River/Port Keats Land Trust.

Mr SEANIGER: It is part of the Daly River/Port Keats Land Trust, yes.

Ms REECE: How come Palumpa is getting so many houses this year? It is a much smaller town. I could not believe it. They are getting eight houses or something.

Mr SEANIGER: Yes. They bulldozed down four to replace them.

Mr WOOD: I mean all this adds to the problems they have got. I mean over unemployment, overcrowding...

Ms REECE: No one is doing the diseases, terribly difficult to contain and 75% of the population have this flu virus at the moment because they are all in such close quarters there is no way to stop everybody from getting it.

Mdm CHAIR : Ever had TB here?

Ms REECE: No, fortunately. We have not. We have been very, very lucky. The thing we worry about is HIV. If that ever comes here it will go through like wildfire.

Ms CARTER: So how many people on average per house?

Mr SEANIGER: Sixteen to eighteen.

Mdm CHAIR: So, sixteen.

Mr SEANIGER: So there is families living in bedrooms, not just because the older people get kicked out.

Mr WOOD: With the death of someone –is there a long period when you cannot stay in the house or is there something else?

Mr SEANIGER: It varies. Down here that old man that passed away, they just closed his bedroom up, is it open again yet?

Yes, because of the pressure culturally they cannot grieve as long as other houses have.

Mr WOOD: Part of the house is out of ...

Mr SEANIGER: In that case. In some cases the houses are closed down for a period of time but, given the pressures that they are under, they cannot fully close it for as long as they culturally wanted to.

Mdm CHAIR: Gerry, we might just have a quick break and then we will come back.

Break

Meeting resumed

Mdm CHAIR: The Committee was established by a motion in parliament to look at just those three areas, because they were creating what a crisis. Not just out in our remote communities, but also in our urban centres as well. So that is basically and this morning we have just talked about those areas; mainly alcohol and ganja. We have also touched on the issue of employment, housing. Gerry has also brought up the issue of gambling which we know has also got a huge impact but rarely spoken about or it is almost been an area where angels fear to tread, in terms of a hard decisions or people taking a stance on.

Mr BULLEMOR: It might have been mentioned but the women who were part of this COAG initiative with the ICCP Indigenous Community Coordination Pilot, and we put up three areas to study and you may have mentioned this, I am not sure.

Mr SEANIGER: We have. I did not go into all the detail.

Mr BULLEMOR: Just one of the issues that the women raised as a priority that they need to address was money. And the management of money. Managing the family budget. Family and Community Services have a program going over in the Cape area of Queensland that has been quite successful in teaching people to manage money and a lot of our money is wasted in the escapism; the gambling, the grog and, the way it has got to escape, always got to escape to something. But there is quite a lot of interest in starting that program shortly here, and I think that whilst it is not going to solve all the problems, it does give us an opportunity to start looking at what is happening to money and get the families to start thinking 'well what are we spending seriously on ganja and against what we are spending on food and the grog'. It has had an impact over there where people are developing family savings accounts and starting to spend their money better and so this might be something that does help break the cycle. On the ganja stuff, you know there has been a bit of activity there. Police are working with the community to try and stop it coming in. We now let the police vet any permanent applications that come in, just in case they are possibly are suspects, you know they might be drink and drug for serious offences. There has been a fair few people coming out from Darwin and ganja is one thing when they are turning \$350 into \$3500. And people have said 'no, we want to block them we will try to use a permanent system to block them'. There is a coalition of landowners that can virtually block them all the way back to Pulumpa as the 'Hitler' wanting to do something. While we have said that we have got dealers within the community, you know, the greater group are more interested in starting up to block them. But I think the petrol sniffing is something that we have got to keep an eye on also.

Mdm CHAIR: Has that been an issue here?

Mr BULLEMOR: Yes, there is a small group that participate. The - years ago it was a big issue, back in the 80's. I can remember the mob got together quite strongly and wiped it out in no time at all really. It started, whenever it started it started with the same group of people virtually. The same families, and not always the young ones, it is the older ones that got involved. No, there has certainly been incidences of it over the last few months. Police are talking to us about it. Whilst it is not an illegal substance, it is certainly something that you have got to keep an eye on because it is worse than the whole lot.

Ms CARTER: Why do you think it comes and goes here?

Mr BULLEMOR: It is always started in the same area, the same group. And their families are fairly dysfunctional, so I think it is probably something they – it is a symptom of a greater issue. Now we would have talked about housing occupancy rates.

Unknown: We have been into that fairly in depth. Actually, Gerry was talking, was pushing in when I asked the question of Terry, that we asked before, we were talking about industry, talking about COAG ? industry. Gerry said he asks this question wherever he goes.

Mr WOOD: I was asking if Commonwealth supplied enough funds for people to be fully employed, could you employ people. I mean, I know that some – Dale was talking about fairly skilled work. There is also lots of work that people can do

Mr BULLEMOR: I think Gerry one of the things we are trying to achieve under this whole government initiative is this government looking at developing the local economy in the region. The balance of trade between us and Darwin is pretty one-sided. You know, they probably buy \$50 worth of didgeridoos and we spend you know a damn lot of money; probably \$20m a year. We are looking we are getting under the ICCP we looked at further development and in the construction industry. It has not worked as well yet, we are going to show you how the NT government did, because they are dragging their feet. When we are looking at an industry, we are asking the government to look at the fact of developing the local economy, don't just look at what might be available for Aboriginal housing next year, and see if there is a chance for industry. It is going to mean a change in the government procurement policies, if they want these regions to develop local economies, then they are going to have to change the rules along the way to allow them to do that at some stage.

Mr WOOD: That is why Dale was saying, for instance you know, 'you have to bring your aggregate by those'. 'If you had a place here that could produce the same aggregate then if there was enough assistance to say, get it up and running you could provide aggregate for the area as well'.

Mr BULLEMOR: And that is, when we looked at it, now I will give you a paper that we have done on this on further development of the construction industry. We have covered all the areas, the attract of industry, you know building the use of natural resources, the use of local people. We changed our construction method now to a construction to concrete tilt-ups, which allow more involvement of people because it comes a production line type of stuff, you know, we are not requiring skilled trades in every area, and we have got to make the industry user-friendly, you know, for the people, just to be able to give them an entry point. When we look at the construction industry in civil works, one of the things that we would put in to the government is that we will be due for an establishment grant due to the fact that we have now become a formalised local government structure. What we would be asking is for a we've done a audit of the roads and what it needs, roads networking the region, we've got funding through DIPE to do that but obviously there's a big backlog we all know the roads have deteriorated fairly rapidly over the last ten years I suppose, and there's a catch-up needed. We'd be looking at an establishment grant of a stage, payment, over a 3 to 5 year period that allows us to build up confidences along the way, so that we are doing, we've got regular work. So I don't think we are ever going to employ everybody but certainly we can get people more involved.

Part of the ICC people are also looking to ATSIC to talk about a community displacement room. These people are not afraid to buck the 'sit down money'. You mightn't remember, but Felix who walked out before, when they try to introduce, when they were introducing the 'sit down money' here, the people were very much against it because they knew that that's going to destroy them. Prior to that they had been working for their existence and actually Felix smacked Peter Forscutt in the nose.

Fortunately he was the government bloke who had the job to come down to spread the good news that we were going to get money and he says; "Your thought was, you tried everything else to kill us. Now you are going to make us sit down in the community displacement agreement, we'll be looking at capacity building.

Ms CARTER: What year would that have been roughly?

Mr BULLEMOR: 77.

Mr WOOD: I think it was about, well I mentioned about the time when he first got in and they put a demountable in the main street and I think it was about 78 or somewhere there, 77.

Mr SEANIGER: I'm not sure but I know every community I've worked on, can tell you of instances of what happened as a result of 'sit down money'

We're fortunate in the Thamarrura structure we bring together a number of the land owning groups, there's 20-odd that are in there at the moment, and if Thamarrura structure was in giving people amenity, in the corporate era, you know when we all got incorporated because we're black, sort of lost a lot of identity of people. Now people are going their provisional life. In the Thamarrura structure, they identify who they are because of the land owning groups that own them. It really is lifting up the self-esteem in the community for these people.

Port Keats has become a big refugee camp over the last 40 or 50 years. Now people are finally getting, they come to a meeting now and I'm Tobias ??? from Kintore - I'm not just from Port Keats, you know. Dale would say that's his mailing address, I'm from here and that's where I stay, I'm proud of the fact that I'm who I am.

But under the community participation agreement, eventually the government is going to have to confiscate or have the guts some stage to do something about the ----- money program. If you look at the Commonwealth government budget now, \$201bn, 40% of it is spent in social welfare and 50% of it is income mostly from taxpayers, it can't, it stays that way all the time.

But these people are already looking at what they can do. We've got (Inaudible) division where we're getting stuff that's compatible, CDEP, Work for the Dole programs, local government contracts, and that's giving a group of people a chance to run with a business at no risk virtually.

Work for the dole comes with \$2 200 per participant, another \$800 each 6month period for a training subsidy, and its concurrent, that is all we have got over that little area, we've got probably 10 or 15 on CDEP, 18 of the women have joined up for the work for the dole program, they got contracts with us relating to local government services in the area. When you put that together they've got an additional amount of about \$60 000 - \$70 000 a year now they can use to get themselves something and I think when we look at employment, we're not just looking at who's here, how many people are going to a get a 40-hour week job, how many people can seriously start participating in life you know. And where we are fortunate with this, the divisions for the groups in their own estates, the people are now saying what could we do, could we do the same as that on our block. Can we have some CDEP, work for the dole, working for themselves. So I don't think we can- we can employ a lot more people - we are doing a study at the moment for local jobs for local people, identifying every job in the community and the reason that could be done by a local person and what are the support structures that need to be in place to allow those people win that job and succeed at it. This is where we will be stretching particularly the ... parameters with the Commonwealth because it is a chronic shame that so much of the Commonwealth government money for training goes back to Canberra each year because it cannot hit the ground. We are hoping within - they talk about flexibilities in this ICCP we have really got to look at those flexibilities and I think part of it is our organisation's ... has got to see what it could it do or there is going to be some devolution of responsibility I think because we certainly realise with the Commonwealth, the bureaucracy set up for 20 million people and does not handle the 10% of the Aboriginals, and probably 2% of them live remote, very well. Part of this ... Grant is that I think it can be us

taking on some responsibilities under a regional government structure because we could not do it worse.

I think employment, certainly we can get a lot more people employed but we will certainly get a lot more participating also when it comes to ...

Mr BULLEMOR: So you are saying 'sit down money' wasn't, the effect has not been as bad as perhaps in some other areas we have been to.

Mr WOOD: I think it has been the same in every area. I have gone and worked over at Yirrkala and you cannot get no bread. Very bitter about the introduction to 'sit down money' because of what it did to people, people who had worked every day of their life virtually for an existence all of a sudden - and you know, to hear people basically wanting to get their responsibility back. They had responsibility for their kids, the government took that responsibility off them by giving them money, basically.

Mr SEANIGER: You talked about the balance of trade, I am just thinking to extend that word. It will be interesting to note that in this community we pull in about \$12m a year, that is the income that we know that comes into the community.

Mdm CHAIR: That is on ...

Mr SEANIGER: That is on everything. That is Social Security and that is revenue that we know that comes into the community that we can identify. What we can also identify is what sticks in the community, how it is taught trades, how ... trades, how to take away trades. There is a leakage of about \$5m a year which says to us we are not servicing the community effectively. We only talked before about normalising the community. Even the balance of trade between us and Peppimenarti - the amount of money that goes out when you talk about the balance of trade there. We send our money over and they send their product back.

There is always issues that have a station impact on...

Ms REECE: We cannot even get a haircut here. Nobody cuts your hair.

Mr SEANIGER: Like Terry says, you have to drive into Darwin to buy a dress. It will cost you \$350 airfare to buy her a dress in K-Mart, and people do like to buy clothes and look at what they have got in the store.

Mr BULLEMOR: We are pushing normalisation. If you want people to be normal you have got to have access to normal services. These people are not wandering around all day saying: 'Oh shit, we are Aboriginal'. They have never been dispossessed of this land. They are people, they are Australians and they want to be treated like Australians.

The message we will be sending the Commonwealth, particularly, in the next couple of months, we are doing a census demographic study in the region with Dr John Taylor and the figures that are being produced are going to be horrific, certainly blows the ABS figures out of the water. We want to put together a story now to say all right, this is real, what is it going to mean to both the Territory and the Commonwealth government in relation to provision of services over a range of issues, the whole, every

We also want to do an assessment. What are the costs of not meeting the challenge because the social and economic fall out is going to be horrific when you find what you are

finding will find in the Territory now. We have got all these emerging towns and we have to particularly with the Commonwealth stop them thinking about communities. Because at the moment you say community they think of just you know, they might think of Daly River with 400 people and they might of some little place they have seen. They do not realise that this place in 10 year's time is going to be a population below 3000 people. And it is not going to be able to be run with one door to the store and one door to the council office. People are going to be demanding more services. So we really have to look at this seriously on a regional development. One of the other plans, particularly in the housing needs that shows that the figures they are looking up in the next 20 years, is need around about 650 houses. It might sound not a big deal, if you say they go in 20 years it might happen. At the moment our funding is generally, well it is not consistent. I would say that if we averaged 5 houses a year, we would be thinking we would be doing fairly well. Like today, we have a backlog of 280 to achieve an occupancy rate of 7 per house. We will have 90 babies this year, or close to it?

Ms REECE: Yes, close to 90 babies.

Mr BULLEMOR: So that should be 10 houses you know, so when we say that we are looking at these needs, and one of the reasons we will be pointing, saying to the Commonwealth is 'hey, we are Australians, don't just keep pushing us under the Aboriginal door, you know, just say there is not much there you are going to do the best you can'. We have got to be able to tell the story in such a way that it is understood by academics, bureaucrats, politicians, because the problem we are facing; and this is just not Port Keats, this situation could be your home needs around about 210 houses right now. Maningrida needs 240 or something or other, and we just get -keep shoved over to the Aboriginal door over there, saying do the best you can with \$43m a year will come to... I think, we could comfortably spend that probably for the next 4 years just ourselves every year just to catch up, you know.

Mdm CHAIR: Given your bursting population, great, which is probably the highest I have ever been.

Ms REECE: Yes, it is very high.

Mdm CHAIR: Population has doubled what, over the last 10 years, hasn't it?

Mr SEANIGER: Yes, and it is going to.

Ms REECE: A lot of young mums, and heaps of teenagers, a lot of young mums, and they love children, so they are quite happy to have half a dozen.

Mr WOOD: How many people under 25?

Mr SEANIGER: About 60% of the population is under 25. You have the breakdown on the actual ?

Mdm CHAIR: That is about 60% of the population under the age of 25 you are saying.

Mr BULLEMOR: Some of the other issues Marion is that not only do we have a lot of young people here; the gap between delivery and conception is getting narrower all the time, isn't it? So there is a, even though the projections we are doing with John Taylor I think are going to blurb because we have got a mushrooming population now because we have got the majority of our people are just reaching maturity.

Ms REECE: We have got a population the same size as Maningrida. We have no doctor, we have no X-ray, that it just in the medical field. We are just the poor cousin.

Mr WOOD: I know two people who would like the population to be higher. Warren Snowdon and Dave Tollner. You might bump the figures for the Territory back up to where...

Mr BULLEMOR: You replicate the discrepancies now between our figures and the ABS over other areas, you will probably find you have got an extra man over there.

Ms REECE: I spoke to a lady from the Commonwealth about that because I was very dissatisfied with the way that the census was done here.

Mdm CHAIR: Well, I know that just in the Katherine West region, which is where they first found – I mean, when we first started delivering health services in that region, the ABS figures was about 1500. When we actually did the trial and recruited every single person in that region, the figures were close to 4000. That was a huge discrepancy in ABS figures.

Mr BULLEMOR: Even when they did this, they did it in September last year I think. We are having problems in the community anyway. If you can not do it on a day here, it has to be done over a 4 or 6 week period, you probably say ...

Ms REECE: And 50% of the population have gone bush because we have had all these dramas, and nobody would listen. And they kept just leaving these forms in houses when you think the average literacy here is pre school, how on earth are they going to fill in a complicated form?

Mr BULLEMOR: We have talked about now that we are getting it right with data is, the continual update, not just relying on a census every so many years but actually continuing, now we have got to have a process to continually feed, one of the things Minister Snowdon was talking about in his stuff, is that there is a responsibility in the ABS, not just to do it every now and again, but to continually update and we have to make sure that we do that.

Mr WOOD: With the housing, you spoke the last time about the possibility of Aboriginal people buying their own house. Does that come up in discussions at all?

Mr BULLEMOR: One of the, in the stuff that we would be putting to the Commonwealth about, it is not just what they can do for us, it is what we have to do for ourselves. And the people are very keen to get close to the real ownership of their land, and one of the plans at the moment is to, with the land trust area, there is limitations under the Act. But the land trust area is to be split into smaller trusts rather than to the estates of the people so that the land trust then is the people actually own the land. And from there they want to, under the Act, lease virtually their own estates for 100 years or 99 years or whatever capacity at this stage anyway, so that they can start getting some collateral in their land.

And we'll have to do it, the backyard of the Territory, the backyard of Australia has got so far behind the front yard, when you start throwing figures around now, what the needs are and this document will putting it to John Taylor, is going to show some fairly horrific needs and it can't be shunted off to the Aboriginal laws, we have to start saying this is Australia and make people aware of it.

We'll have to use every possible tool we've got to meet the needs, and certainly one of us allowing normalisation of a situation. Even now we're encouraging people if they want a carport, particularly if the person who is living in the house owns the land, we encourage them to go to TCU or someone and try and borrow the money because essentially we've got lighten the load off the main...

Mr SEANIGER: Just on the land trust Marion, you mentioned before the Daly River/Port Keats land trust area, that really has no significance to our people at the moment because the trustees that were appointed or elected, they don't even know how they got there, but they have got no relevance to people in their own estates, that's why under the Thamarrura auspices, if they can have their own land trust specific to their own area of land, they've got a say in what goes on.

At the moment under Daly River/Port Keats land trust it's endless. We know how powerful it is, people know how powerful it is, but in their own mind it's...

Mr BULLEMOR: It's not culturally appropriate that the ownership of land is vested in somebody else's (Inaudible) That's what they're saying though, we got to, and we had a meeting with Ruddock when he was up about that, you know you jump straight on 'Oh you want to form another land council?', say 'no we just want to do, what can we do with our lands that are in trust?'

Mdm CHAIR: There's a lot of areas that have called for 'breakaway' land councils though.

Mr BULLEMOR: Because it is, one day it might be linked and certainly the Tiwis are fortunate in having a land council structure - it's another element of life that you've got control of.

Mr WOOD: They nearly didn't of course. They were originally part of, going to be part of the Northern Land Council.

Mdm CHAIR: That's a been a good thing too.

Mr WOOD: I am one of those, when I see what happens to my wife at times with ownership over her land, it comes to a stage where I think Northern Land Council should be a voluntary group that you belong to. If it is your land, then you make the choice of whether you run it, or you're willing to

Mr BULLEMOR: I know that this worries some people, but in our area boundaries are known and as soon as we claim we want to map the estates and go through each process gradually getting closer to land ownership, because there is a lot of responsibility, responsible people out there you know and I agree with it I think they should be an advocacy or an ownership because it's not. We're going to need a lot of flexibility, a lot of innovation to actually meet the needs and we're talking about this information that will be coming up and we want to run a forum and possibly run it under the ICCP or possibly run it outside of that but we need to run a forum identifying the issues.

It's not just asking the bureaucrats to identify issues it's actually saying well let's get some social commentators around the place who can look at this information and start saying what's it going to be to the good and what if we don't.

We then want to run a forum under a solutions banner that allows us to start seriously looking at how we are going to address the problem, this is where I think we are going to have to engage the Commonwealth trying to build through the ICCP, to say well what are we going to do with backyard Australia, one of our hopes is that we can put this stuff together in the timeframe that puts it up in the basic element because it's going to be real live data and once it's known I don't think we can just push it aside. But we would hope that we can get it together, just in case the Commonwealth cash out Telstra and our argument would be that a block, a substantial block of money should go towards housing, needs for Aboriginal remote Australia, because they are never going to be cashed up, they have probably spent all that money anyway. When we are looking at the trickle, we are on a trickle feed at the moment in housing, not just us but the whole of the Territory, at 90 babies a year and growing.

Ms REECE: Some people have to have a different house to sleep in, the young here have no ownership on houses at all, but only with so many people sort of own the houses and you've got, say, four generations in a house, if you have got young 16, 18 year olds having babies, if they deliver in the community and you are doing a five day stay, you have to go to five different houses sometimes in that week to find that woman, because she will be at that house this night and that house tomorrow night and this house another night, and that's just the way they live, these people. They have no option but to do that, most of them. It gets too crowded and they say, 'You go down to that house tonight'. It is all within in the same family, but what a way to have a new baby, you have to have a new house very night. It is just awful.

Mr BULLEMOR: It has to be put up to another level. We cannot just be fobbed off to the Aboriginal law and say and have small group of regional councillors or somebody trying to work out how. You have got to be able to do the loaves and fishes trick or something or other. You cannot just

Mr SEANIGER: People with foreign aid going overseas. You have to find an opportunity.

Ms REECE: Yes, it is horrifying. A lot of the young women here have a fungal infection that goes from their waist to their knees, and that is because they live in such crowded houses they never actually take their clothes off to shower. They shower in their clothes. I did not realise until I was doing the midwifery job full-time and they all just come in all nice and clean and looking fantastic, but the waistbands on their clothes were always wet, and I would think, 'They sweat a lot', and then I noticed they do not sweat. I would say, 'Did you wash these this morning?', and they would say, 'No, showering'. They shower in their clothes because there are too many people in that house to have a shower in privacy. I think that is everybody's right, to be able to have a shower in privacy and these kids do not get showers in privacy. I think that is hideous. And so we get this incredible fungal area from their waist to their knees because that area never sees the light.

Mr BULLEMOR: The story has got to be told. We are quite happy to engage with the NT Government, because we have all known for years, and we certainly know with your local government, that it is hard when you are relying on such a small amount of money to do such a big job, and I think that the only way it happens is by way of putting all of this in a format that cannot be knocked. It really does try to make those voters or help those voters on the eastern seaboard to understand that this is part of Australia too and just what is happening, because it is not known. I think the mistake we make is by allowing ourselves to be continually referred to as Aboriginal not Australian, but I think people are Australian too. They have got their beliefs and culture. That was interesting when we had Bronwyn Bishop and her mob up talking about something or other.

Mr WOOD: Don't be mean. I think they were open to (Inaudible)

Mdm CHAIR: Is it the capacity building line?

Mr BULLEMOR: And she went away understanding that what 'normalisation' meant, that you do not have to have an Aboriginal answer to the problems; it is just a very normal problem. These people, as I have said, they do not go thinking about, 'How do we solve the Aboriginal problem'? You have got to normalise that.

Mr SEANIGER: The other thing is, you talk about definitions like you are talking about using the word 'community' and then the visions that conjures up. We had people from Canberra so you were visualising the clinic as somewhere you take your babies to be weighed on a Saturday morning. The clinic, to them, is a clinic; it is not a hospital. It is a hospital without a doctor in it. It is a hospital with out a lot of things.

Ms CARTER: Without a doctor.

Ms REECE: Yes.

Mr BULLEMOR: So but with all those things, you know, the impact of – I am opening a can of worms, obviously, when you say, 'Why is this happening?', and you get this sort of stuff and you go away and thinking, 'We can't do nothing about that', but we will have to. The issue of the kids who cry out, 'Ganja', the men will drink and some of the women will drink, but most of it is the simple, most of it is symptom of something that we keep missing. It is too big so we keep missing it. The worry is, what happens every day? In 10 years time we will be sitting here saying, 'what are we going to do with petrol sniffing'. We will be telling you then that if we have got 3500 people now – it has gone up 1000 since we last spoke to you – and things have got worse. These people have been living in abnormal conditions for so long they think of it as normal. If you grow up in a house with 20 other people you assume that that is normal but a lot of the other – you know, the normal – we have got a program at the moment of adult education, that we are workshopping mostly legislation works. We started off workshopping the Australian constitution just so people would have an understanding of where governments law is coming from in a white sense, and it really is interesting, out of that, how they could – without any encouragement they could understand that Thamarrurr was a federation and said was this group coming together for the common wealth of each other and drew a lot of similarities and this really is good grounding stuff.

We are workshopping now the education and we are getting - one of the difficulties we had in that area was the people would be talking about things and saying – when we started talking about law and this is where we started moving from the constitution they got into a lot of law, they said, the police have got the *Liquor Act* and they own the *Driving Act* and what else do they own for law. *Education Act* is law and there is the *Child Welfare Act* is law and there is all these different laws, and they said 'well how come they do not do any of that', you know, 'they only do us when its easy, when we are drunk' and you say well – and I think where we ----- on the *Education Act* when Fred Finch was the minister, we were wanting then to come out and workshop the *Education Act* because we need to have all the tools we can to get kids into school and one of them is the Act and you know, it would not come near us because – it is too hard. It is Aboriginal, what we are saying – this is what people say, how come it is not Aboriginal law when we are drunk driving but when it is the social welfare of the family knocking around the kids and so, all of a sudden it is Aboriginal. Rightfully they would

say government is being very selective about the application of laws in Aboriginal land. When it is too hard it is your problem and when it is easy it is ours.

So we are going through now establishing the norms. People do not know that there is an act that says kids should be at school between the age of 5 and 14 or 15, whatever it is. This is what I am thinking of doing now. There have been no – we have got a range of classes that goes ... demystification, conceptual education, formal education and informative education, so the people, you know, most of them are citizens, the middle age group used to do social studies at school and learnt about lots of different things. The struggle is numeracy and literacy for the last 25 years. We are not doing any social studies and the people are hungry for citizenship education, and we will do this as part of this capacity....

Mr BULLEMOR: Another one in that workshop was the charter of the United Nations, when they were having trouble last year and they said we are the United Nations, it is Thamarrurr, we all sit around the table. This is before Bush pulled the trigger – and they talked about it and they said yes, we are as strong as that. So that is when we got together – this is when that young fellow got shot – they all got together as a group and he said yes, we can fix this together, together we can fix this.

Mr WOOD: It is funny when you go back in the history – when Father Delphi came here – I am not saying that was a perfect thing. I think his theory was to bring people together and say we will continue to fight because they had a history of warring amongst one another. Not saying that was a perfect solution either but now when you are talking about coming together as United Nations he would probably say that was my intention years ago. It did not always work out that way.

Mdm CHAIR: Good – it was probably better that they have figured it out themselves to come together.

Mr WOOD: Yes, that is the context of history. (Inaudible) there is a security counsel.

Mr SEANIGER: Just talking before we were talking about normalisation in terms of drinking – coming back to the alcohol business – we talked about at some stage the future alcohol coming back here in some form. What is your response to that when they say that it causes many problems, (Inaudible) but in your experiences and what you have sort of looked at around the place. Does that sort of frighten you to say we should have it back here?

Mdm CHAIR: I am probably not the best person to ask that but – look there are communities in my electorate, there are dry areas, there are communities that are wet areas and they have had – I mean they have got clubs in them, they are fairly well – I mean after many years they have now worked towards pulling together alcohol management plans.

The Tiwi Islands which I thought would never go and work towards one, now we are waiting for the minister to sign off on their alcohol management plan, but hopefully that will bring some normalisation back into the community where there was not any of that. I mean the alcohol crisis on top of the ganja, on top of everything else that was going in there was creating a lot of problems. But then I have seen on a different scale a place like Maningrida, where you had regular visits from the TRG, used to fly their once a fortnight because of riots and stuff. They have now developed an alcohol management plan, TRG do not ever go in there, but the police play a central role in all of that, with the community.

I suppose if communities – I mean I came into this – and maybe still Gerry can have a chat as well – with a very closed view having worked in the health sector for a long time and seeing the result of domestic violence and alcohol related violence of having a very closed view about communities having wet areas to one where I suppose this committee has helped take off those blinkers and broaden – and see the different – you know, where communities have come up with their own localised solutions and plans that is actually making them work, but it is still early days in a lot of areas.

Mr WOOD: I think when the club was running here, it was run well and it wasn't a really big deal. Like it is only when it was not run well and the guys were gambling their quota type of thing and people getting drunk, it was an issue. I know at some stage we are going to have to do something because along the way a hard group will be. When the club was, one of the best parts about the club was it was a good point of social interaction. You know, to sit down underneath the trees down there and have a beer with the people that you are working with was quite good. It was a 4 can limit at the time and it really provided an opportunity for social interaction between black and white, which does not happen now. Over the years people have developed almost a siege mentality to some extent, they go to work, they track from work to the airconditioner back home type of thing.

Ms REECE: You can have things like bingo there, which I think helps the women with gambling and stuff.

Mr WESTWOOD It is very much a family thing.

Ms CARTER: I think if we have food there it is a family – you can have food as well and the kids will get their ...

Mdm CHAIR: They have implemented bingo on the Tiwi Islands and what that has actually done is a lot of the women have gone away from putting all their money in the card rings, because they have actually got two day restrictions over there now, it used to only be one day, Sunday no trading, but they have now got an extra day restriction in the middle of the week. So that gives respite to the community because the consumption is quite high over there. But on that day everybody goes and plays bingo so it is bringing both the non Aboriginal – you know, both non-Tiwi and Tiwi are all gathering and playing this game of bingo.

Mr WOOD: We heard of one community which their bingo actually, prizes were in white goods or things for the house, so ...

Mdm CHAIR: And that is what that are doing on Tiwi.

Mr WOOD: I suppose being on this committee I have got to make sure I do not lose sight of what our criteria is, looking at substance abuse in the Northern Territory. I mean when you say normalisation, one would probably hope that normalisation when it came to substance abuse was not the same as what I sometimes see in my community. I mean I play cricket every Saturday and the amount of alcohol consumed just at my cricket club is enormous. People just think that Saturday afternoon – days ... drinking. Not everybody drinks but there is some people there that drink and drink and drink, just like fish.

We know there is substance abuse with a lot of young girls – especially with the new types of drinks.

Mr SEANIGER: Why did he look at you when he said that Sue?

Ms CARTER: Sorry?

Mr SEANIGER: He looked at you when he said that.

Mr WOOD: I was worried about substance abuse.

Ms CARTER: He is thinking of Mitchell Street.

Mr WOOD: You have got the club sort of atmosphere and we know there is a lot of young people that drink at those places and a lot of alcohol – especially advertising for binge drinking about before and it has come up recently in the New South Wales alcohol forum. There is a lot of pressure on young people to drink.

So whilst I know there are problems here, there are problems in the wider community and I suppose I have always felt that many Aboriginal people, one of the reasons they drink the way they do is because they see the way we drink and in a lot of cases non-Aboriginals decide, especially in the Territory, it does not handle alcohol that well. Many people do drink moderately but there is certainly a lot of people that drink ...

Mr SEANIGER: But they are also escaping from often more severe circumstances. We might go to cricket to escape from our wives.

Mr WOOD: The wives come with us, sometimes. They drink too.

Mr SEANIGER: They are going to cricket to do – you know, it is a bigger issue I think. Like I know that when I was in Gove, if you asked me in Gove who had the bigger drinking problem, the whites or the Aboriginals, (Inaudible) The guys that lived in Gove House had the bigger problem but they could go to the Walkabout into their rooms Out at Yirrkala they end up going out into the park type of thing. Ours were obvious, but they did have a problem, the miners have, they have much more severe problem.

Mdm CHAIR: There is a real lack of – one of the things that we are also looking at as well as gathering evidence on those three substances, we are also keen to look at – and we have seen a real lack of mental health. You are quite fortunate here where you have once a month, in some of the areas it is almost non-existent, particularly where there is that dual usage of both alcohol and cannabis and the dual psychosis.

Treatment and rehabilitation services are almost non-existent. If someone wants to give up, say in a community like Port Keats, they have got to – because they have shut the caps, the 5 mile at Daly River, so they cannot go there anymore, so the only option is to Darwin. Now that is total dislocation from family, particularly if they want to give up those substances, because cannabis is addictive just like alcohol is addictive and there is no treatment services for that.

Mr BULLEMOR: On the petrol issue, I think the Commonwealth legislation of the ongoing supply of congas or avgas has matured I think and there was a discussion as to whether or not that was going to be ongoing. We certainly hope that it is otherwise we are going to – it has been effective. Kids are not using it. We have supplies of unleaded fuel that we, you know it has been effective, kids are not using it. We have supplies of unleaded fuel that we use for the smaller motors and that is generally kept under lock and key. The

instances where, in the last few months, where we have had outbreaks of petrol sniffing, these kids will go – it is not just kids, there is adults too – but will go to fairly extreme measures to get the fuel. So we are not about to, certainly, to put unleaded in the bowsers and leave it to the open slather because nearly everything we do at Port Keats we often do with a bit of zest, you know. While it might be – it is not seriously being managed at the moment and we do not – police want to talk to us about it. Dean was worried that, the police had a conference very recently on substance abuse and other things, and talked about it, but whilst that is not necessary with this issue it is something we have got to start doing some work on because if we had a ... we would do it with flair so I think we need to be quite conscious.

Ms CARTER: Just with regard to the comment that you made about Port Keats getting a license again and running a club. From what I have seen in the last 18 months, I would support that. I joined this committee because my seat is in the city of Darwin and we do from time to time have a problem with itinerant people and I was concerned that this committee might come up with the only recommendation that everyone goes dry basically and because guess what happens then, because prohibition does not work and people who want to drink will come into the place that does provide alcohol, which may well be in the city of Darwin.

We have seen in our travels now, remote communities who have been able to address the issue and compromise in the way their clubs operate and I would certainly – I know – like my husband works from time to time here in Port Keats, he speaks to the young fellows in Port Keats, he works in the sexually transmitted diseases area and they say they go to Darwin because Port Keats is boring and it is boring because it has not got a club and they go into experience some bright lights of the city and then will come back.

Mr BULLEMOR: Well if we were to do – if we go down that track – and we will in the not too distance future – what happened the last time that club opened, our mob were hanging around Stuart Park and that was where Shane Stone's camp was. We want to negotiate reopening with the government and the local Liquor Commission. We had a fair amount of discussion with it down here at that time and there was certainly an encouragement from the government for us to look at it because we annoyed hell out of Shane – and what ended up happening was we said look, this is going to be – there were a number of discussions, we talked about it and we said it is going to have to be negotiated, we are going to have to be fair dinkum, we are going to have to be responsible, we are going to have to look at all the concerns. John Maley was given the job at the Liquor Commission back in those days and we said this bloke is not mucking around, he is going to be tough, we are going to have to do this and John opened the meeting in the first four words he said, or five, whatever it is - well how many cans do you want, what is the limit going to be, six?

Our blokes thought they just – Leon and them looked at me and they said: 'You bastard'. We wanted them, we said all right, we would buy - if you open the club, can we either – as far as management goes we wanted to have a very separate structure between the ownership structure, we want to own it – and the management structure because we are not particularly good at managing things like all the time. The analogy of Port Keats and Darwin I would use to be – if you are going to let a mob of cattle in, you know, you have got to have a (Inaudible) to block them up, otherwise you blow the mould and you lose them and whatever and that is what Port Keats, if you do not have enough – when the club closed we had 640 members. If we opened up now we would probably have 800. If you are going to do this can we have – you know, you put down a licensing inspector or somebody that can run it as per the act. They said it has got to be a club but you could have the responsibility to manage it – your club management – said no, we do not want that. We are not that good all the time, so we do not

want to ban someone one day and put it back the next day, there will just be pressure put on the old man or something. If you people are fair dinkum about it, let's negotiate an arrangement here where you have a – you know, a bit of a shared responsibility.

We have just signed a shared responsibility agreement with this. I think that has got to be right across the board. If we were to open, we would want to have a look at the ownership structure, we do not want a club as much as an outlet, we want to run it by the licensing conditions of the act - not by the club management – and we would – to make sure we got off to a good start we would – we have been looking at some sort of professional management structure. Aboriginal communities are generally soft targets for professional managers, so it was putting together something that had a safety net underneath it, that involved the Liquor Commission, the police, the education that goes with running the whole thing and doing it in such a way so that we build the safety net. Like if we do it just to get our mob out of Darwin it will be the same things, somebody will come out and say how many cans do you want?

Ms CARTER: No, that is right. It has to be done properly.

Mdm CHAIR: Yes.

Ms CARTER: Or not at all.

Mr BULLEMOR: So if we can negotiate with the government on a range of issues that also ensure that it was not their total responsibility to come to us on the first day. So it had regular visits by licensing inspectors and we possibly seconded somebody who has got a good history of honest management to be involved. The main issues, the management might be – the management is critical but you have got to be able to manage your own affairs to some extent, as far as running under an act. But the bigger issues were, at the time, people were pleading don't just let us go on our own, but we have done that and we blew it.

Mdm CHAIR: Look, it is a hard one and what we come up with at the end of the day is – I wonder whether we have got the solutions either but I mean, we still were saying prohibition – I think we have a piece of legislation called the Dry Areas Legislation and I am a firm believer that if there are communities that do not want wet canteens or clubs established or if they do not want grog in, they should have the right to maintain dry areas. Particularly if the community and the majority are non-drinkers. They have that right. Certainly communities, there have been different views where they have looked at a number of things. A mixed bag and we have got to come up with some recommendations.

Mr BULLEMOR: But it is something that – the people need ... it comes up every now and again. We are not going to – probably at the moment we are dropping around about \$2m a year on grog. That is probably running a club we would take in around about \$1.5m, \$1.6m and certainly all that money went into community stuff. Like it was – we would not just do it because of the money thing. It comes up, particularly the middle aged group now who are being given delegated responsibilities by the older people to take on the management and wanting to normalise life and more people, at the moment, if they want to have a beer after work they climb in the back of the Peppi truck, it is about an hour or so drive over a pretty ordinary road and while you are there you might as well get a skin full because it costs you \$50 per pleasure of going there and back again.

What they are saying is why can't we go home and sit down with the kids, like you might do, and do this and you say, well you can, the permit system does not preclude you from doing it. It might be a mix and match thing. It might just be an outlet. Because one of the

things about Port Keats is – one of the things that worry people about opening a club is that if we have a single venue, we are possibly putting 700 or 800 people together everyday and there is issues with that. Some people would say could we look at the license, could we look at expanding the permit system and allowing it back there. The police are sort of saying well 'no, let's lock it up in one place and we can handle it or we can, at least know where the action is', but people are saying no, we are not about – our policy is to decentralise this place and get people back on their country, we have been lucky with the subdivision just across the road, because it has opened another boundary and those people are living a totally different life now to what they were living two years ago. They just love the thought of driving home after work and going home.

Ms CARTER: It is so different.

Mr BULLEMOR: We are looking at another one – hopefully we are going to pick up a NARS program and do another one. Now in those situations these people will not be travelling to a single water hole. They will be talking about an expansion of the Licensing Commission, and people, they have unto their credit, tried it yet. They said that maybe we are not quite ready yet because you say, well f you get the license and every individual license holder is responsible for management of his own license or his own permit. So we have got some issues there about whether they do that. But I think we will talk about it because it is something that there are families who want a normal life. So quite possibly could be doing it and doing it to their own betterment.

Mdm CHAIR: Look I am conscious we have got to fly to Daly River and meet with all at Daly, but thank you Dean, thank you all very much.

TRANSCRIPT NO. 11

DALY RIVER – COMMUNITY MEETING

10 September 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Gerry Wood, MLA

Secretariat Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Ms Marie Prosser, Leadership Centre
Ms Dawn Daly Manager, Community Health Centre
Mr David Shoobridge, Town Clerk
Ms Liz Cameron, Sport and Recreation Officer
Mr Peter Monaghan, Parks and Gardens Supervisor
Ms Miriam-Rose Baumann, Principal

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: I apologise that we are a bit late, we got a bit held up in Port Keats, however, I thank the traditional owners and the Community Council for allowing us to visit your community and I declare open this meeting of the Select Committee on Substance Abuse and welcome David, Dawn, and Marie.

Mr SHOBRIDGE: Mdm Chair, if I may, just to enter apologies from the Council President and two of the other councillors who unfortunately are attending medical appointments in Darwin, and the local policemen indicated that they wanted to come but it appears that they are not back.

Mdm CHAIR: The meeting is open to the public and is being recorded. A transcript will be produced and eventually tabled in the Legislative Assembly. Please advise if you want any part of evidence to be *in camera*. The decision regarding this will be at the discretion of the committee. You are reminded that evidence given to the committee is protected by parliamentary privilege, and for the purposes of the Hansard record, I ask that you state your full name, and the capacity in which you are here today, the first time that you speak and thereafter. Simply state your name to assist the recording and transcribing staff. All comments should be directed through myself as the Chair. I will introduce myself first. I am Marian Scrymgour, I am the member for Arafura and Chair.

Mr WOOD: I am Gerry Wood, the member for Nelson.

Ms CARTER: Sue Carter, member for Port Darwin.

Ms HANCOCK: I am Pat Hancock, I am secretary to the Committee.

Mdm CHAIR: Liz McFarlane, who does all the transcribing, friend, mentor to all of us. Keeps us on line, Mum. Looks after us.

Ms CARTER: Mdm Chair, can I make a suggestion? Can we invite Marie to sit up here a little bit. Maybe if we all snuggle up a little bit. This is an amazingly big table. And maybe Liz if you go over there as well, so that we can make it a little bit more human.

Mdm CHAIR: Most of the visits that we have done in the communities, we have left it fairly informal rather than formal structure. We have had formal presentations made to the committee. The committee usually waits and allows the presentations to happen and then we ask questions. However, in a lot of our community visits we would rather the conversation flow just let it happen and talk about it. The committee's terms of reference is quite broad. We have been chartered to inquire into all licit and illicit drugs. However, we felt when the committee was established that we would target three areas that we thought were creating quite significant crisis in the community; and when I say the community, it is not just remote communities, we are also conducting this inquiry and taking evidence in Darwin, Katherine, Tennant Creek and Alice Springs. We are not only talking to non-government organisations and government, we are also going to be embarking on rounds of consultation thanks to the member for Port Darwin with the industry, particularly the alcohol industry, to get their views so that we have both sides of the argument, so that when we weigh up our decision and make the recommendations to parliament we have not excluded one industry in our deliberations. So that is coming up in the next couple of months.

I do have a letter here which looks like it has been tabled by Father Leary. It is a pity he is not here. We would have loved to have caught up with him. I do not know whether I should read it out, or whether we should just table it. Would you like to just read, do you want me to read it out? I will just read this, and then we will continue. The letter that he has written to the committee or just the short note was:

When I arrived at Daly River in 1955 there was significant male ceremonial authority figures in the community. Their authority was feared, respected, and effective. All these men have since died. In the mean time, the cash economy system, including social security payments have entered the scene. Men, who by Aboriginal law would have assumed traditional authorities have very often succumbed to heavy drinking, so they have lost the respect of the young. The disastrous results amongst the young are evident, as well as Aboriginal law violations, which formerly would have been severe punishment are being overlooked. Ceremonies were being cut short or abandoned altogether. The deeper, cultural things were not being passed on. Also, the formation of mixed tribal communities, multiple languages, has tended to destroy the traditional authority structure. Outside encouragement to form a local council in the course of self management has further removed authority from where authority traditionally belonged.

That was tendered to the committee by Father Leary.

Mr SHOBRIDGE: I am David Schoobridge, the Town Clerk of the local council. As I indicated earlier, I do tender apologies from our council, most of them.

The council gave a considered submission to the committee and I think you have that already. At this point of time I guess we do not really need to – we can talk to that. I leave it

to questions, I suppose. I've sent that in. Perhaps if I could make a general comment. The three areas of concern that you raise, two of them really do effect us, and that is the illicit drugs and the alcohol. We, fortunately, I guess, do not have a great incidence of petrol sniffing; there is only an isolated case here and there. The other two create problems.

Mr MONOGHAN: I am Peter Monaghan and I reside at and I was asked to come to this committee, just to briefly fill you in. I have worked in the alcohol field for probably 12 years as a certified addictions counsellor. I have worked in Aborigine communities and set programs up in Aborigine communities and everything like that over the years and I think what Father Leary has said is excellent and probably what we see is going faster downhill now, as the alcohol – the alcoholic or heavy drinkers or the alcoholics in these communities now are tending to give way to the young ones and these are on marijuana, which is a far more insidious drug to deal with than alcohol itself. I think that what we are doing now, in all due respect and all, is a lot wellbeing being done and well-meaning stuff being done, but what we are doing now is just opening Pandora's box.

Mdm CHAIR: Peter, we were saying, maybe either you or David, I think the population is 450; is that right, around 450?

Mr SHOBRIDGE: Between 450 and 470 on average. That is just within the community, but you have also got another 100 to 150 outside in the district, and in the tourist season it can go up as high as 900 overall.

Mdm CHAIR: What impact does that have, in terms of the community, with both alcohol and ganja?

Mr SHOBRIDGE: You mean seasonal?

Mdm CHAIR: Yes.

Mr SHOBRIDGE: I do not think it has a great impact insofar as you have still got a flow of ganja coming in, certainly, right through the year. Alcohol just continues on. Population does not mean a great deal. The other big seasonal impact is that Daly River, of course, is situated at the eastern side of the Daly River/Port Keats Reserve, and for about four months during the wet season we do not have much traffic because rivers and natural problems. During the dry season there is certainly a great deal more traffic of people passing or connected with the other communities. That can have more of an impact, certainly, on the social unrest sometimes in the community.

Mdm CHAIR: Out of that population, say, 470, if we look at the core population of 470, what percentage of that 470 is the young population?

Mr SHOBRIDGE: I do not know whether I can answer that accurately, but I would suggest generally it is...

Mdm CHAIR: Like, say, 100?

Mr SHOBRIDGE: It is a young population, yes. There is at least 150 children roughly, and there is about a dozen old people and the rest are sort of in between, obviously. It would seem that most of the older people are points west, have gone to places like Peppimenarti and that sort of thing, so that, generally, it is a middle age to young population.

Mdm CHAIR: With that young population, are a lot of them smoking the ganja? We have heard evidence in a lot of communities, we were talking to people in Port Keats today and some said that 9, 10 year olds

Ms DALY: Actually the only things we have that are documented is alcohol related. There is only about two or three cases that is documented, to deal do with the illicit side of marijuana. It is all alcohol. I looked at the on call records for this year, the emergency after hours callouts. There was about 503 callouts, this is average. About 112 of those, all Aboriginal, were alcohol related injuries. Of that, there would be 25 visitors, meaning from other communities. There has been 0 to 15, there is about two not directly related, more the mothers have come in so their injuries are alcohol related. And in between the 15 to 16 age group, there is about 100 presentations.

Mdm CHAIR: Is that violence, that...

Ms DALY: Injuries, alcohol related injuries such as soft tissue injury, bruising, deep cuts requiring suturing; what else, fractures, we seem to get a lot of fractured jaws in that age group in the 30 - 35. And there are about 12 evacuations, medical evacuations related to alcohol, suicide, attempted suicide.

Mdm CHAIR: That is over what span of time?

Ms DALY: You are looking at up until sort of end July. There was about six attempted suicides, meaning overdose, alcohol related, so they were intoxicated when they made an attempt. FACS was involved with about 12 clients. Of these, the majority is alcohol related. Like their parents drink so there is only a couple that are of a great concern.

Mr WOOD: Do you have many deaths in the community? Like compared to, what you might think is the normal age kind of young people, say in their 20s to 30s, like car accidents, and violence?

Ms DALY: Oh, it is too many, you would have to space that out a bit...

Mr WOOD: No, I meant sort of the age...

Ms DALY: Not unusually. More formally.

Mdm CHAIR: If there was someone in this community that wanted to get sober, where do they go?

Mr MONAGHAN: They would come and see me.

Mdm CHAIR: They see you and what happens then?

Mr MONAGHAN: I will quickly assess them and tell them and I will send them straight away to FORWAARD. I would send them straight to FORWAARD for a treatment program, it is a good treatment program. It works on a recovery program, which is based on the twelve steps. And if they have families, get in contact with CAAPS, if there is a family group, if all the family wants to go and see, they can look at CAAPS.

Mdm CHAIR: Do they want to go? Or is there a reluctance to want to travel to Darwin? I mean there was a sobering up shelter, was it a sobering up shelter that was here or was it a rehab centre?

Mr SHOBRIDGE: It was a rehab centre.

Ms DALY: It was called Alcohol Awareness wasn't it.

Mr SHOBRIDGE: It closed at the end of June 2002 through funding problems. It was run by the Catholic Church. But since then there has been no program locally apart from the, I guess, Peter's programs that are run on Tuesday nights.

Mr MONAGHAN: Well it is no problem, we have an AA meeting here on Tuesday nights.

Mdm CHAIR: And who is that funded or supported by, the council?

Mr MONAGHAN: No, no, no. AA is not aligned with any denomination, politics, organisation. We are self-supporting through our own contributions.

Mr SHOBRIDGE: Peter does it, runs that just out of his own heart and I guess the council provides a room for him to do it.

Mdm CHAIR: That is what I was looking for.

Mr MONAGHAN: None whatsoever.

Mr WOOD: Many people attend.

Mr MONAGHAN: There used to be but not now, they're all out there drinking. They may do it when they're sober. We don't pretend to know they're drinking. The proof of the pudding is in the eating.

Mr WOOD: And they still got Nauiyu Nambiyu that owns the pub?

Mr SHOBRIDGE: Yes

Mr WOOD: And you've still got the club here.

Mr SHOBRIDGE: Yes

Mr WOOD: And is there an outlet down at Robbie's Creek, that way?

Mr SHOBRIDGE: No. There's only two licensed alcohol outlets and that's the club which is only open for an hour in the evenings Mondays to Fridays.

Mr WOOD: That's the alcohol part of the club, is there still recreation.

Mr SHOBRIDGE: Yes, yes. Takeaways during the day. And of course there's the pub.

Mdm CHAIR: And that's just out of town isn't it.

Mr SHOBRIDGE: About 3 kilometres from here as the crow flies, yeah.

Mr WOOD: Could you make a judgement as to whether Smith's Nauiyu Nambiyu owned the pub has seen a change for the better or worse or same as it used be.

Mr SHOBRIDGE: It's very difficult to answer that one Gerry. What the ownership is with the community which means it's got more control, for example there's no takeaway sold before 3 o'clock in the afternoon, things like that and we have a discretionary factor where we can actually close the hotel if things get too out-of-hand. But generally as Peter indicated earlier, there seems to be growing tendencies for alcohol and the rest of it's so I guess any good that has been done is taken over by the fact that there's more and more people drinking.

Mr MONAGHAN: One of the things that wherever you've got availability, where there are people who have got a problem, you're going to have a problem all the time and I'm not a crusader for everybody stopping drinking. But anyone who can drink I take my hat off to them for because I think that it must be enjoyable for them.

I come from a different way of looking at things as far as the pub is concerned and I have to say this, but it seems one of the biggest problems in our community is alcohol. One of the biggest problems is alcohol. It reaches out like (Inaudible) and behind the scenes and all that we do say well as a community we can regulate the pub. To me it is saying well all my kids have got a problem but I'm going to drive the bus to run them down. It is like saying, look you have got a problem, but we will still supply you with grog. That is just my opinion. Everybody has their right to their opinion.

Mr WOOD: Is the community still dry except for the license, can you bring alcohol

Mr SHOBRIDGE: It's a dry community except for special permits under the *Liquor Act*.

Mr WOOD: And you have your own club for that one hour.

Mr SHOBRIDGE: Yes just one hour.

Mdm CHAIR: Does everyone have access to those permits?

Mr SHOBRIDGE: Yes they do, they can apply to the council, the permit has to be approved by the council and the local police but it certainly within the last couple of years, it's not strictly to one section of the community and not for another, so there are Aboriginal people who have them.

Mdm CHAIR: And if they muck up

Mr SHOBRIDGE: They loose it, very quickly. That goes right across the board, staff member or whatever.

Mr WOOD: There's no restriction on the type of alcohol?

Mr SHOBRIDGE: No it's a straight permit, restrictions arose that are found in the *Liquor Act*, you can have it in your home. You can have guests that come from outside the community, or guests that are other permit holders who drink it in your home as well. But for example, people who live in the community that are not a permit holder can't consume it in your house.

Can I just add one comment to Peter's opinion and I respect his opinion about the hotel, but I'd just like to add that if the community hadn't bought it would have been bought anyhow, because it was up for a general sale and it has been running for over 25 years. So it has been the only licensed premises of the area, it still would have been operating.

Mr WOOD: It was a problem, thirty years ago.

Mr SHOBRIDGE: Yes more than likely.

Mr MONAGHAN: We broughtHe said who the hell could have been running it you know, so why not (Inaudible) if someone is going to kill, our people.....

Mdm CHAIR: But you have managed to put some restrictions on it.

Mr SHOBRIDGE: That is right. It does give us a measure of control among other benefits we hope.

Mr WOOD: Where are the profits from that going?

Mr SHOBRIDGE: Back into the community. At this stage we have not had any. It stays above water commercially but because it is paying off commercial loans and so on the community has got a growing equity in it but at this point in time we have not had any direct material benefits, no.

Ms CARTER: I notice that the pub is obviously walking distance for anyone who lives here, so is what happens that once it sort of gets cranking on during the day, men in particular will go there. Is there any limit to how much they can drink or is it just until signs of being drunk and ergo your not to be served drunk, that sort of things and once it closes they come back into town.

I notice that you have got a women's shelter there. Do the women on particular days or nights get into that shelter and lock themselves in. Is that what happens? Is domestic violence an issue here?

Mr SHOBRIDGE: Yes, domestic violence is an issue, but to then go back to the things you posed earlier, there is no restrictions as far as the amount goes, it is just a normal – if they are drunk they do not get served, that sort of thing. The council has imposed restrictions insofar as takeaways are only sold between, I think, 3pm in the afternoon and 9pm so there is some control that way.

Ms CARTER: Where do they drink the takeaway?

Mr SHOBRIDGE: There is an area between the pub and the community that is exempted under the two kilometre law and they can get takeaways there and drink them. There are other restrictions insofar as there are no flagons sold in the pub, the pub does not stock them and it will not sell spirits to locals to takeaway. Although UDLs in cans are sold. So there are sort of some restrictions that way.

As far as domestic violence, probably Dawn could answer that one a bit better.

Ms DALY: What exactly do you want to know?

Ms CARTER: I am just asking, is it an issue. I notice you have got what looks like a very good women's shelter. I only drove past it but it looks fairly substantial.

Ms DALY: To a certain extent there is no phone inside the building. There is a cage around it with lockable doors and a phone on the outside. So if you are over there and you have a need to get to the phone. That is an issue and then, it is in a cage, it has got four different living quarters but the other three are taken up by permanent residents. So if you are pretty much abused, it is not the ideal spot, they feel uncomfortable. I am sure the people living there feel uncomfortable as well because they have been dragged into this domestic violence.

Ms CARTER: Why do they live there? What, just lack of other housing?

Ms DALY: Lack of other accommodation, pretty much, and also...

Mr SHOBRIDGE: Sort of to maintain the place to some degree and have somebody there and there is actually a phone going into one of the residences.

Ms CARTER: So it is not utilised very much.

Ms DALY: No

Ms CARTER: Do you think there is a need for it or is it just not comfortable to use it?

Ms DALY: Well I reckon, as I say they have access to them. When the (Inaudible) is over they have no (Inaudible) to associate and their.....

Ms CARTER: Do you get many patients coming to the clinic who are victims of domestic violence?

Ms DALY: Yes. Mainly women. I mean that is part of it. It is the female workers who deal with it and then they become a target of the gentleman as well.

Mr WOOD: Have you any idea what the percentage of women drinking would be?

Ms DALY: The ones that presented?

Mr WOOD: In the community. I mean, years ago it was...

Ms DALY: Oh, about I reckon 20 odd females are drinkers, you know, they have got a drinking problem.

Mr WOOD: But the majority are men.

Ms DALY: Yes, the majority would be men but the women are.....

Mr WOOD: I think you have already stated that.

Ms DALY: I am not saying the whole community but there is a elite group of women that drink you know they are the main drinkers. And they are the ones who have problems with every other department.

Mr WOOD: Some places we have talked about employment being one of the problems but I mean, Daly River has had a drinking problem for well over 30 years, and it could not be put down to unemployment then because employment was good at that stage. Have you any idea why you have a drinking problem in the community? Is it boredom or is it because it is the only avenue that people reckon they get a bit of a high or is it peer group pressure?

Ms DALY: Peer group plays a big part. Because the younger gentlemen will go down for a walk with their older relatives and then take it up.

Mr WOOD: Do many men go out hunting still, all that, weekends in my time people would still go out hunting. Is that sort of gone?

Ms DALY: It depends on vehicle access pretty much.

Mr WOOD: But it is not a sort of regular thing, a bunch of people just move out on the weekends?

Ms DALY: No. Only in their own cultural entertainment groups.

Ms CARTER: Do many people from Daly River leave Daly River to go into other centres to drink?

Mr SHOBRIDGE: You will find there is a little bit of traffic between here and Adelaide River and Hayes Creek. But I think generally if it is available here, they would drink here. The majority ...

Ms CARTER: So it is not a significant problem that they go to places like Katherine and Darwin and become itinerants?

Ms DALY: We have got a few from there who were itinerants in that category but have moved on....

Mdm CHAIR: Gone to Darwin?

Mr WOOD: You have always have that community, it is Lagoon Road.

Mdm CHAIR: Knuckeyes Lagoon

Ms DALY: I think at Palmerston as well (Inaudible) around Palmerston

Mr MONAGHAN: Yeah, we just trucked one up from there.

Mr SHOBRIDGE: And in the Wet Season we have the reverse. We have a lot of people from communities to the west of us come here, because there is alcohol and they get barred by the river.

Ms CARTER: Is that a problem for you here?

Mr SHOBRIDGE: Yes generally.

Ms CARTER: And where do they live? Do they just join families here?

Mr SHOBRIDGE: They have got relatives most of them, and sort of extended families. And they sort of move into different houses.

Ms DALY: And there is a problem with overcrowding as well. And a whole lot of problems associated with that.

Ms CAMERON: Young people are also concerned about that too. Like, people coming in from other communities, getting drunk and then going on rampages and stuff. I know the young people worry about that.

Mr MONAGHAN: We get a lot of complaints from all that, especially on Thursdays, when the pay comes into the community. There is a lot of workers, well, there are a few workers that have not turned up to work, or come to work and saying I'm not working this morning, I'm too tired, I have been kept up all night with them next door. And this is a big thing because the houses are so close together and old and we have got a culture here of - I call it either tobacco dreaming, or smash the windows dreaming and they love to hear this smashing of louvres. It is a problem. I know health workers have been kept up all night. I know people who were kept up all night with fear of going to sleep. These are real problems.

Mr SHOBRIDGE: It is interesting what Peter was saying because one of the changes over the last couple of years has been the Centrelink pays, don't now come on a set date. The person, the pensioner, if you like, can nominate the date that it comes so that you have got money coming to the community regularly right through the week. In many ways you do not have one or two days probably worse community violence if that is the word than another.

Mdm CHAIR: I would like to say welcome to Miriam Rose. We were just talking about the issues of alcohol and cannabis and petrol sniffing in the communities Miriam. David, you were just...

Mr SHOBRIDGE: The comments that Peter was making about - which is very real - people get drunk at night and so they will disrupt the sleeping patterns of others or their neighbours and therefore they do not come to work. Whereas that used to be, in many cases, only one of two days, it is now more readily - it is more obvious right through the week. One of the main reasons for that is the Centrelink payments can come on any day. They go into the banks, not to a nominated ...

Mdm CHAIR: Are there many that are on Centrelink payments? I mean excluding family allowance payments which a lot of the mothers could get, but unemployment.

Mr SHOBRIDGE: Yes, I could not quantify the kids.

Mdm CHAIR: Yes, and you have what, 150 CDEP positions?

Mr SHOBRIDGE: About 142 actually.

Mr WOOD: You have people that are unemployed because they cannot be in CDEP or they do not want to be in CDEP?

Mr SHOBRIDGE: Generally it is the other way round. We have normally got vacancies in the CDEP.

Mr WOOD: You can have a vacancy and of course people can still be paid CDEP, is that right? If they do not want to take that position.

Mr SHOBRIDGE: How do you mean, sorry Gerry?

Mr WOOD: You do not have to work for CDEP, do you?

Mr SHOBRIDGE: Yes you do. It is no work, no pay.

Mr WOOD: That is local rules.

Mr SHOBRIDGE: Yes, that is. That is a CDEP rule as far as I am aware.

Mr WOOD: In some places we have been told no. If you do not want to work for your unemployment benefits you do not have to.

Mr SHOBRIDGE: Our understanding is that the role of the rural CDEP is no work, no pay, so that people can work normally up to 20 hours a week and sometimes with top up. If they do not – say they do 10 hours, that is all they get paid for. That is the local rule and I understand the Commonwealth rule as well.

Mr WOOD: You are probably right but we had heard...

Mdm CHAIR: Some of the communities have been very flexible.

Ms BAUMANN: No, we are not flexible here. If they do not want to work and they want CDEP well they have got another option of getting money from it. I think that is the only ...

Ms CARTER: So if they do not have CDEP because they do not want to work, they can get Unemployment Benefit.

Ms ROSE: Yes.

Ms CARTER: Full Unemployment Benefit?

Ms ROSE: Yes.

Mr SHOBRIDGE: Yes and in fact it is even more than that Sue, if CDEP is considered voluntary in nature so that a person – there is no requirement for them to take up CDEP just because they are capable physically of doing it and have not got unemployment. They do not have to do it, they can stay on Unemployment Benefits.

Ms CARTER: Is the amount of money you are paid on Unemployment Benefits the same as CDEP?

Mr SHOBRIDGE: We do not know because we do not have access to the unemployment records, that is something that Centrelink runs. but it has been a long standing policy of the council that the voluntary nature of CDEP should be removed.

Ms BAUMANN: The CDEP Management Policy.

Mr SHOBRIDGE: Yes. For example, the council tries to enforce that in other ways. If there are two people applying for a house, then the preference will be given to those who work on CDEP.

Mr WOOD: If the Commonwealth supplied enough money would you have enough work for people who wanted to work longer hours?

Mr SHOBRIDGE: We would find work. There is work here. For example, one of the desires that Miriam put back on the list is to create things like a vegetable garden or a market garden. One used to be here probably in your time. All that work could happen. Recently we were approached by a saw milling company who wanted to give 12 positions to work for moving logs from the area. It looks as though we cannot do it because we cannot guarantee that we will have the labour.

Ms CARTER: And why can you not guarantee that?

Mr SHOBRIDGE: Because we do not have the reliability of people turning up for work.

Ms CARTER: Because they choose not to?

Mr SHOBRIDGE: They choose not to.

Mdm CHAIR: I would like to ask Miriam something. With all the communities we have travelled around, landing in this community today, and I have come down here a few times to visit the Meripan Arts Festival. There must be something that is working because, when I have gone to a number of communities, I mean you do not find communities like this, where it is clean and the kids look happy, so something must be working. Apart from the grog problems and the problems with ganja coming in, there must be something that is making the community at least work.

Ms BAUMANN: Let us just say that there are more working people and you will support me in this or correct me if I am wrong, but there are more people that are working on either CDEP, education or health or council than there are of people who are on unemployment. The people, I think, that we are having problems with are young people more than anyone else and people that just float around the place that are on unemployment from other communities, and it is bad for a lengthy period. These older people like, for example, people 30 and over sort of thing are more willing and able to take over responsibility in having a job of some kind than there are of people under that age. You might get a handful of young people that want to work and do something, but there are more young people than old people that we have problems with, that do not want to work.

Mdm CHAIR: So all the under sort of 30 not wanting to work is the main area of concern?

Ms BAUMANN: Yes, half and half are ...

Ms CARTER: Why do you think that is?

Ms BAUMANN: There is several things that prevent people from doing those things or the willingness of one to have a job. One of the ones that stands out more is, like David was saying before with Centrelink, welfare dependency I suppose, in the sense that if you get you kid to come to school and then they reach an age when they are about 15 if they are capable

of going into mainstream in Darwin sort of thing, boarding school, they come back and then sometimes they might drop out and come back or even just kids at school, here in primary school, some of them come up and say or make comments such as "why should I work when mum and dad sit around and do nothing and collect money for nothing type thing.

Mdm CHAIR: What is the attendance rates at the school, Miriam?

Ms BAUMANN: Well it is up and down. We have got about 510. 80 might come. Sometimes the whole school, sometimes 80 and I think there is more. Everyday there is about 80 kids coming. And they move around a lot too we are the gateway here for other naming places here, they are backwards and forwards all the time. They are not stable and it is really hard to get them to learn new things.

Mr WOOD: Would you say that this community is also different because there is a fair number of non-indigenous people who actually lived here most of their lives as well as the community that have got a range of people from different backgrounds. Like your old man Bill, he has lived here for many years. (Inaudible) was here for I do not know how many years ...

Ms BAUMANN: Mark did.

Mr WOOD: So I think you have got some good influences of people who are willing to make their lives here as well which I think makes it an interesting community. It is not like a lot of other communities. You will not get this mix in a lot of other places.

Mr MONAGHAN: I think Gerry what you are saying is a valid point, because with all those people you have mentioned and the supervisors on the jobs in the community and most of these people will influence the people who are working and they will give them encouragement to work and positive feedback. I know I have got two lads on community service work and according to everything they were ratbags and everything. Now by the time they finished their community service work, with just a bit of saying: 'Jesus, you did a good job today', the whole attitude seems to be changing and they are taking a pride in things. You know, it is their community. You know what I mean. On Wednesday I have to look at the grounds and And it is not me or the others that is doing it, it is the people who are working on it and if you say to them, just have a look at it, it makes them feel good. It gives them a good feeling. I think that is very important to these people here, to all of them.

Mr WOOD: Daly River people have always been proud of this community. It has always been – even years ago it was, I reckon, still the best community. I remember, I used to run in Bathurst Island in their at the athletics game in Darwin. They would always tell them what a great place Nguiu was and I go over there and saw old tin huts and here we – the first buildings here were proper buildings. It always has been a good community. The houses that might look pretty poor today – I do not know whether there is any Aboriginal houses still left. They were built in what, about 1956. I think Paul Hasluck and the United Nations had a little bit to do with this community in the beginning as well.

Mr SHOBRIDGE: The oldest house is now about 28 years old.

Mr WOOD: Well there were houses – the houses that were here in my time would be older than that again, but they were the first proper houses built.

Ms BAUMANN: The (Inaudible) is still standing there.

Mr WOOD: Still there, yes, but Daly has had a pride in itself. One advantage is that there is plenty of water, so it has been able to keep it green. I remember when I first came here and all this lawn out in front here was planted by hand. That was just part of the work they used to do. But there was plenty of water. People always planted trees. In Dominic's time he was always making clothes and watering the oval.

Ms BAUMANN: People were not forced to come here too which reflects in how people react to each other and look out for each other. There is about 10 different languages, dialects in this community alone whereas if you are referring to the people across the river, the Daly region, there is about 14 languages and dialects and 10 of them live here and people were not forced to come here on the end of a chain or rope and they walked here and set up and it is the people that have passed when the church came here to set up an educational health centre. The place was already established and it is old people that asked the church to come here and it just went from there. I suppose we could say proudly that we haven't got a big lot of people hanging around long grassers in Darwin, if there is there would only be one or two. We can't get them out of here sort of thing you know, to go somewhere and it is not just because we have a pub down the road. I mean we still have our problems like any other place, with the grog problem, but we would like to do something about it.

If you are going to send people away. People are not very happy to go to places such as FORWAARD and CAAPS. I was talking to David earlier because the courses that they do in those places. I mean it is good that if they are lucky enough to go to these things and sometimes they are forced by a court to go to these places and some of them come out looking really good and young again, sort of thing. I believe that the courses there are based on mainstream type situations and makes people feel that the place is not for me.

Ms CARTER: Excuse me, Miriam. When you say mainstream, do you mean like urban stuff as opposed to cultural?

Ms BAUMANN: We did have an alcohol awareness course going here, when the church was running it from Darwin. That went really well until the government came along and pulled the carpet from under our feet sort of thing and said that is it, there is no more money to continue here.

Mdm CHAIR: Is this the Five Mile one?

Ms BAUMANN: Do you want to add to that David?

Mr SHOBRIDGE: Well we mentioned earlier about the fact that the 5 Mile had ceased about 18 months ago.

Ms CARTER: What sort of service did it provide?

Mr SHOBRIDGE: It was a family alcohol and I guess crisis family violence intervention centre, and it provided a series of courses; I think took about six weeks in duration. And it's clientele didn't just come from here they came from right across the top of Northern Australia, Western Australia.

Mdm CHAIR: I know a number of the Tiwi mob used to come here.

Ms BAUMANN: Arnhem Land.

Mr SHOBRIDGE: Their policies generally seemed to be to take people away from the things that they were comfortable with so that they would...

Madma CHAIR: Was it run by the Family Recovery in Darwin?

Ms BAUMANN: Yes in Darwin.

Mdm CHAIR: Father Paul Sullivan.

Mr SHOBRIDGE: That is the one.

Mr MONOGHAN: Just on that other range, someone asked me not long ago, I have arranged for Rosemary Murdoch coming down specifically to do a 2 day workshop for the women in the community. To have a look at the women's issues, what they are going through. They are suffering, up all night with the kids and all that. They have a problem, you know what I mean. They become co-dependent and a lot of time what we would call professional enablers by trying to be too good to the people that have the problem. We enable them, like on a payday here, where we will be forced to give them money to go down to the pub. The family payments here, you see the pub full at the night time. So you have to have a look at this type of enabling. Whilst you have somebody doing something, you always have somebody enabling them to do it and usually it is the family enabling them to do it. This is where the education in these areas needs to be given to the family members who are at home looking after the kids. The money is for my kids not for you to go to the pub and that sort of thing. I have asked my council to get this woman to come down and work with women in the community.

We are being a bit proactive now instead of reactive all the time. The horse has bolted out the stable now and is way down the paddock.

Mr WOOD: Are there any men that have given it away?

Mr MONOGHAN: Yes.

Mr WOOD: Are there any that we can use to motivate others?

Mr MONOGHAN: Well I was just talking to Marion, we have a lad here who we have sent away to FORWAARD, probably nearly 18 months ago and he got sober and has stayed sober and is out bush.

Now one of the things that I wanted to talk to him about was whether he would go away and get some good training, because he is Aborigine, from this area, well known and everybody is talking about him now. He is a powerful example to his own people here and I am going to see if he could become a councillor and to sent away to get proper training. Not Mickey Mouse training.

Mr WOOD: Is there a problem with shame job, if he does that? Is there a likelihood that someone would try to pull him down?

Mr MONOGHAN: No I don't think so because his recovery is such that they wont be able to pull him down.

Mr SHOBRIDGE: They might be more supportive because he is away doing his training. Some sort of scholarship scheme if something could be provided.

Mdm CHAIR: How old is he?

Mr SHOBRIDGE: He would be about 30. Eighteen months ago, he looked the picture of ill health.

Mr MONOGHAN: I am quite sure he would be ideal. I was looking for it and it was funny today, I picked that thing up off the desk and it were weird actually talking about making more money available for people like that. The opportunity is there, I will get in touch with him and ask him and we can all support him and help him go forward and become a role model. This would more or less be a first for the community. And from little things big things grow – so the saying goes.

Ms BAUMANN: Actually talking about (Inaudible) I have a letter that my specialist has sent because they were coming for someone else at this meeting now. Lionel could not come because he had to stay (Inaudible) so (Inaudible) and this letter from Darren Rashley. Could I just read this Marion. To whom it may concern, I apologise that I am unable to attend this meeting at such short notice to myself. I would have very much enjoyed to have personal input into these matters. I was a coordinator of the 5 Mile Family Recovery Program Unit at Daly River for a number of years, and have dealt with issues you speak of for a number of years. 5 Mile was the only family orientated, cultural substance misuse facility in Australia at the time and was considered by all who dealt with it as the only culturally appropriate and effective program. It had communications, it had programs that dealt with all issues culturally and holistically. However, I have been working with substance abuse within the community at Daly River, both on a professional level and a personal level. I have gained much insight and collected data and an abundance of how and knowledge of the community in regard to these issues. As you are aware, I cannot discuss these issues in public, but would welcome you to the program and sit down with you giving you an insight into the community of which you speak of. I have great concerns for this community regarding these issues and would be able to speak with you on my return from current commitments (Inaudible) 15 September.

Mdm CHAIR: I am sorry Miriam, what was his name?

Ms BAUMANN: Darren.

Mdm CHAIR: Are you going to table that for the Committee.

Ms BAUMANN: Yes so the Committee can see it.

Ms CARTER: I guess that answers the question I was going to ask Peter because earlier on Gerry asked Peter about FORWAARD and whether or not people wanted to go and whether it did much good. It sounds like there are mixed feelings about places like that.

Mr MONOGHAN: Personally, myself, after working in this field for above 20 years, every day, FORWAARD has got one of the best programs there is for Aborigine people. I lived with Aborigine people, I drank with them, I got sober with Aborigine people. I am talking from personal experience now. FORWAARD has a recovery program that is based on the 12 steps recovery program which most or all of the professional programs throughout the world are based on the 12 step recovery program. The same program, if anyone wants to have a look is that all addictions have the same recovery program, sex anonymous, over eaters

anonymous, gamblers anonymous and all those others. It is a proven program that works. FORWAARD works on that proviso. FORWAARD has a good recovery rate. It has a good program. (Inaudible) programs don't do it because they are not going in for the reasons that the program is offered.

Mdm CHAIR: people have talked about it in a lot of communities. I know that when working extensively in the Katherine West region and in Katherine, people were reluctant to go to FORWAARD because it was seen as a male only facility.

Mr MONOGHAN: It were a male only service for a good while because having different genders in the FORWAARD facility didn't warrant men and women being together. Also, if you are recovering from that, FORWAARD is not the program for the whole family. It is an individual program, for the individual that wants to get well. CAAPS runs a recovery program for the whole family. But 9 times out of 10 they will focus on the alcoholic and the programs for the individual. A lot of people don't want to go away because it is foreign to them and they don't like being away from the community. And they are mixing with different people and all that.

Also on the other hand if you have a program in your own community, I believe you have less chance of recovery, because, you know – if I am sick enough you will take me away and put me in hospital where I can get the best treatment. Usually the best treatment is usually outside the community. We are a bit behind in the Northern Territory with any sort of treatment regarding substance abuse. We have to have a look at what is working in other places. In fact we have to have a look at the States with the American Indians and all that. They have had a problem exactly identical to Aborigines (Inaudible) and they have an excellent success rate. The deal with the whole community, not just the person that is affected. They deal with the whole community.

Mdm CHAIR: With the 5 Mile Miriam, I can understand, because I know that a lot of my mob and the impact of that raises with a lot of the Tiwis that used to come.

Mr MONOGHAN: Can I just say something about that. This is something that interests me in what you may call main stream or what, but people are sick and you send them away. Are these places education places to say to people this is what is going wrong and all like that. I know for a fact that Tiwi people have been going out of there for four and five years, the same people. Is it a treatment centre or is it respite. Now this is where we are. Once we start saying it is a treatment centre. Then we treat them. They are treated, that is it. You know what I mean. Then you go back to your community. That is the process of recovery. Just to keep coming to a place all the time. If someone says to me I want to go to FORWAARD, will you send me to FORWAARD. I will ask how many times they have been in. They might say 3. Have you been to CAAPS. Yeah, I have been there 4 times. Have you been to Salvos. Yeah I have been there 5 times. It is no use because they are not going to tell you anything different., The onus has to come back on the individual. This is what I am talking about – professional enabling. We used to send them away from here on CDEP wages while they were on treatment. What ended up happening was they said, oh well, I can get the same pay by going and sitting in FORWAARD or somewhere like that. Going for the wrong reasons, just because they wanted to get away and sit in the airconditioning all day. If nothing happens, nothing happens. This is what we have to sort out.

Ms BAUMANN: The 5 mile (Inaudible) a person like I could have gone there and had lessons too because my dad was there and countrymen (Inaudible) rehabilitation and you would be expected, shaming or something stopping you (Inaudible) very night some people

are in that situation. They can't get a good nights sleep because someone is going to come and bang, bang, bang on their door and say where is the tucker. If there is no tucker, there is a big brawl outside. Whereas if we had the 5 Mile and it was used for that purpose at times. That person might not have been a drinker, but some people say that if you are with the alcoholic you are affected by alcohol too if your family member is an alcoholic. That is just the way you know. Pack up their gear and say, I want to go to the 5 Mile sort of thing. Just having the time out from all the hustle and bustle of every night from a member of the family hassling you at night, and just get away for that amount of time, six weeks or eight weeks and get into a routine of the program and be part of it, being involved and you can see the problems you have back in the community (Inaudible) and not just sitting around waiting for your brother to come home or your sister to come home and start screaming.

Then they come back looking brand new again. Like some of the old people used to go out there, just to get away from their daughters and sons and they would come back looking like young girls like Billy (Inaudible) you know. Even if it is just being stressed out from other things, like if there has been a death in the family, that sort of thing too, a place to get away and have some peace. Like is some sort of healing.

Ms DALY: Respite is actually happening in this community now.

Mr SHOBRIDGE: That is right.

Ms DALY: For the old people. A Day Centre, but more a respite.

Ms PROSSER: Can I just say something? I agree with Peter's idea about a role model. Because I think the solution has got to come from the people themselves, not from other people. And if they don't want to do it themselves nothing will help. But if you can get a role model in that can influence, I agree with that. But I still think too, Aboriginal people are family orientated, and you take one person away from that family and it falls apart.

Ms BAUMANN: What sort of role model (Inaudible) is that what Peter was saying? It was a question of... what's that young fellow?

Mdm CHAIR: Like Richard

Mr SHOBRIDGE: Richard.

Mr MONAGHAN: Yeah, Richard Cardy. I mean, he has got 18 months without the drink. He went to FORWARD, he came out, comes to see me when he comes into the community. He's out there because he knows for a fact there is not much here if he comes back. It is coming back to what he left before, you see? And if you sit in the barber's chair long enough you are going to get a haircut, you know what I mean? And it is coming back to the same environment, and he couldn't stay sober in this environment before, you know, as he says, he wasn't strong enough. He'd work for a few days and then he'd be mad. But he's gone away and he's got the right information, that is, you know, he wasn't a bad person, he was a sick person. So he's got the right information. He's been educated to what alcohol does to him, you know it like that, and he can make his own decisions then. And he has made the decision that he is not drinking now.

Mdm CHAIR: I agree with Gerry. I mean, in terms of value, your attempts are excellent ... and it is great he has gotten sober, I know him and it is great that he has got sober. But people like Miriam Rose, who has been an excellent role model for a long time.

Ms BAUMANN: There are others too. Dawn...

Mdm CHAIR: And Dawn, like I say, Dawn, that name is legendary amongst Aboriginal Health Workers.

Mdm CHAIR: So I think the role models are there, it is just I think the issue of the substance abuse which is creating so much problems, that they do have the role models here in the community.

Mr WOOD: You are right, but Miriam will know that most of the young people in our time, and many of them are dead. There is a whole layer of young people dead, and they are the ones, a lot of legends' ... after that. So there has been a lot of tragedy over the last 30 years. Daly River has lost a lot of people. I mean, there was that group of men, they should have passed on the culture, they are not here. Because I have seen them teaching dancing, but there is a woman teaching dancing to the boys; there hasn't been many men passing that on. It is really sad when you see that. When I first came here there was at least, not all the corroborees were sober, but there was still quite a lot of dancing in the community. And that has just died.

Mdm CHAIR: Is that still a problem with the men Miriam with the men, that they are not really ...

Ms BAUMANN: A lot of old people that used to teach the dancing, they are no longer here. There are some of them over at Peppi because Peppimenarti is half of this community. People at Peppimenarti used to live here and that half went over there and the other half is back here, sort of thing, and ... old people over there and one of them was left here are now buried. A lot of the deaths in this community related to alcohol and not looking after themselves and bsing themselves sort of thing and now when you look around the ones that call themselves old people, elders – like, looks pretty old here – I suppose ... I could teach the kids how to dance too, but I am not the right person for the boys. But trying to get a man to come over and do it is really hard. Any dancing that takes place here in this community, you usually have to get the people from across the river to come and help with the singing and that sort of thing. Jimmy, can sing and play the didgeridoo but his excuse is now that because he has got a false tooth that he cannot play the didgeridoo.

Mr WOOD: Can I ask something a little bit different. What was this lady's name that was here before, Liz. One thing I noticed, I was in the Northern Territory athletics championships on the weekend and there was hardly any Aboriginal people running. Now years ago there used to be – Aboriginal people used to run. We used to go to the Gardens Oval to run against the Tiwis because if we could beat them that was the greatest thing on earth.

There were young people involved in sports. Athletics I reckon, you look at the world championships and you see so many black people running and you come back here and say why aren't Aboriginal people involved?

Ms BAUMANN: Australians love to compete.

Mr WOOD: Yes, and we had that fellow from The high jumping person.

Ms BAUMANN: Jimmy Pointer.

Mr WOOD: Jimmy Pointer, I think even Footscray wanted to pick him up as a ruckman. I just wonder whether that is an area that we have let go as well. I mean when we are talking about alcohol and all these other problems, I mean I think sport is still a great – something that we should put a lot of effort in. It is not the only thing, I do not think you can just rely on sport, but I think sport is good for young people and gets people to make themselves healthier and climb the ladder. I mean when you see the athletes I just wonder why we have not got some Aboriginal kids running.

Tiwi Islanders, I mean we were amazed at the times they could run for a 100 metres and there was either no opportunity – I am not sure why – on going any further or whether it was the same old problem of being home sick. I can not take that step up because I will leave my home. I would be interested – is Liz full time?

Mr SHOBRIDGE: Yes.

Mr WOOD: And does she work on weekends as well?

Mr SHOBRIDGE: No. She works when she has got a special function on. For example in two weeks time she has got a sports carnival. Occasionally on a weekend evening there will be a disco for the younger kids, things like that. So yes, but she is full time.

Mr WOOD: She is not necessarily and eight to five person and could be found on some places?

Mr SHOBRIDGE: I mean that is her working hours but obviously she will work those hours that she needs to and take off otherwise. We have had a sports and rec program here for at least eight years full time continuously and some of the facilities here are quite excellent. You know, you have got a good swimming pool, oval, sports hall and equipment.

Mdm CHAIR: Do you have a no school, no pool policy? Is the rule for the pool, is it no school, no pool. Do you have that same rule?

Mr MONAGHAN: But being role models in communities, as I just said – and I am not blowing my own trumpet – I have a lad who is a world champion, he is Aboriginal. My son is an Aboriginal, the first kick boxing world champion in the world and people come up today and spend the weekends with their kids. Just in the paper, they called him the pied piper, which really meant that the kids followed him. He were like a magnet to them. Now that lad, and he was on drugs and everything and then he got off them. He was ready for going to jail and all like that, as many of them do, that is where they end up most of them who get onto that stuff, and he turned his life around. He got to be a world champion kick boxer, the first world champion since Lionel Rose got his boxing championship. He goes around to the communities all over and he just gives motivational talks to the kids.

Mdm CHAIR: Who is that?

Mr MONAGHAN: Chris Pollard. There are a lot of people like that what I think who were bad public (Inaudible) who could still – even the kids today (Inaudible) we put good role models in them, not just here but also with other places. And these are the people that kids want to see. They do not want to see us older people, they want to see their heroes, you know, and all like that. These are the people that they want.

Ms BAUMANN: A question for you mob, what are you doing with some of the things that you have collected? Are you just going to communities, and you have been finding out all over the place, what is going to happen?

Mdm CHAIR: This will eventually lead to a report. We have already tabled an interim report into the Legislative Assembly, of which we have got copies in there. We are now leaning towards another report. We have got to have what we call our deliberative meetings, where we have got to sit down and start looking at all the information and evidence, because we have taken quite a bit of evidence from the communities. We have still got to do all this stuff with the industry, so any report on the alcohol stuff will need to be deferred maybe until next year, because we have got to talk to the alcohol industry and others that work in it. We have got to come to some decision when we meet, because the committee is usually six people that are on the committee; the other three were unavailable to come. We have got to sit down now and start trying to make some sense of the direction that we are going to take with a lot of that.

A lot of the evidence that we have taken from communities, if it is quite urgent or the committee feels quite passionate, it feels that it should be an issue taken up with government straightaway rather than waiting for the report, we have done that. There have been a number of issues that have been brought to the committee that we have written letters immediately to the ministers and taken that up with government on behalf of those communities. Because communities do not want to tell us things that are urgent and to be dealt with and then they wait – you know, they have got to wait six weeks to put in a report – so, if there are things that we feel should be taken up straightaway, we make that decision amongst ourselves. We go back to Darwin and have our deliberative meetings when we have got parliamentary sittings and the letters are usually taken off. We do not usually wait for the meetings. Usually the committee will decide, when we are in the aeroplane, that we should write and deal with this issue and we take it on board.

Those recommendations, once we formulate the recommendations and head towards the final report, that will not go to government. That report actually gets tabled on the floor of the Legislative Assembly in the parliament. It is then debated and it will be up to whether government picks up those recommendations. As a member of government I can tell you that we push pretty strongly in terms of making sure that we are going to start addressing some of the stuff. There is a review, a major review, of the Liquor Act which we need to discuss as a committee too. That is coming up.

Yes, we are heading towards a report. One of the things – and I have not discussed it with the rest of the committee members – but petrol sniffing is certainly quite a big issue that has to be dealt with. Whether we deal with that first and deal with – although it is hard to prioritise what is severe because the hydroponic cannabis that is coming into communities and causing the drug induced psychosis and everything else, it is hard to push that to one side and say, 'Oh, well, petrol sniffing is more important than that', when you see the crisis that the hydroponic cannabis is causing to communities. It's a decision that we're all going to have to take as committee members. But I can tell you this committee is bipartisan and we have an independent to keep us honest. It is bipartisan. I have at all times tried to keep the politics out of this and Sue and Dr Lim who's part of the CLP is part of this committee, we've all tried to keep the politics out because we feel that this issue is too important for any of our parties to play politics with. So we're all a workable bunch I think. We have our differences and that gets discussed at the committee meetings. We all go to our respective corners and have our debates and stuff.

Ms CARTER: No we go into one corner and leave the other guys to do it.

Mr MONAGHAN: Seeing as there's more ladies at the table today than men, can I ask them which is a very important thing that hasn't even been mentioned here today is to do with alcohol and grog. The alcohol foetal syndrome. What percentage of pregnant mothers are drinking and to what levels, and should be drinking at no levels whatsoever and what can be done with this. I don't know how many are pregnant in our community but we've talked about this before with the elders.

Mdm CHAIR: And certainly that's been raised to the committee. We have certain levels of expertise and that's what I'm saying the committee needs to have access to other levels of expertise. Foetal alcohol syndrome has been raised with the committee. Sue being a nurse

Ms CARTER: It has been raised and I think what came out of the hearing was there's so very little research on it here in the Northern Territory. When we spoke to people about it they really couldn't tell us much about it and it may be one of the recommendations of this committee to push for some Territory-based research into foetal alcohol syndrome.

Mdm CHAIR: Because there were some doctors in some of the regions. When you and I were in Katherine that time there was medical staff in Katherine were saying that, well he was guessing about 15% of babies presented or being born in Katherine hospital were showing signs of foetal alcohol syndrome, I think they said.

Ms CARTER: But they couldn't clarify anything. It was just like a guesstimate.

Mdm CHAIR: But it is a huge issue.

Mr MONAGHAN: There is not many expertise in these areas but there is a lot of expertise in these areas if the game can go outside it's own circle. It's all what we think we know and go outside.

Ms CARTER: Well there should be, like when you look at the Northern Territory and the people who are interested in helping the Territory, and there are a lot of them, and many of them are highly qualified, but this appears to be one area that just has nobody's, no-one's picked it up. Menzies School of Health has all of these experts up there and no-one's done anything on it and I think it would be a very interesting area and so I am sure it will happen.

Mr MONAGHAN: I had a video on it from many years back. But, it's women's issues here, you know what I mean, and I talked to Dawn because I can talk to her because she is a professional and tell her about this sort of video that's available. There are mothers coming in, that's what I'm saying. To educate them and say well this is what can happen and when it does happen it's no use saying look we shouldn't have been doing that, we've got to educate them to say well this is what can happen.

Mdm CHAIR: With foetal alcohol, it's a second generation of alcoholics, our people that are alcohol dependant and that's got to stop. I've had ideas because this was a huge issue with the American Indians, I mean the first nation people, foetal alcohol syndrome was certainly something that they had dealt with almost 20 years ago but was not talked about in Australia and certainly almost non-existent with the dialogue amongst Aboriginal people. None of the health staff working with Aboriginal communities where there was high alcohol

consumption, particularly amongst the women, there was no dialogue or information available.

Mr MONAGHAN: Just like anything else you know, there's children being born today who are actually being born going through withdrawal symptoms, especially for drug addicts, tragically, children being born in that state. These are things that if we are, apart from this whole (Inaudible) problem and I think if you are part of the problem you might as well get out of the way.

Ms BAUMANN: How bad is petrol sniffing in communities?

Mdm CHAIR: In Central Australia it is epidemic. In my electorate in Arfura it is reaching epidemic proportions. In Oenpelli alone there is about 80 sniffers - just the impact on the community. In Oenpelli we are also seeing 25, 30 year olds who are second generation sniffers. So they are starting to come back. Where they were sniffers before and got better but now they have just gone back to sniffing. What has happened is that with a lot of these mob too, where they have been heavy cannabis users and the cannabis has dried out, they have gone to sniffing and when they have got the gunga in the community they go off the sniffing and smoke instead and they are all smoking ... so it is Galiwinku, Gapuwiak - it is starting to become big issues.

We have got evidence that Yolngu Boy had created a whole lot of problems back in Gapuwiak because that young fellow went back to the community, he was like the pied piper of the sniffers, so all the kids started following him.

Ms CARTER: We went to Mutitjulu near Uluru and we were in like a community room like this at the council and we were talking about petrol sniffing and how bad it was. That was one of their big issues and then when we went out, we had hired cars and we had two or three white cars out the front - and I just walked out there and there was a kid about eight years old leaning against the car sniffing petrol and it was just a really interesting moment that here we had been locked in the box talking about it but literally next to the car is the kid sniffing petrol, gives me a beautiful great big smile and runs away.

Mdm CHAIR: And what makes it more - I mean this is the traditional owners of the rock - significance of the rock. That community is actually quite sad with what petrol sniffing has done to them. Kintore is another place ... we have got to get to.

Mr WOOD: It is disheartening in some places. You see all these young people - you just see them rotting away all this generation of kids that have got so much to offer, but if they keep going they will be brain dead.

Ms CARTER: Zombies and the community members will look after them.

Mr WOOD: There is not only that problem, there is also from an economic point of view, people who have to look after these young people for the rest of their lives which is a big economic cost on the Territory. We would rather be spending money on people who are ill for other reasons rather than self damage.

Mr MONAGHAN: The worst about it is this, the young kids doing it at that age, they are doing it, and the worst thing about it is the tragedy is irreversible brain damage.

Mdm CHAIR: That is right.

Mr MONAGHAN: It is irreversible.

Mdm CHAIR: Yes, they can never get better. Their parents...

Mr MONAGHAN: It is irreversible brain damage.

Mdm CHAIR: But what is even sadder in a lot of our communities, our parents are actually supplying the petrol.

Mr MONAGHAN: And the gunga.

Mdm CHAIR: And that is the sad part. Elliot McAdam who is part of committee often talk, but as indigenous people going into these communities and when they are hear that their own parents are supplying them the fuel, it makes you angry but it makes you sad to think our own mums and dads are supplying these kids. Even the gunga, you know, where parents are being forced to buy the gunga because their kids – like on the Tiwi Islands, I have just spent three days, and three nights over there with my mob and the kids are still threatening the parents, if you do not buy that for me I will go and kill myself. And they have, they have got high suicide rates over there, where the young men will go and hang themselves if their mums and dads do not buy them the gunga.

Mr WOOD: In Port Keats it is the same. Women are being bashed within an inch of their lives so they will give them their family allowance to go and buy gunga.

Mdm CHAIR: To go and buy it.

Mr WOOD: So it is pretty terrible.

Ms CARTER: When we were at – I think it was Yuendumu – you know, talking about what will the report come up with? What will recommendations be? One of the things that was put to us one of the things that was put to us but we have not made a decision on it we need to sort of think about a bit more and research it a bit more was that the community people asked if we could make petrol sniffing illegal and because for them, they have their elders who they love to take the kids out to a remote community outstation to help deal with the petrol sniffing problem but the other family members feel very uncomfortable, saying to these kids 'you are coming with me because you are sniffing petrol.' They want the police to say to a kid 'right, that is illegal, you are not allowed to do it you have got to go with that family person out to the outstations. So that the family do not get the blame for taking them to the outstation. And I thought that is really a very interesting thing that could be looked at and might be one way to make petrol sniffing illegal.

Mr MONAGHAN: There is a way round that. For a simple reason that if a child was say petrol sniffing, committed an offence like stealing petrol, because they fear the magistrate. The magistrate could put them on an order or a bond and he says "look, you will follow all directions from your parole officer or probation officer" or whatever, and that direction is given to the probation officer who can then direct the kid and say "you will spend months with so and so with your inlaws or outlaws" or whatever, and that provides laws to get him to do that.

Mdm CHAIR: What we finding though, I mean, there is inadequate resources, even in the correctional services area, when a court order is made, the resources are not on the

ground to follow up those cases. But what Sue was saying is certainly something that the committee will look at and discuss.

Ms BAUMANN: Noel Pearson was saying before that using that thing that someone mentioned about alcohol free communities. Some of the communities that have tried those things and in this case we still have that problem with people you know walking in or driving, and cars being confiscated. If there is no club and we have got a club down the road sort of thing, but other than that got nowhere, so you know, and it is a big dose of people. They went to the city or urban towns and that so that they had some freedom for having alcohol for or having it flown into a remote airstrip on an outstation or things like that. It is have you heard anything from what he does up there in the Cape?

Mdm CHAIR: No, we are trying to arrange a visit with members of this committee to have a look at what they are doing at the Cape. It was raised at Port Keats with us too about the financial management program that they are putting in place up there. So there is a number of things that they are doing up there, that we are wanting to look at. The blokes on the committee do not do it, but Sue and I could go and do it. I think we would probably make better sense of the program rather than all the blokes. But there are some interesting things happening up there Miriam. As government, I mean people have got to be prepared to get their heads out of the sand and look at this issue for what it is. And give the commitment too. I mean, for too long our mob have been promised and given things and there have been commitments, but yeah, I think it is time to take the head out of the sand, and to really look at addressing this issue. We are only a committee, and like I said, once this report gets tabled, and it is debated on the floor of parliament, whether the government takes notice. But there is some strong government members on this committee too, that will revolt and certainly push the ? to make sure it happens.

Mr MONAGHAN: For anybody interested, I have that Noel Pearson report, I got one sent to me, and I have done some photocopies there this morning and if anybody wants one to read it, if anybody is interested, it is an excellent paper that he put out. You know, it is an excellent paper, because it covers everything, and it is you know, there is a great deal of thought and responsibility gone into that. It is the best paper I have seen on it for a long time.

Mdm CHAIR: He is an inspirational man, you know, I think we have got to try and get him to the Territory. He makes a lot of sense.

Mr MONAGHAN: You know, his straight talk, he is straight down the line, no bullshitting, you know, this is a problem. It is like what we have been doing too long here in the Territory. We have got a big elephant in the sitting room and everybody is walking around saying 'I did not see him, it is not there. I can not see the television, because there is an elephant there. No, there is not, I am just blind.' And this is the analogy in the Northern Territory. Honestly, it is.

Mdm CHAIR: Hey, you are right there. It is about taking that ? Thank you very much, but look, we will try and come back again. We will come back again, and hopefully when Mark and other councillor members are available.

Ms BAUMANN: And talk to them about what you have gone through or where you are going.

Mdm CHAIR: Well certainly where we are going, I mean, by that time if we come back, and when we come back again we have probably hand a couple of deliberative readings.

With all the travel the committee itself has not sat down and that can cause problems too because we have got to be able to get together as a committee and make some decisions too. But where we are doing the constant travel we are not able to sit down and make some sense of it.

Mr WOOD: What we probably need to know from people like yourselves, I guess is for you to tell us where you think we should be going too, not just what we think. Because you are in the coal face, we are elsewhere. We are sometimes at the coal face, but you are at it all the time. So we would be interested in your ideas as well.

Mdm CHAIR: Before compiling a lot of those recommendations, I mean you asked me a question one time if you had...

Mr WOOD: When was that?

Mdm CHAIR: It was a while ago. The recommendations and stuff have to come from the community. We have got to still disseminate what the evidence we have taken from the communities and come up with . Hopefully it is the right one.

Mr WOOD: I do not think there is a magical list for fixing the problem. We cannot sit around and do nothing either.

Mr MONAGHAN: People do not get sick over night and will not get well overnight.

Mdm CHAIR: That is right. On behalf of the committee, I thank you all for your contribution today.

TRANSCRIPT NO. 12

RAMINGINING – COMMUNITY MEETING

12 September 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Mr Mathew Dhulumburrk, Chairperson
Ms Linda Wulamana, Community representative
Mr Kevin Hippisley, Council Housing Manager
Ms Marian Devitt, Teacher Librarian CEC
Mr Graeme Hindmarsh, Manager, Community Council
Ms Coralyn Armstrong, Principal
Ms Cate Ogle, Manager, Ramingining Health Centre

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Ms ARMSTRONG: I have an apology from Joyce Biyangu, who is our CAAPS representative. She cannot come. So shall I write that down there?

Mdm CHAIR: Yes. Put it on there. I have just got to do a short official spiel which starts off because of the Hansard recording. I was going to say good morning but it is going past the morning and now is early afternoon.

On behalf of the committee, I thank the traditional owners and also the community and the Resource Centre for allowing us to visit the community and to have the meeting here. I declare open this meeting of the Select Committee on Substance Abuse in the community and welcome all participants who are appearing before the committee today to brief it on its terms of reference. The meeting is open to the public and is being recorded. A transcript will be produced and eventually tabled in the Legislative Assembly. Please advise if you want any part of your evidence to be *in-camera*. The decision regarding this will be at the discretion of the committee. You are reminded that evidence given to the committee is protected by parliamentary privilege and for the purposes of the *Hansard* record I ask that you state your full name and the capacity in which you appear today, the first time that you speak and thereafter simply state your name to assist the recording and transcribing for staff. All comments at all possible should be directed through the Chair. My name is, is Marion Scrymgour, member for Arafura and also the Chair.

Mr WOOD: I am Gerry Wood, member for Nelson which is around Humpty Doo and Howard Springs.

Mdm CHAIR: I must pass on apologies. The committee is made up of six members. However, we have established a sub-committee of the sub-committee which allows us to have two participants to make an official quorum which allows the recording of evidence to be valid, on behalf of the committee. I was unaware that there was a death in the community. It is always a terrible shame in communities, it is happening. However I would like to thank the participants for being here. How are you?

Ms WALAMANA: Good, thank you.

Mdm CHAIR: Look, some of the time where the committee has gone people have presented or done official presentations, however in a lot of the communities we have allowed it to be flexible, there have not been any presentations but we have just sort of thrown it at the forums open to people wanting to talk about it. The committee's terms of reference is quite broad. The committee was established by motion on the floor of the Legislative Assembly. It is not a government committee, it is a parliamentary committee. It does have government members on it. The terms of reference that was established on the floor of parliament allows this committee to inquire into all licit, so legal drugs and illicit drugs.

However, the committee, after we were established in October 2001, felt there would be three substances which this committee would look at because they were substances that were certainly effecting a lot of the remote communities, but in particular, but not excluding the urban centres, Darwin, Katherine, Tennant Creek and Alice Springs. Those substances being alcohol which is still seen as the biggest menace in terms of substance abuse. Cannabis, which is increasing and certainly having – and creating a serious crisis on the ground in communities and petrol sniffing. So they are the three that the committee has been chartered with. However, that does not mean that the committee also has not gathered evidence on other illicit drugs or licit drugs that have been impacting on communities.

Certainly in our travels around Arnhem Land and some of the other communities Kava has been raised with this committee and it is not saying that the committee has not pushed that to one side but also taken on board that evidence. So I have raised them Gerry, do you want to...

Mr WOOD: No, I am right.

Mdm CHAIR: So I hand over to who ever wants to speak first.

Ms ARMSTRONG: Do you know Matthew Dhulumburrk? He is the chairperson, I think, of the Resource Centre and Linda Walamana who is an assistant teacher at the school for a long time. You have met Linda.

Mr WOOD: Maybe I could ask some questions?

Mdm CHAIRMAN: If people just want to talk across generally – across those substances – a lot of the time what happens is the committee members will commence the questioning if people – if anyone wants to talk, but if you want to ask and lead with questions, that is fine.

Mr WOOD: I suppose I would ask which substances are the most abused in Ramingining, and causing the most problems? We are down to talk about alcohol, ganja and petrol but we talk about other things as well, and actually one of the areas that has come into play that we do not have on our list has been gambling. And of course you have also got

kava here which is not in a lot of other communities we have been to. So I do not know whether someone could let us...

Mr HIPPISSLOY: Kava is just starting. It has only been going for about a week or so. Legally started.

Mr WOOD: It is legal now, but has it been around?

Mr HIPPISSLOY: Oh, it has been around for a long time. What I have noticed, that has been here, to be quite honest with you, there is very little petrol sniffing. We do not have petrol here, we do not have Comgas. So very little if any that I have noticed around here since I have been here. A small problem with alcohol once it gets in.

Mdm CHAIR: So this is a dry area?

Mr HIPPISSLOY: This is a dry community, yes. Occasionally some alcohol will get in but I have not personally noticed it being a major problem. But a small problem, yes. Cannabis I think is pretty well established here. Unfortunately, my belief is they hammer that kava too much. They get into that far too much. You get told by the commission, the health commission, the work ethic, you know, it is not there, it is very negative.

Mdm CHAIR: With the kava licence that has just come in, what is the process with that, is it the council that runs the license?

Mr HIPPISSLOY: Youyongung is the Association has got the contract to sell the kava. I believe the process is that those proceeds will be held in a pool and decided by the community as such as to how the community will use it.

Mdm CHAIR: As to how the community benefits.

Mr HIPPISSLOY: Yes, how they will utilise that. But it is early days, you know. It has only been here a bit over a week.

Mdm CHAIR: So you have not been able to see whether the tracking of whether, I mean the black market kava, that has been around for some time in this region.

Mr HIPPISSLOY: From what I have heard I think that it will stay around for some time to come because they do not like the stuff they are getting.

Mdm CHAIR: In terms of the quality?

Mr HIPPISSLOY: Yes. They reckon it makes them sick.

Mr HINDMARSH: I was talking to Chris Burns yesterday. Chris is sort of doing the selling down there at the moment, from the kava office I guess you would call it.

Mdm CHAIR: What is his name, sorry?

Mr HINDMARSH: Chris Burns.

Mdm CHAIR: Oh, I got a fright. I thought it might have been Minister Burns selling kava.

Mr HINDMARSH: Just a bit of a sideline there. They were expecting a turnover of about \$20 000 a week and I think last week they did \$1700.

Mdm CHAIR: \$20 000 for a week?

Mr HINDMARSH: Yes. Apparently Yirrkala, I was talking to a few of the chaps over there when we went to have a look at it. They would not quote any figures but they are talking like millions of dollars a year in terms of profits.

Mdm CHAIR: Well, what is that per person. I mean, they must have a limit per person.

Mr HINDMARSH: They have, yes.

Ms ARMSTRONG: Two bags per day per person.

Mdm CHAIR: How much is a bag?

Ms ARMSTRONG: 200 grams?

Mr HINDMARSH: ... I have not seen it but I think it is something like that and they are \$20 a bag.

Ms WALAMANA: \$28.

Ms ARMSTRONG: \$28. Is it 200 grams, Linda?

Ms WALAMANA: Yes.

Mdm CHAIR: So each person, 200 grams at \$28 a bag. And how many times is it sold?

Mr HINDMARSH: Four days a week.

Ms ARMSTRONG: Yes, Friday, Saturday, no, not on the weekend. Monday, Tuesday and Friday and Saturday. Yes. So nothing on paydays, nothing on Wednesdays or Thursdays I do not think.

Mr HINDMARSH: Or Sunday.

Ms DEVITT: That is every week. Yes, my name is Marian Devitt, I am from the Community Education Centre. I just want to comment though that there has been kava in the community before from about 1990 to what was it, Matthew? 1993, 1994?

Mr DHULUMBURRK: About 1994, 1995.

Ms DEVITT: Yes, that is when Bangardi Trading were wholesaling to Ramingining Community Council. So there has been a history of kava in the community before and a council run operation and quite significant records were kept. There were licence conditions in place. There was a balanda person here running it and there was a team of about seven Yolngu men who used to work with him here. So there is a history of it here and this current reintroduction of kava, it is sort of like the community trying to do it again in a way that will work this time.

Because from my perspective, my partner was the balanda who was working for the council at the time, with that operation, and I think he performed that role very ethically and kept very solid records. Everybody could see exactly what the situation was and how much was being sold and what money was being generated. But the trouble at that time was there was insignificant support from Drug and Alcohol in terms of visiting the community, education, saying these are the licensing conditions, what problems do you have on the ground selling these goods? What ways are people getting around the licence conditions, what can we do to help you? There was virtually no contact at the time. Even to the point when after a considerable amount of trouble and a considerable amount of anecdotal feedback to those people in Drugs & Alcohol, another license was just reissued. Almost like a bureaucratic "oh it's time to renew that license, out it goes", and it was reissued. So I think that's really a major thing people have to look at is the sort of support given on the ground when they have license conditions for substance use.

Ms OGLE: My name is Cate, Cate Ogle, I'm the nursing manager at the clinic. I thought there was a Yolgnu committee now for kava and they're studying the effects of the kava as the program goes, as the legalised program goes, is that right, do you know anything about that?

Mr DHULUMBUUK: No I don't. Not at the moment but that's what should happen.

Ms OGLE: Well people came around to us and asked us for the names of particularly Yolgnu people who would be interested in going on to a council to see what effect, negative or positive, with the sale of legalised kava. So what do you think about that, you haven't been approached out here at all?

Ms DEVITT: So is that what you are suggesting that that responsibility goes back to people on the community to cope with bureaucratic problems. Well there was a committee before but I don't think they should be totally wearing the weight of the ways things operate on the ground. If an external body is issuing the license, surely it's their responsibility to be monitoring it.

Mdm CHAIR: You are right with that. Warruwi in my electorate has just had a kava license established there as well and we've managed to pull in alcohol and other drugs. The health centre staff play quite a big role in that. Even though the Yolgnu people control the committee and have a say, they offer the expertise in terms of the wider advice and support. I think if that can be established at Warruwi, the same level of support should be given here.

Ms OGLE: Instead of re-inventing the wheel...

Ms DEVITT: And historically it is important to keep in mind that people tried to have this as an alternative substance so that there wouldn't be alcohol issues and that there wouldn't be petrol sniffing in Ramingining. That was the rationale for it then and it was a very valiant attempt at dealing with those problems but because there wasn't that external support in place and ongoing, not once in every so often but ongoing, a lot of problems developed.

Ms OGLE: Isn't it the Purapura mob that are running the license?

Ms DEVITT: ALPA

Mr HIPPISSLOY: ALPA.

Ms OGLE: Oh it is ALPA is it?

Mr HIPPISSLOY: Yirrkala's got a pretty tight set-up with the kava sales. They've got photo ID cards and everyone got to produce them at the time of purchase. Without their photo ID card they do not get their kava. It's very efficient and their records are very well kept. They know how much a person gets. No-one can come up and claim someone else's.

Mdm CHAIR: Is that through the Homelands?

Mr HIPPISSLOY: No it's not. Yirrkala Council, yes. Fabian is very, very efficient, he does beautiful office work and he's got the kava thing operating magnificently. Very good. If you're interested in looking at an efficient kava operation, Yirrkala Council is probably the best.

Mr WOOD: You say that kava was brought in to more or less overcome the issues that we would have got from alcohol. To be an alternative, I presume, to alcohol. In regards to problems that kava has, are the problems that kava has got anywhere near as bad as that of what alcohol has in some communities? Maybe not from the point of view of whether you not going to have drunks walking down the street and all that, but from an employment, from a health aspect is there much difference between the effects of the drug?

Ms DEVITT: I think it is the violence that is associated with alcohol abuse that is the major difference. I think the other issues you mentioned, health and engagement with employment and all those sort of issues, they would be affected like they would be with any substance I think, but I think the key thing is less violence and domestic violence probably being the major one.

Mr COOK: I might just make a comment here. My name is Trevor Cook. I am Associate Professor of Indigenous Education at NTU. Although I have only just joined, I am from New South Wales and I was Head of School of the School of Indigenous Health Studies at Sydney Uni.

One of the things with kava is that depresses everything, people do not want to do much. So there are significant outcomes for the process than just violence, but there will be less...

Mdm CHAIR: Anything.

Mr COOK: Reliability.

Ms OGLE: Healthwise, it affects the liver. It is liver toxic; particularly in the immune system, it tends to be just reduced and you are letting yourself in for all sorts fairly nasty diseases that normally people would not get. But, having said that, that is the abuse of kava and, as Marian says, the domestic violence, for instance, and the psychosis associated with ganja, which is what I would like to talk about later, is significantly lessened. But you make the good point too, that, yes, the people, whether they want to do anything with their lives than just sit around and drink kava is the big worry with kava.

Mr WOOD: The reason I asked that about employment is, that we have just now met Bill at Muwangi and he has difficulties getting people to come and work. I know that there are some other factors. People can get money without doing work, but I did not know whether kava also is a problem in getting people to, as you say, have a desire to live. He has got work for people but is there a desire to work also affected by the use of kava?

Mr HIPPISSLOY: Yes it is.

Ms DEVITT: Does Bill say that?

Mr WOOD: No, he is not saying kava. He is just saying he cannot get people. He has got work for people. He has got one person I think out of the community. I did not know whether some of that was the reason it is difficult to get people or they do not want to work in that kind of work.

Mr HIPPISSLOY: They do not want to work it that style. Their lifestyle is as much a contributing factor in this too. They play cards until 2 or 3 in the morning and then they wander off. Getting up at 7 o'clock to go to work the following morning does not work. I have seen the heavy use of the kava and it just knocks them out. They are useless if they do come to work in most cases. Not all. I cannot generalise with the lot of them. The kava drinkers are no good when they come to work. In the building or housing department we have got virtually none at the moment, because we cannot put them on power tools; it would be dangerous.

Ms OGLE: Is that since the kava? Since the kava has started?

Mr HIPPISSLOY: No. The kava been around since the year dot.

Ms OGLE: It has been around.

Mr WOOD: Do some people try and get off kava or is it a fait accompli, that they will use it?

Mr HIPPISSLOY: They drift on and off, don't they not, Cate?

Ms OGLE: Yes, yes.

Mr WOOD: Are there people in the community that have made the effort to get off it or see that it is a problem? Is there the odd leading light, you might say, who has said, 'This is no good for me', and tried to move on from that? Or is it just accepted as part of the community?

Mr HIPPISSLOY: Linda might be able to answer that. Linda, do you think your family and friends see it as a problem, with kava?

Ms WALAMANA: What is that?

Mr HIPPISSLOY: Do you think that your people think that kava is a problem and it should not be drunk or do they just accept it as something that they do?

Ms WALAMANA: I do not know.

Ms OGLE: When they are winning at cards they are happy.

Mr HIPPISSLOY: Yes.

Ms WALAMANA: Yes, they are happy to get kava for themselves.

Mr DHULUMBURRK: I think they have accepted the kava.

Mr HIPPISSLOY: As normal?

Mr DHULUMBURRK: Yes.

Mr HIPPISSLOY: Like drinking cups of tea.

Mr WOOD: Slightly different.

Professor COOK: You mentioned before working – and that is the interesting and important philosophical issue, philosophical issue because, it has got to do with what we do with our lives. And we need to be meaningfully employed. In whatever it is; in living and if in fact there is a malaise of spiritual malaises, whatever; or if you just look at the situation before playing cards, and kava and eating and drinking and talking, there is not much room left then for life. It gets back to the purpose of why people do things anyway.

Ms OGLE: Why people get up in the morning.

Mr COOK: Exactly. And what that purpose is; how it is communicated in the community and the pain that is caused or not. Not like the purpose and that is what people abuse or use substances to kill whatever the pain is.

Mr WOOD: Could it be the fact that I mean that 30 years ago, because I worked on Aboriginal communities for quite a while but there was no unemployment benefits. I mean, we had full employment on Bathurst Island. We now introduce the scheme where basically there is nothing to push you into work. I mean, I do not accept that Aboriginal people are the only people that find difficulty to get up early in the morning to do to work. Sometimes even in this job I often think I am going to get my head kicked in again today. I have a reason for doing things as well. One is economics of course, but the other is a philosophical reason. I enjoy my work. But I could imagine a lot of people who will have the choice between a very mundane job and not having to work at all and still getting paid would take the easy way out. You have CDEP here I presume?

LINDA WALAMANA: Yes.

Mr WOOD: And at 4 hours a day, and you do not have to work I presume.

Mr HINDMARSH: No, that is not correct.

Mr WOOD: You can accept ? but you do not have to

LINDA WALAMANA: Clean up the home.

Mr WOOD: But you do not have to be on CDEP?

Mr HINDMARSH: No, You can be on Newstart, a form of Unemployment Benefit, or you can go on CDEP. It is the individual's choice. I believe personally that CDEP offers very little; because the whole concept of CDEP and the governments have missed it out, there is no incentive for these people. I do not care whether it is here in Arnhem Land, or in New South Wales or Queensland. If you are on a CDEP program, you would need to be able to give them incentive. Now, the person that is going to get off his backside and have a fair go

should be able to get a little bit extra money for doing so. There is very little latitude to do that within the CDEP setup. There is no extra monies to pay like top-up wages. As far as Murwangi is concerned, the blokes around here do not want to go there for a couple of reasons. One is, you go to Murwangi you are up at daylight; you are down at dark.

Mr WOOD: That is the life of a ringer.

Mr COOK: That is right. But they are only on CDEP. So why go there and do that? That is why they will not do that. There is no incentive. There is no industry here. We are working on it. We are overhauling the whole project as we speak. We have got a new coordinator that has been here about a month and he is over with ATSSIS at the moment putting forward our new development plan to build Ramingining enough to get them going; to get the ethics going at least, and we have a *No work No pay* policy, which is endorsed by the committee. And what we do there we do not stop all their money, we will not do that to anyone. We will drop them half pay for example, so that they are still getting enough to live on. But if they do not want to be on CDEP they just say that is it, they do not want to be on it. I go on Newstart, or whatever. There is no incentive. That is the bottom line. There is no monetary concern.

Ms DEVITT: And the other issue too is there is no – we were talking about this before everybody else arrived. There is no funding or does not seem to be a lot of schemes to provide people with the resources and capital to have a small business. In any community, there are people who like to go and work for the public service, or they like to work in a certain sort of situation because they get benefits and all those kind of things. They would like to work for an employer. There is another large group who like to work for themselves. I have heard people over the years here say things like: 'I wanted to get some funding to run a taxi service to and from the barge but I could not get that kind of funding. 'I wanted to get funding to start a dress business or to sell clothes or something'. If you look at these people like Community Aid Abroad in India, they are actually funding people these sort of small manageable loans so that people who are entrepreneurial, who do not want to come to work for community organisations, who want to run their own business, actually cannot access that kind of money to use their initiative and their entrepreneurial skills, which I believe that people have and they are here on the ground and they know what kind of services are needed.

Mr COOK: That is very important. There is one Aboriginal medical service in Australia now that is run autonomously and completely woe to go, but it was extremely hard to set up. But yet again back to your earlier point, for people that do it there is respect in it. I guess you are talking about Aboriginal men who were working in those days and my old man was a stockman and they were proud and they were good at it and they were respected. They got money but they did not get a lot of money, they got other things and then the money went and of course they lost the jobs as well, but it is really the respect that is held in doing the work. Our guys in particular – and it is a huge dilemma for our men – they get more respect from going to jail and doing a stint there now as a right of passage than they do from getting a job. That is one of the major issues we have got to focus on.

You are dead right, but it is the respect that goes with getting - But there is not much respect in the city, is there.

Ms OGLE: I thought there was topped up funding if you are on CDEP that you got more than other people get.

Mr HINDMARSH: What we will do is we will outsource the Department of Education, for example, probably put on half a dozen people. There first 40 hours a fortnight we pay so the department saves money on those positions but with that money they save they then pay those participants a top up. We are trying to engage the same thing through the ALPA Store here and there is some smaller grants specifically for that. For example the Strong Women, Strong Babies program down there at the clinic and the administrative position down there.

Ms OGLE: And they do ... quite proud that comes into it, as you say. They know they are doing a worthwhile thing but they are also being paid for it. Not a whole lot.

Mr HINDMARSH: But it is a bit more than those who are not doing anything.

Mr WOOD: I suppose the question I have been asking is whether the Commonwealth should actually fund the CDEP program or whatever they want to start, to allow for full-time employment. So they say the philosophy of the Commonwealth government is to fund communities like Ramingining and a lot of these places, hence they really believe in that philosophy and they see a problem with people not doing any work.

Is there enough work, for instance, on this community if the government said we will pay full-time – they do not have to work the full-time but if they only want to work six hours or four hours a day, that is up to them, I suppose – but there is the ability to work a full days work. Is there enough work on this community if the money for capital equipment was also there, at least to have people working. When I say that is when you go from there then you give those people an opportunity who might want to do something else. One is because they are earning money which with a bit of luck can help them put some away so if somebody wants to have a hairdresser or can buy the scissors and the equipment to do it. But they have got to start somewhere and they would not be needing much money to start a business opportunity four days, four hours a day.

Mr HINDMARSH: We have got a plan at the moment and we are going through the process waiting for the training to start. We believe with the committee, we believe that we can establish a road gang here. That is to do all outstations roads, all town roads and maybe pick up the government contract between the Blyth River and the Mormon Road which you have got – you can get about a half a dozen to 10 blokes qualified in operating that plant properly, constructing gravel roads and maintaining them, then they have got the skills. They can be their own business eventually. That is the way I see it and that is what we are trying to strive towards as getting that established. That is one of our major goals over the next few years to get that up and running. Another thing we have got in place...

Ms DEVITT: Have you talked to Yirrkala at all? Don't they do that?

Mr HINDMARSH: They do that, yes, they do that. But no, we have gone through some other mob to get the training done because we will be in competition with them then. We have also got in training the dressmaking courses for the ladies at the Women's Centre. We have asked them if they want to open a hairdressing shop there we will purchase, somehow, the equipment they need and get someone out to train them in how to cut the hair so that they can do that as a fundraising activity for themselves. We do not really want to know about it. They could then buy the things for the Women's Centre. They can probably operate Saturday morning or something out there. Haircuts for a few bucks. So we are doing real things.

We have already got fencing contracts but we need to get the blokes cleaned up to use the machinery. As far as work is concerned there is not a great deal but I think with

roadworks, with housing maintenance we could – if we got the fellows trained enough, there would be quite a bit of work there and it is ongoing work.

Mr HIPPISSLOY: There is a problem with numeracy and literacy skills.

Mr HINDMARSH: That is horrendous, keeping the maintenance up.

Mr WOOD: Do you have a parks group within the council. Is there a council existing with, you know, planting trees. I saw the oval looking a little bit bare when I flew over it. Obviously to do with that...

Mr HINDMARSH: CDEP was split when I first got here. The council had so many participants and the Resource Centre had so many participants. Since that it has now come to one CDEP.

Mdm CHAIR: Who runs that?

Mr HINDMARSH: We at the Resource Centre, funded through ATSIC of course, ATSI. But with that one CDEP we have reviewed and we are currently reviewing everything. We will have parks and gardens, as was the case. We are going to extend that to not just town parks and gardens. We want a crew – this is for general information – we want a crew to do parks and gardens. Not only here but on the outstations. We want a crew to do environmental health which is not only garbage runs here but at the outstations. We want to combine – we had something like 27 separate work activities that we had to report on between the two organisations. We have now combined a lot of that and we have reorganised that to about eight or nine which is easy for us to report on. We centralised the assets and the job can get done. I think it will be more effective, but it is early days. We have just started. Unfortunately Ramingining previously has done very little, from what I can see.

Ms OGLE: How are you getting your funding Graeme?

Mr HINDMARSH: It is all ATSIC funding.

Ms OGLE: CDEP plus extra funding is it?

Mr HINDMARSH: No, I get CDEP funding, I get ATSIC funding for oncosts to the CDEP – that is separate to their wages, the wages is a separate grant. Then we get the cost and we also get municipal services which is a double up again because council has got Power and Water and the same thing and we are getting what they call community infrastructure money for the maintenance of our roads and bore pumps etc. They are not big grants, those ones, but it is enough to keep us chugging along.

Ms OGLE: So you seem to be looking for full-time CDEP, rather than four hours a day.

Mr WOOD: I probably do not even know what they call a CDEP. I go back to my time really, that is twenty years ago on Bathurst Island, and that is about the time they introduced Unemployment Benefits. So when you said you have got the sack, because some people would not turn up for work, you would have hoped that having a couple of weeks off not getting paid would bring them back to work again. However, they would walk down the main street, go to the demountable that the Commonwealth government put in the main street because it needed, fill out the form – I got a copy of the form and I was the one that said you have got the sack. They asked why and I would say because he did not turn up for work and

three weeks later they would be on unemployment. To me, I reckon, that was the beginning of a disaster.

We found no trouble finding work for people. We had enough lawnmowers, a couple of slashers, a grader, we had the equipment you are talking about, we would be down the beach doing some erosion control, cleaning up rubbish all the time. There was never a problem, there was always plenty of work that way. I know some people say a lot of those tasks are menial, but they also put a bit of pride back in the community. Bathurst Islanders have always had pride in their community.

Ms OGLE: They have also had very good basic education.

Mr WOOD: Well a lot of that work – you did not need a great education for mowing lawns you just had to make sure you checked the oil and got the petrol in and away you went. But I always say if you are going to move up the ladder we have got to make sure people are able to turn up for work and know the ethics of say, turning up at 8 o'clock – and then hopefully people can get better jobs. I do not know what the population of Ramingining is or how much it is increasing each year.

Mr HINDMARSH: maximum about 800 and 900 fluctuates, population here?

Mdm CHAIR: About 900? A thousand.

Mr WOOD: And how many children would be born each year here?

Mr DHULUMBURRK: Ten to fifteen each year.

Ms OGLE: Oh no more than that. I've got 15 antenates now.

Mdm CHAIR: We just recently came from a community. Since the start of the year there have been up to 90 births and that's been the levels.

Mr WOOD: And 98 houses short. Just to go up to the number houses needed, they need 98 and their problems are basically big overcrowding, 84 people in 3 houses. So there's other issues that come in. The problem when we get this discussion going is that there is some pretty gigantic problems not only for Ramingining but for many communities in the Northern Territory.

Mdm CHAIR: I think every member of the Committee has a different view of CDEP and how they see CDEP. I think, and the community that Gerry often talks about when he was working on the Tiwi Islands, I too have seen the gradual change with that community where, not just with the people in terms of unemployment because I think Aboriginal just like white fellas or anyone else is choice of whether they go on the dole or whether they have CDEP. It has been a good thing in a lot of communities because it's given the communities a base in which to try and get employment. What has happened though is that governments have used CDEP as a means of cost-shifting. I've seen cost-shifting happening in local governments, I've seen it happening in health services, I've seen it happening in education. So whilst it's a good program and it has been effective it's also been used as a means of government standing back and also reducing it's level of funding particularly in the local government sector, which I'm sure you're not going to argue with me about.

But it has been used as a means of cost-shifting and reducing the level of services, and Terry Bullemore from Port Keats was talking about this the other day. With a lot of our communities it has also been convenient for the Northern Territory and the Commonwealth government to push communities into the Aboriginal bucket instead trying to generate and build the local economy through the mainstream system, rather continually pushing it into that area. We have got on to CDEP and employment, which is a big issue, but we need to get back. You mentioned before about the levels of psychosis ...

Ms OGLE: Kava. Have we discussed kava. I think the consensus is that yes kava if only used will lead to a reduction in the people wanting to do much at all. But maybe if now that is legal if it can be slightly monitored, and if this committee goes ahead we should be able to follow. The clinic's quite willing to work with the committee to see how the generalised health service to kava drinkers is.

The alcohol level in the community, we quite often at clinics see the last, when somebody's been bashed up or somebody's gone crazy. I've been out here, I do a lot of clinics when I come out here for two months at a time and I've been here about ten times in Ramingining and I haven't see a whole lot of problem with alcohol. Yes you get the odd time when somebody smuggles it through from either Maningrida or Gapuwiyak, but, Linda, not a whole lot of alcohol is there? Would you agree with that?

Mr DHULUMBURRK: Mmm. It only happens during the dry season when you have access to the roads, you can drive backwards and forwards but not during the Wet.

Ms OGLE: And the fact is, if it leads to domestic violence or violence, the perpetrators are pretty well stamped upon by the community because it is one of the ...

Mdm CHAIR: Do they have liquor permits here?

Ms WALAMARA and others: No, not ever.....

Ms OGLE: Which brings us, if that is alright, to ganja. I think everybody has read about it, everybody knows that this hydroponic stuff which may or may not be laced with certain chemicals, I am sure that people know more about that than me, but I have been told it is at least 10 times stronger than what it used to be.

Mr DHULUMBURRK: When it used to be growing on the ground.

Ms OGLE: Yes, when people used to just grow it from seeds.

Ms WOOD: Just on that, when the illicit task group looked at it they actually said that it wasn't. I think their argument is that more of the plant is used than was previously used. They use every part of the plant basically to make it up and there are some parts of the plants themselves are higher in chemicals could be the factor.

Mdm CHAIR: That was the drugs task force said that. Although the evidence and the figures that we have got off the police, and based on their figures, I think one of the things was the THC content in some of the hydroponic plants that were coming in was 26% greater than what; the normal weed that people used to grow and smoke, the THC content was about six or seven times.

Ms OGLE: I have heard 10 times,

Mdm CHAIR: So it was 6%. So if you can imagine on police evidence that we have got. It is 26% of THC so that is more than 10 times so...

Ms DEVITT: I have also heard that, anecdotal evidence of course, that people grow it in perlite, the hydroponic dope, but that is very expensive, so what people are using are insulation materials that are a sort of fibrous material that the plants can grow in and that fibrous material has got fire-retardant chemicals in it. If they are growing it in a large amount for resale they are not going to get in bags and bags of expensive perlite, they will use that fibrous insulation material, which has got pest retardant and fire retardant chemicals in it. You can imagine what is happening with the brain with that.

Mr DHULUMBURRK: I can tell you that now, how strong they are.

Ms OGLE: You know?

Mr DHULUMBURRK: Look, I have never smoked but I see people walk like you know, eh, statues walking. People walking you know, with a battery connected to them.

Ms WALAMANA: Robot. What it is 'remote.'

Mr DHULUMBURRK: They move by remote control.

Mdm CHAIR: What is your information like on the psychosis, in the clinic?

Ms OGLE: What we have got at the moment on a population of 800 to 1000 people, we have 15 known people as psychotics, and I was just looking through the list. Now, who can say whether for sure it was drug induced psychosis but that is what 14 of them have been pretty well, without saying definite, it is pretty obvious that they have that.

Mdm CHAIR: Are they on medication?

Ms OGLE: They are all on medication, they all get seen. The problem is, most of them are on either the Olanzapine, which is an anti-psychotic and sedation, and that is an oral medication that people have to remember or choose to take. We also have for the quite bad psychotic people, a thing called Zuclopenthuxol which is a phetamate which is a long or slow release injection, and that way we know they have it every two weeks if we can track them down. And that seems to settle them. But it is a huge problem. When somebody is in full blown psychosis you don't need to be around, you know and it is pretty, almost sure that it was drug induced, ganja induced.

Mdm CHAIR: What is the mental health report for this community?

Ms OGLE: Yes, it is sort of good and bad. We do have mental health teams coming up once every month or two months depending.

Mr DHULUMBURRK: Or once every year.

Ms OGLE: Yes, or once every year sometimes. But our problem is – and I have brought this up at the council and I am going to bring it up again because the nurses have been put in a situation where they get told it is their problem and they are to come and see the patients who have got a knife to somebody. Now we are saying that no, it has got to be, you know,

the community has to be involved because we are not going to go out – if somebody is in a psychosis I am not going to throw myself in front of the knife and get knifed, it is too dangerous.

So what we are asking for is that - we have got one chap on CDEP who they will not even fund – the Mental Health team will not even fund as a mental health person. He is willing to come in. He is willing if somebody is psychotic to go and try and talk them down. We have got a system in place where we have four big men, if they need to be restrained and sedated. The people will not, the aero-medical people will not take them out on the plane until they are so sedated that they are hardly breathing. So it really is quite a struggle to keep these people under medication and also we just do not have the resources after hours, which is our main worry.

So sorry if this is not the right place but it is just the way it is. The other night a nurse was new to the community and was told there was a sick boy so decided that sounded like a sick child, so she went to the house. The people who told her about it all ran away because they were scared and here was this psychotic chap circling her like you know – just going around and around and she was put in quite a potentially dangerous situation.

The point of it all – just to get back to the gunga – yes, it does seem definitely related to the psychosis. There is talk, maybe it is because people are borderline, they are borderline psychotics and the gunga just tips them over, but I have not done enough research or reading into that.

Mr COOK: There is a lot of research that shows that marijuana will kick start schizophrenia and bi-polar. There is also the genetic component to this tricky bad stuff. The myth of the last 30 or 40 years that it is a soft and easy drug, it is just not the case.

Mdm CHAIR: And it is recreational, yes.

Mr COOK: It is just not the case.

Mr WOOD: Are they smoking it in the use of 'bucket bonges' so they are getting a blast.

Ms OGLE: I do not know what they are using. So we need, if possible, to try and cut off the supply and I am pretty sure I have had people, while they do not want to tell me officially but they tell me it is coming from Maningrida. That is the main source for Ramingining. Would that be right, Matthew? Have you heard anything more?

Mr DHULUMBURRK: No.

Ms OGLE: Other places that the drug is coming from? Gunga is coming from Maningrida? Have you heard that?

Mr DHULUMBURRK: Bullshit.

Mdm CHAIR: A lot of it is coming from Darwin. I have had long chats with Ray, the police officer.

Mr DHULUMBURRK: There is another thing too that is coming in and people are talking about it and some people say that is what another drug is. Have you heard of speed?

Mdm CHAIR: Yes.

Mr DHULUMBURRK: Speed is one of the things that they have in the community.

Mdm CHAIR: That has been found in Maningrida.

Ms WALAMANA: Speed?

Mr DHULUMBURRK: Yes. You can find that in Elcho Island too.

Ms WALAMANA: It has come from Darwin. Everybody knows.

Mr DHULUMBURRK: Both in tablet and...

Ms WALAMANA: Fly there or going there and bring it back. Now, when you watch the speed.

General chatter:

Ms WALAMANA: What type of speed is this? Is it a tablet or...

Mdm CHAIR: It comes in powder form or tablets and can be worse than the ganja that is coming in communities. If Speed gets into our communities and takes hold, it will be worse than...

Ms OGLE: People cannot sleep; it can be very fast; people can be awake for a very long time.

Mdm CHAIR: I am just mindful of the recording. You were saying there is speed. Are people are talking about it being here in this community or coming here?

Ms WALAMANA: Yes.

Mr DHULUMBURRK: I did not. I do not know. Whether it is false or true I do not know. But I do know about Elcho Island. A lot of people are using speed up there.

Ms OGLE: In what way Matthew? Sniffing it or...

Mr DHALUMBURRK: I do not know.

Mr HIPPISSLOY: It may be coming from Gove, because there are a lot of amphetamines in Gove. Being a mining town it is acknowledged that it attracts a fair bit of that. I lived in Gove and Yirrkala for a fair while. There was a lot of amphetamines around the town and that was, what, five years ago. I cannot imagine it being any better now. They have got speed in Gove and in Gapuwiyak. It is in Galiwinku, so it may be coming from there.

Ms DEVITT: Corolyn, you were also talking a while ago about people's use of things like Panadol.

Ms ARMSTRONG: Yes.

Ms OGLE: Was that at the school.

Ms ARMSTRONG: Yes.

Ms OGLE: And that was without using prescription or pharmacy medicines.

Ms ARMSTRONG: Yes.

Mdm CHAIR: The evidence that we have at this committee, Panadol has blown committee members away about the abuse of them.

Ms ARMSTRONG: Staff members come...

Mdm CHAIR: ...usage and the abuse of Panadol and Panadeine. People just do not understand that they have an addiction.

Ms OGLE: They used to have an addiction about – look, I would only be guessing – probably about eight years ago there used to be an addition in Aspalgin, which was an aspirin and codeine, to the extent where we were not allowed to give it out at all.

Mr DHULUMBURRK: No-one.

Ms ARMSTRONG: If staff members come to me in the morning and want some Panadeine I will say, 'Are you feeling sick?', 'No. Just in case'. Like I say, yes, they run out at home but they are so used to taking it.

Mr HIPPISSLOY: It is like giving them a hit.

MS ARMSTRONG: Yes.

Mdm CHAIR: I know when I was running Health Services in the Katherine West region we had to stop Panadol distribution out at the clinic because of the abuse.

Ms OGLE: We know that when we give – like we used to give a card of 10 because we thought, because there is no chemist here 24 hours we thought, well, so people have an adequate supply and then they do not come to my door at 3 in the morning - a bit of self-survival. We would give a card. Now we do not do that, simply because I wonder how much kidney damage is being done in these communities from things like over-use of Panadol.

Ms DEVITT: Another issue then too is, I am aware of students at the school telling me that they have a toothache, which has got to be the worst kind of pain you can have, and because you do not have a dentist on the community you cannot within a day or two go and see a dentist and have an abscessed tooth out or a filling done or an exposed nerve job. I would be taking strips of panadol as well, if I was in that situation. And that is just teeth. There are other issues too. A lot of people since I have come back have been complaining about their backs, they have got really bad backs and there are no alternative treatments. Many, many years ago, there was a chiropractor who would go to communities so that people had that option. If you go to a conventional doctor about a bad back you will get an analgesic or an anti inflammatory. You will not actually get the offer of somebody physically adjusting the problem or dealing with the problem. You can not go anywhere to have a massage. All those sort of issues. But you have to wait for so long for your health services; and that is not to take away from the amazing job the clinic does, but you know what I mean?

Ms OGLE: Yes, yes I do.

Mdm CHAIR: There are not those kind of services available when people you know, blow a disc or have deterioration or a really badly misaligned disc or toothache, or something like that. So they are exacerbating and ?

Ms OGLE: But there is definitely over use by people who probably have not got any pain as Corolyn said that it is just in case type of thing.

Ms DEVITT: Well, the other factor is about you know, hydration. A lot of headaches come because people are not hydrating. I mean, in here today we should have had tubs of water. You know, how many people drink their 2 or 3 litres of water a day? And if you have cups of tea all the time you are sweating, you are dehydrating, if you have coffee, coke, they have all got caffeine in them so you are dehydrating. So a lot of headaches are probably just you know, constrictive bloodvessels.

Ms OGLE: So part of this committee is to do with services we can provide is it, for effects of substance abuse? This is part of their community sort of overview..

Mdm CHAIR: The inquiry is looking into the issue of substance abuse and then we all know. There are times when there have been issues put to the committee that rather than waiting for the reporting to happen; because we have got to put a report to the parliament. We have already put an interim report to parliament. I think, which we are left a copy there. We are heading towards not so much a final report but another report before we put recommendations in across a number of areas. We have got to sit down and have deliberative meetings. Because we have just been travelling quite extensively to a lot of the communities, we have not had a chance as a committee to sit down and have our deliberative meetings to sort of work out and make sense of all the evidence that we have been given. Because the new information that the committee has been given has been, and for members of parliament who have also got huge electorates to manage and then to also disseminate the evidence.

Ms OGLE: I mean, we are not expecting direct action sort of today but I just...

Mdm CHAIR: You won't get it today, I promise you won't get it today or tomorrow. But like I said, if there are issues that are quite, and when we sit down... And a lot of the time, it is making decisions when we are in the plane and saying hey, look, that was quite a you know, big issue for that community. So, you know, we have the discussions in the plane and we then decide to write to the relevant ministers, and we do that quite effectively, and the response time, we will hammer government. Even though I am a member of government, that is completely separate from my role on the committee. So yeah, I mean, we have the powers to do that.

Ms DEVITT: And are you finding that there are a lot of diverse problems or are you hearing the same things?

Mdm CHAIR: The message seems to be the same, doesn't it Gerry? Some areas are a bit different but...

Mr WOOD: Overall, I find it depressing because I see a lot of Aboriginal people, young people especially, whose future I think is going to go down the drain, and there is so much talent there that should really be being developed, and we are losing that. I tell people, I

mean, I came from Daly River originally, that is why, I first started work at Daly River when I was 19 and looked after the boys' dormitory. Half those boys, they had 30 boys in the dormitory in the cattle station, half of those were dead under the age of 21 from alcohol, so that left a bit of a permanent scar in my mind. I do not think things have improved; in fact, in many ways, I think because of the extra drugs, I mean, we didn't have marijuana and kava and all those things, you only had tobacco and alcohol when I first started. I don't think things have improved. Somewhere along the line I think if governments don't want to continue to hear it out, and I think I talk about the Commonwealth probably more than back to the Territory, because the Commonwealth holds the purse strings to some extent; that perhaps some really strong decisions have got to be made. They might not be popular, they might not be politically correct but...

Ms OGLE: It will be saving the future of a lot of people.

Mr WOOD: That is right. But I don't want to get too depressed and I think we are asking communities, or I asked before, whether people are actually amongst this community, and I asked the same at Daly River for instance, are there people there that are trying to get out of this sort of trap of substance abuse and make something of their lives. Because it is going to be very difficult to impose things. Not that I think the government should avoid that, but it would gain more success if people within their own communities start to lead and we certainly seem to be short of leaders. There is not enough people standing up and saying well, this is the way it has got to go. Sometimes the leaders are part of the problem.

Ms OGLE: To reassure you, comparatively speaking, I have worked in Queensland as well as the Territory, about 20 communities in the Territory, and I won't work in Queensland communities now simply because of particularly the alcohol related destruction that I see in the Aboriginal communities in North Queensland. I won't work there now because it is just too destructive.

Mdm CHAIR: I mean, we have been fortunate here in the Territory where we have had the restricted areas legislation which, there have been a lot of people in the past that have wanted to tear down that legislation and open every Aboriginal community up to clubs and pubs. They thought that this would be the answer to, particularly when they see Aboriginal people in Darwin or others, they think oh well if we built a club over there it will be out-of-sight out-of-mind, so let's get the black fellas out of town because we don't want to put up with them here. But let's put them back into their community and my response has always been for many years running health services is, if you're going to establish pubs put police stations and resource your health centres, put rehab and treatment services out there. Of course you won't do it because the cost of establishing that infrastructure is way too high.

Ms DEVITT: So what's the other answer, prohibition?

Mdm CHAIR: Well a lot of communities want their areas to be dry. I think the majority, a lot of them want to.

Ms DEVITT: It's been a choice here, to be dry.

Mdm CHAIR: If the community wants to establish a club, and this is where I have taken on the fight with the Liquor Commission, if you're going to establish a club, or there has been a request from that community to put a club there, well you do the consultations. But you don't go to the 20 men sitting under the tree. The consultation has to be with women and children. You consult with the school in terms of what's the school attendance in that

community. So that there's a whole number of factors that has to be weighed up if that community chooses to have a wet canteen or whether it wants to stay dry.

Like Gerry, I think it is depressing. My mob on the Tiwi Islands, the suicide rates amongst the young is unlike any other community in the Northern Territory. A lot of it is our young men we find, and a lot of it is the drug induced psychosis. But I stay overnight at the community you can hear the young men saying to their elders if you don't give me money to buy that ganja I'm going to go and hang myself. So that's the excuses that are being used. And they will do it. People say that person's weak, but I reckon it takes real courage to actually do the deed and say that, but the impact that that leads with the communities.

Ms OGLE: What about things like I've heard Hermannsburg has a very good program for their petrol-sniffers and have cut it right down and their domestic violence. They've gone so that they're treated both where there's the real shame thing where people are put out in the front of the community and shamed and it's cut down on the incidence. Have you heard that from Hermannsburg?

Mr WOOD: Hermannsburg's still from memory having trouble with petrol sniffing. They haven't sorted out a proper program. It's Yuendumu and Mt Theo.

Mdm CHAIR: We went Mt Liebig, we went down there, Mt Theo.

Mr WOOD: Mt Theo is where they have a community 60 kilometres away. Kids go out there they can't walk back, or if they can they're very strong kids, and they're left out there for three months with a husband and wife and they go back to traditional hunting. When the batteries run out of the cassette recorder that is the end of the cassette recorder. They stay there for three months – there is supplies there as well – and that is there method of doing that.

Ms OGLE: They used to have that at Bickerton Island.

Mr WOOD: Yes. But the leaders in the community – the community supports it and if you cannot get the community to support the action then you are banging your head up against a brick wall.

Mdm CHAIR: Gerry, can I just ask that we have a five minute break because Pat needs to just make a quick phone call.

Mr DHULUMBURRK: How many do you think that lives here at Ramingining who do not drink kava, grog, smoke marijuana or get into cannabis?

Mr HIPPISSLOY: About 15%. How many do you reckon? Do you reckon it is more?

Mr DHULUMBURRK: I would go less than that. Less than 15%.

Ms OGLE: I reckon too. Everyone would have something, do something at some time.

Mr DHULUMBURRK: My house, Dick Yumbal's house, Trevor's house and that is it.

Ms OGLE: Dick?

Mr DHULUMBURRK: Dick is sick of people drinking kava and smoking cannabis.

Ms OGLE: So you are saying there is three houses that you are pretty sure do not drink, smoke or sniff.

Mr DHULUMBURRK: Do not sniff, smoke or drink.

Mr WOOD: So you have not got a full-time person who is involved with sport and rec and young people?

Ms DEVITT: Well aren't the adults really important? Everyone keeps saying they have gone too far and we will concentrate on the kids, but the kids leave us every day and go back to their home and their home is more influential in many ways than school. So you have to work with the adults as well as the kids. You cannot write them off. If people are writing themselves off, if they have written themselves off in some way, it is going to effect their children.

Mr DHULUMBURRK:: The missing thing in the whole of life with the people is everybody enjoying life.

Mr HINDMARSH: Matthew will probably agree with you, this community has gone backwards in the last 18 months significantly. When I first came here you had a church service of some sort going on every night. It went on that much it was annoying. Now there is none.

Ms ARMSTRONG: I can vouch for that.

Mr HINDMARSH: Now there is none, there is nothing.

Ms ARMSTRONG: I do not hear it where I am now.

Mr WOOD: In some communities where they have actually asked the church to have a presence, not saying to run the place, but that is some people, not all of them, but some of them would hope that there would be some church service back and I suppose – this is more a personal thing – I still think that one of the major problems is a lot of Aboriginal people have lost their spirituality, whether it is Christian spirituality or their own spirituality due to the modern society.

Chatter.....

Mr HINDMARSH: You can see here Gerry, your substance abuse is a problem. I see it anyway whether I am seeing the wrong thing I do not know. There are white people that come into the community with all the pretences in the world. All they are doing is demeaning, helping them lose their culture, instead of encouraging them to use that culture but learn the Balanda way as well, because they have got to for survival or they will not survive.

Mr COOK: I would like to make a point here because you made a very valid point that people were generally happy and we forget what addiction is about. It is about dopamine in our brain, it is about biochemical pathways and the problem is we get dopamine in there to just make us enjoy a little bit, so we will never drink if dopamine did not say 'hey that is good', we would never eat if dopamine did not say 'hey that is good'. It causes us to live. So we get a bit of food, a bit of water, a bit of walking, a bit of loving, a bit of sport, whatever it is, all of those things that happen naturally in the community, and we were rewarded and felt good, we

had natural buzzes. The problem now is that that has gone, there is not enough to cause us to get the dopamine hits. If you like, naturally in our everyday life and what we do is, we get a big hit from something and that is followed by a big trough and then that is depressive and you have got to go through it again and it is that function of dopamine which is causing addiction. So a really important thing is to get back whatever has caused people to enjoy life in a balanced sort of way and that is what seems to have disappeared tremendously in the last 30 or so years.

Mr DHULUMBURR: I thinkand Balanda, you have – I think you have killed us, I think by that, like you are talking about. You never told us that this would do this to you, this would do this to you, this will make you crazy and you're going to hit this one here, this person here. Nobody said that. Because our culture where I grew up, I was born a long way back, 1944 and I grew up in 50s and I've seen those domestic violence and one time I sat in one of the lectures when I teaching, 50 people on domestic violence. I say we only had one domestic violence and that from the system sometimes it got hard and I said "Well it's like this, when you break a horse, you ride a horse". And I really made people like that. There were about fifty people out there. That's true but I didn't have a word to explain to them.

So what it means now is that our way of life is being washed with white paper. We stick to paper like this with words like that, and live by it. And our culture is gone really, final, gone. That's why where you see there's a community here, there's a rule, who cares about that rule? I'll go and do what I want to do, because nobody here is a dry person. Everybody drank, everybody smoked, even cigarette was smoked, ganja smoked, kava drink, grog drink, you name it.

And no one ever, even the government has ever backed the traditional law, the culture, the traditional rule. I'm not talking about you people but way back then. They said, government said, 'Oh no. Government said "rubbish, put those away, here's your little bit". They must have never said personally, talking to specific people, but that was their intention.

Mr WOOD: Would you say Matthew, I know that you say that government didn't accept your law, but there were other things that happened in life like the motor car, the television, there are all those things that are over the world today which even governments couldn't stop, which you would be influenced by.

Mr DHULUMBURR: And now people are living stereotype life.

Ms OGLE: And the children in particular, they won't listen.

Mr DHULUMBURR: Adults too. I've seen it, I live in this community, I've lived everywhere.

Mr COOK: One major thing I think needs raising, slightly out-of-context when we're talking about substance and one of the most pernicious things that is occurring is with our kids under five and it's go to do with refined carbohydrates, sugars and the cakes, and bi-saturated fats. That does exactly the same with the dopamine pathway, it sends them in to the wild, crazy.

We don't realised some of our kids are drinking 20 canisters of coke a week, up to 60 packets of chips. Our body didn't evolve to do that. It can't manage that. We now have kids, little Aboriginal kids who are 10 or 12 and showing the first indicators of type 2 diabetes. That

is terrible. The coke you can buy in great slabs and takeaways is cheap and it is comfort food. And they get it Here.

Ms OGLE: Oh, in Arnhem Land.

Mr COOK: Everywhere. Yes. It is just an issue that we have sort of missed a little bit and it is across the community. That is a major issue.

Mr WOOD: I am off the caffeine.

Mdm CHAIR: But it is a big issue. I mean, I know one community where we were screening just to, and there hadn't been any screening in that community and we did this one community, which had a population of 800. Once we had done that screening we found out that 40% of that community, adult males under the age of 35, had type 2 diabetes. About 40% which was a huge number. When you get a population of 800, and 40% adult males.

Mr COOK: Just about covered the percentage.

Mdm CHAIR: And a lot of it was having to work with the sores and you know, because of the coke, just the lifestyle of our mob which has deteriorated. The traditional lifestyle is no longer being enjoyed, to one where the reliance on the stores, the takeaways, particularly the takeaway food.

Mr COOK: And so you are getting that pathway set up before they are even thinking of doing drugs.

Ms OGLE: We are doing a school screening next week. We could easily, we do urine tests which will show up glucose which will indicate, pre indicate the type 2 diabetes. We could actually when we do the community print for HB, we could actually put in, that as well. Would you find that useful?

Mdm CHAIR: Yes.

Mr WOOD: Does the store sell plenty of soft drink?

Mr COOK: Not sure about this community.

Mr DHULUMBURRK: Oh yes. There is drink everywhere. There is no more plain water, fresh water, orange juice.

Ms DEVITT There's good water in Ramingining.

Mr DHULUMBURRK?: There's good water in Ramingining but there is more sugary drink than water for sale.

Mr COOK: They would rather have a coke.

Mdm CHAIR: But you know our mob in the communities, I know myself, I get up in the morning, I have got to have 10 cups of coffee just to get started, you know. And even maintain that during the day you have got to have your fix of caffeine, I mean balancing it with water.

[inaudible]

Mr COOK: Wasn't there some talk about banning Coca-Cola and similar products down in the centre at some point, down in the? I thought they had been banned.

Mdm CHAIR: A lot of the communities can make that decision. You know, if the community controls the store, which a lot of the times they do, they can make a decision to ban coke and other things. Also under the *Aboriginal Land Rights Act*, the Northern Land Council, under the *Aboriginal Land Rights Act* under Section 19 leases will be negotiated with people for their store, they could set criteria in there to these store managers. This is the benchmark in which we want you to run this store. But that is not dictated, and it should be. Under that section 19 I think people just do not explore any of it.

Ms OGLE: Doesn't ALPA subsidise the fresh fruit and vegetables out here and puts higher charges on things like the cokes and the smokes and everything like that so is that not a good thing to try and encourage people by the hip pocket?

Mr HIPPISSLOY: It does not really work. You can give someone \$100 and tell them to go and buy healthy food and they will buy healthy food; but if you give them \$100 and tell them to go and buy food, they will buy unhealthy food. Most people do, you see it has been tried and tested on this community in the various times. They want the sugar and the coca cola and so on. They buy cans of sugar like that, once a week.

Mr WOOD: I think at Milikapiti where they run the store I do not think they had cokes. They had a wide range but they I think they increased –they are selling a lot more soft drink, a lot more milk products but they did not have a lot of coke and stuff. I think community should have some control over its own store and make those decisions if you are getting all these children with diabetes type 2, well then I think someone is going to have to think twice about what is sold at the store. I mean, should you be selling products to kids if they are injuring their health? I mean, it is nearly an ethical problem.

Mr COOK: There is indeed. But not only that. You know, you are creating a cohort of kids with ADHD who are going to school, and they are jumping out of their skins. You know, I mean it is so hard then to get a balanced lifestyle in the classrooms. It is chaos to some extent. 80% of the time you spend trying to settle them.

Mdm CHAIR: I want to get behavioural management problems with a lot of our kids.

Ms ARMSTRONG: We do not have any behavioural management problems at Ramingining. No, the kids here are excellent. But I know from my fellow principals that in other Aboriginal schools they have great problems. The kids here are really quite good.

Mdm CHAIR: What is the attendance rate here?

Ms ARMSTRONG: Averages about 65%; but at the moment it would be under 50% because we have got funerals. Then likely 65% I think that is dreadful, but that is averaging over the year. But compared to other schools who get average 20%, 30%. I think that is pretty good.

Mdm CHAIR: What would be the number of school-aged children in this community? What is the numbers?

Ms ARMSTRONG: We have an enrolment of 200, and I think from that figure I reckon we are only missing out 30. Kevin did a thing of how many kids were in different age groups in the different outstations in the town and families and that, and I added it all up and I think there was 30 or 35 there.

Mr HIPPISSLOY: We were pretty accurate.

Ms DEVITT: But then, in the secondary age section, there are large numbers of adolescent boys, 14 - 15 year old boys who might be around for, on and off for a term in the first semester and then they are gone. And that certainly happened last year. I heard an initial roll of 30-something went down to 22, and then I ended up with the core at the end of the year of about 10. And it was the young adolescent males. They went to circumcision ceremony and they just have not been back. I think that the primary school has a reasonable attendance but the secondary aged section certainly does not. Big problems there, I think, just as far as retaining kids – there is a core group of about eight in the secondary correspondence class.

Ms ARMSTRONG: There has been about 12 attending, I think.

Ms DEVITT: Well yes, but not this semester. There is about what, five?

Mdm CHAIR: Are they female or male?

Ms DEVITT: There are more females than males but there have been a few very strong male students. Certainly a lot of that age group are not attending school. They might be on enrolment but they are not there, they are not being retained.

Ms ARMSTRONG: But they are also not in the community, a lot of them. They are with their parents at Milingimbi or elsewhere. I was in Darwin on Monday and I walked through Casuarina food courts, I wanted to get to the bank and everywhere I went kids were calling out, Corry, Corry, like a hello and all my kids were there.

Mr HINDMARSH: We all go through that though. Every time you go to Darwin there is kids from here, heaps of them. It does not matter what shopping centre ...

Mr HIPPISSLOY: And Maningrida too, because you were there a long time.

Ms OGLE: No, I was not at Maningrida, but yes, there was lots of kids from other communities. But there is lots of kids, our kids at Maningrida and lots of them at Milingimbi and lots of them at Elcho. Like they go with their family and then next year they will be back again.

Mdm CHAIR: Are they travelling because of ceremonies?

Mr Mr DHULUMBURK:: Ceremonies and they have got family.

Ms DEVITT: But do they go to the school in those communities? No.

Ms WALAMANA: They are the correct words.

Ms ARMSTRONG: So if there is a death or a funeral.

Ms DEVITT: Even if they could go to the schools at the different communities – like if they visit Galiwinku for six months, go to the school at Galiwinku.

Mr DHULUMBURRK: I have got one thing to say before I go. We all know there is a problem and that is in the community, wherever we are or wherever the communities have been located, you cannot put a strong law because they can go through the land rights saying 'Who are you to tell me what to do, this is my land.' But what can we do to help.

Ms ARMSTRONG: So are you saying you could do something, you personally, but people are not going to listen?

Mr DHULUMBURRK: I have tried this. I am a public servant myself for a long time, for all my life. I keep saying to myself where are the tools of men that could help me to lift up the community and that is my story. What can I do? I mean we cannot give them money. Money can always be a problem. What is there?

Ms ARMSTRONG: What about the non-drinkers, you said there were three houses that you knew there was no drinking. Are they elders, are they traditional land owners, those mob?

Mr DHULUMBURRK: No, but they are too powerful, because when they are drunk they are powerful. They are power. Once they touch grog or gunga they are power. I know ten people who talk to me like they are standing on top of the mountain; I am down at the bottom. They do not fight me but they talk to me like that. I hear them. I feel them. I see them. I can smell them too.

Mr WOOD: If we are talking about leaders, you have got these photographs here of young men in uniform. That is Norforce, I presume, is it?

Mr DHULUMBURRK: That was then.

Mr WOOD: You have not got any...

Ms OGLE: Three or four, yes.

Mr HIPPISSLOY: There are still a couple in there.

Mr WOOD: Yes.

Mdm CHAIR: That do Norforce?

Mr HIPPISSLOY: Yes. Norforce.

Mr WOOD: Do people look up to – I am not sure how it works now – but do people look up to those men that are in Norforce?

Mr DHULUMBURRK: No.

Ms ARMSTRONG: The kids loved it when they came to the school, when Robert Hill visited and the Norforce men came.

Mr DHULUMBURRK: They look at it. That is the same person, with the uniform; that is it.

Mr WOOD: On Bathurst Island – it might be wrong here, Marion – but generally the Bathurst Islanders who belong to Norforce, they are respected.

Mr DHULUMBURRK: That is different.

Mr WOOD: Yes. Not here?

Mr DHULUMBURRK: Not here.

Ms OGLE: They do things at Bathurst Island though, the Army.

Mr DHULUMBURRK: They can praise you. They praise people here when they are in uniforms. That is only for five, ten minutes, and then it is gone.

Mdm CHAIR: They have got huge problems over there at the moment, not just on the Tiwi Islands but everywhere, I suppose we have looked. The one thing that is missing in a lot of the communities – and maybe we are wrong – but leadership is a big issue. We have seen clear leadership from some of the women in the communities where there has been dysfunction but, of course, the women have a role. The leadership for our men is fundamental, that it has got to get back.

Mr COOK : It has got to happen again, has it not?

Mdm CHAIR: It has got to happen again, because no recommendations from this committee or from government or putting resources out on the ground is going to make a difference unless that leadership comes back again. I honestly believe that that is the answer to a lot of the problems.

Ms OGLE: Any solutions so far?

Mdm CHAIR: We have been asking the communities. 'Look, if there are messages you want to take to government, what would those messages be?' We have highlighted areas of concern in our report. Certainly, services and looking at the inadequate services on the ground is a big issue for us. Mental health, police resources, because we look at the drug trade that is happening in communities. You do not even have resident police here. The police in Maningrida actually have to do the policing and there are only two police over there, so how many they manage?

Mr HIPPISSLOY: It can take a week to get them here sometimes.

Mdm CHAIR: They are situated in Maningrida to service a whole region, yes.

Mr WOOD: It is a huge problem. When you go to Port Keats and they say they need 98 houses now; they have got three for the year. Ninety-eight houses. Now, just to catch up – and they will probably have to produce 20 a year for the next, I do not know, how many years. I think you have problems in employment and education and employment go together and housing and recreation. Just those four things alone, if there was somehow you could lift that up, it would certainly help the community.

There is no point in educating someone if there is no job. There is no good having a government that says here is some money if you do not need it can you still sit down. People are not going to be interested in employment. People are crowded into houses, that is not going to help there enjoyment of life and you have not got other things for people to do. I mean Aboriginal people are great sports people. I know we have our stars. As I said, the other day I went to the Northern Territory Athletics Championships and years ago you would find a lot of Aboriginal people running. In fact I used to say when I was at Daly River, we ran against Bathurst Islanders but there was hardly one Aboriginal person running in the Northern Territory Athletics Championships and yet we have got so much talent.

Mdm CHAIR: And yet they used to dominate a lot of sport in the community.

Mr WOOD: There is lots of things – the big picture, big problems and solving them is not so easy.

Mdm CHAIR: One of the things I have sort of tossed around – and I have not had any discussions with Gerry yet – but the Substance Abuse Committee whether – because it is evolving all the time, the nature – because with the housing and everything else whether this committee changes from the Select Committee to a Standing Committee and there is real fundamental differences in them – and whether we take on more a community services, health and welfare, so that opens our whole scope in terms of looking across a lot of the welfare area.

Ms DEVITT: Can I just make a comment. When you mentioned mental health, I remember going to the first indigenous health conference many years ago. It was 1989 in Batchelor, I went to the mental health session and what struck me – and this may have changed considerably, but what struck me was a lot of people sitting there and talking about anti-psychotic medications or the medication side of mental health and how did you get people to take medication regularly. Whilst that is important I think a large component of mental health is – as Trevor has raised – the spiritual dimension and that also ties in with leadership in that it is really important to have people who have got some equilibrium and balance in their own lives to be involved in those programs to talk about the emotional and spiritual side of things that can keep you positive through difficulties, that can make you look at something and say that is not half empty, that is half full...

To work on keeping your head above water in a situation that you could easily despair in. I think they are really important factors in anybody's mental health. That it is not just about your medication and your profile as a particular sort of biochemical creature. It is the spiritual side of it, it is talking about your soul, it is talking about attitude and all those kind of dimensions of it and that is an area where people who have some kind of insight could be really very gainfully employed right across the region.

Mdm CHAIR: Nobody uses traditional healers.

Ms OGLE: And they must. I think that is really important.

Mdm CHAIR: In terms of the mental health of a lot of our mob, the use of traditional healers is probably better than having a mental health person coming from Darwin who would have no idea of that person's environment.

Mr COOK: Because it is a hard thing. And the other thing is it is biochemical. It releases Dopamine and you have a nice spiritual experience once, whether it is diving under waves or whether you are out in the bush and it is just nice to be home, you get the same responses.

Ms WALAMANA: Where are they doing this, how are they doing that? smoke ganja?

Ms OGLE?: Anything that you have...

Mdm CHAIR: So there is no promotion or education being done on the dangers. And like you said ages ago, some time ago in the conversation, you were saying people perceived it as a recreational drug and it was okay to smoke, you know, and the happy weed from years ago. But I have known a lot of long term smokers who have smoked for 20, 25 years, and you can see paranoia and just the behaviours are not normal, and that has been from the long term. They keep saying 'oh yeah but we smoke don't smoke cigarettes' that there is no damage. Well, I don't think so, buddy. I can see the damage.

Ms OGLE: But it is also younger people that can't handle it that turn psychotic. You know those under 20.

Ms DEVITT: There are a lot of pressures on younger people coming from living in the two worlds. Mathew mentioned you know, the promised wife, the promised marriage, and there are a lot of young people who are aware of the sort of choices that other people have. And for some of them it is really hard to deal with. There are other life pressures that they have got. I think the kids in the secondary age section have a lot of pressures on them that other kids their age don't.

Mdm CHAIR: You are right. I think the youth have the expectation that the good life has changed.

Ms DEVITT: And they are aware of other options.

Mr HINDMARSH: Has the Northern Territory Government considered looking into something like army cadets? That gives kids self esteem, self respect.

Mr WOOD: They do it already in Port Keats, they have got it, they have got a strong cadet unit.

It is really not the Northern Territory government but it would be the community who has to ask the army to come in and perhaps set up one. It requires a squadron or a battalion or whatever you want to call it to sponsor them. That's whatever a battalion has to pay for the uniforms and that sort of gear. Now, there is one in my area in Humpty Doo, there is one at Port Keats. I think they are a great idea. In fact, that is why when I saw those pictures up there I thought has Norforce got a unit here.

Mr HINDMARSH: They would have a bigger role. If you had a cadet here and Norforce then as such you would have certain minor type exercises around the area like this, you would get these young people in. I know for a fact. I ran a unit for 20 years myself and I raised a cadet unit down in Wagga Wagga. But at the end of the day, to see these kids starting out at about 12 years old – I think theirs were between 12 and 17, from memory. At the end of the day after a few years these people, they were just so proud of themselves. That was Aboriginal boys too down in the Wagga Wagga area, and they turned out to be very

good young men and women. It is hard work but I think it can be achieved given the right drive and support.

Mr WOOD: Wagga community does not support cadets, they actually say they want us ...

Mr COOK: What we are talking about really is having kids active. This gets back to biochemistry. If we can get that fixed by playing a bit of cricket or having a run or having a cuddle or eating some food, it is balance in life. If we have got a busy balanced life our chemistry is okay. It is when we get out of balance, because people seek out the fix anyway. They are going to get it with a needle or they are going to get it by leading a busy happy lifestyle and the choice is whether we channel them early enough into that or let the other thing happen. So how do we get them back to being busy little kids, happy, involved in sports, winning the races and going away and also doing whatever, it can be cadets, but really it is having a balanced lifestyle where their biochemistry is, it is...

Mr HINDMARSH: At one stage here my partner grabbed 30 of them and had them all in the back of the vehicle and took up the box trailer and would them out to the swimming hole and they had a ball. Then my young blokes would take them hunting, crabbing or fishing or chasing pigs or whatever. They were active but certain circumstances around the town sort of stopped us from doing that because there were a couple....

Mr WOOD: I did the same thing weekends. I ran the garden at Daly River and the boys dormitory. We loaded up them on the trailer on the back of the tractor. The tractor could pull the big trailer out bush and they had a great day. There were not any kids bored by the time we got home. We would go hunting, swimming.

Mr HINDMARSH: They love it here. They absolutely love it here.

Mr WOOD: And when you think should people be bored, if you look around the country side, there is an awful lot of country not to get bored in but people have lost their own initiative.

Mdm CHAIR: There are competing demands though now on a lot of our kids.

Mr WOOD: On weekends I am talking about. Yes.

Mdm CHAIR: Yes, but I mean 20 years ago on the Tiwi Islands and having grown up there myself – the demands and the lifestyle compared to now and the demands on youth today is completely different from when we were kids.

Mr WOOD: But Saturday and Sundays are still days where I can just get in the back of the vehicle, go on push bike, the bush is always there.

Mdm CHAIR: But a lot of those kids, their parents do not want to go hunting.

Mr HINDMARSH: That is the problem. We had to do that, the parents did not want to do that. But a couple of parents complained about it, because of jealousy over motor vehicles, that is what it boiled down to. So I stopped the boys and said that is it, finished. You know and now the kids are getting bored. One of them does not have a license and 90% of the community does not, these certain parents would ring up the police and complain about him driving a vehicle because they do not own a vehicle. So I said that is it mate, and he got the

darkens on me too. I said that is it, it is finished because I am not going to get the community off-side.

Ms DEVITT: But there are also insurance issues if there is an accident.

Mr HINDMARSH: There is also that but I mean...

Ms OGLE: Which can happen.

Mr HINDMARSH: It can happen to anyone of us but for God's sake, some of the things I did growing up. A man should have been dead 100 times over, but you do that when you are young, it is all part of growing up and you get out there. As Gerry said, there is a great bloody expanse out here, you have got a couple of different swimming holes, you have got the fishing holes. I have watched them, they are running through the bush. It is so funny, little tackers like that, up with sticks chasing pigs along the creek beds and they are having a ball and at the end of the day they are sitting down, they are buggered and they go home happy.

Mr WOOD: There is actually some point in life where people have got to take some responsibility for their life. I mean Marion is a leader in Aboriginal society. She has now become chairperson of this committee, she shows our Aboriginal people that it can be done. My wife is Aboriginal, she neither smokes nor drinks. She used to teach at the school in Palmerston for seven years. She was brought up on a mission, she has only got a grade six education. I know that she can be scathing about people who have got problems, more than I would ever be. I would probably be fairly sort of, you know, look for the generous point of view of why someone is that way. She would just tell them they should get off it. They are much more concerned that people are not taking responsibility for their life and it is mainly the women in a lot of the communities who seem to be the hope, you might say, for many Aboriginal communities. They are the strongest ones, which is sad, because there are not many there. It is the women who seem to be holding many communities together.

Mr HINDMARSH: Your black market kava is run by elders in Ramingining. No-one is going to buck that system.

Mdm CHAIR: Elders as in men or...

Mr HINDMARSH: Yes.

Mr HIPPISSLOY: No-one is going to buck that system.

Mr HINDMARSH: Religious leaders too.

Mr HIPPISSLOY: The religious leaders are the biggest rogues around the place.

Mdm CHAIR: A religious leader was doing it at Warrawuy and everywhere else.

Mr HINDMARSH: The problem is and you will probably notice the difference, if you go to Milingimbi, when you go over there, the spiritual religious side is still blossoming. Here, as I say, that has died in the last 12, 18 months. It just fizzled out.

Ms OGLE: Does it go around in cycles, Graeme?

Mr HINDMARSH: I would not think so. If you are fair dinkum with religion and I have been involved in churches elsewhere – that is something that stays with you, something you want to do. It is a spiritual thing you have in yourself. I was quite gratified when I first came here to see it. Annoyed after a while, because it was every night and it was the same songs.

Ms OGLE: Come on, you can cut out all the noises and go to sleep.

Mr HINDMARSH: Now I have just got to put up with the dogs barking, the noise. No, I do not think – I think a contributing factor was the good Reverend Or that he has probably used that as an excuse, unfortunately, but has anyone tried to counsel him? You do not have a counselling service here as such, do you not?

Mdm CHAIR: What happened?

Mr HINDMARSH: His son died.

Mdm CHAIR: Right.

Mr HINDMARSH: He got him out of prison and then he dropped dead on the oval.

Mr HIPPISSLOY(?): He had a heart failure, did he not?

Mr HINDMARSH: His heart just give out. Bang. Then the old reverend deteriorated rapidly from then on. He was still pretty rough before that.

Mdm ARMSTRONG: That is not the only kind of spirituality either. There is the traditional.

Mr HINDMARSH: No. They have got traditional stuff. I am just saying that. From when I came here to what I see now, it is that noticeable. Even the people. The people then were – I still think they are good people round here; do not get me wrong; I think they are lovely people here. You have got your quite exceptions to that, which you are going to get anywhere. Even the people are not happy, outgoing and as friendly as when I first got here. Maybe it is because I say no too much, you think?

Mr HIPPISSLOY: No, no. I think you are right. I think morale is a lot of the problem.

Mdm CHAIR: Is it a community depression?

Mr HINDMARSH: You are probably on the money there actually.

Ms DEVITT: After having come back after a period of five or six years away, five or six years ago there was a Yolgnu town clerk. There were a lot more Yolgnu, I suppose, in decision-making positions and I think that that has changed.

Ms OGLE: The council has been dysfunctional.

Ms DEVITT: Yes. I think people just put their hands up and go, 'Oh, I can't do it', because we do not really have the same – our decisions are not really adhered to. It is like this sort of overload of Balanda bureaucracy on this thing that just does not fit. There is never any real concession to 'This is not the way that these particular communities function'. Everybody keeps talking about 'the community' but, in actual fact, we have got several

different clan groups that have got competing interests and histories and agendas and all sorts of things and there has not been a huge concession to that; it is just 'the community', as though it is a bit of a blamange thing.

Ms OGLE: Did not the Office of Local Government used to come out? Some of the communities I have worked in the Office of Local Government used to come in and empower people, first of all, to get elected and then to empower them to be leaders.

Ms DEVITT: When that happened, I think a lot of people found themselves dealing with highly bureaucratic situations in offices and in organisations that they really did not have the training and the education to deal with it. A lot of people were shamed and humiliated in those days. I mean, you know what it's like now with all these drifts of paperwork, how do you expect people to cope with this. Like Matthew was saying, our lives are consumed with all this paperwork now. Which is incomprehensible most of the time. I got 3 or 4 university degrees and I have to sit down with things and go "what does this mean".

Mdm CHAIR: And particularly with our mob, our people it's an oral thing, it's not one that's

Ms DEVITT: The high level of education it requires to deal with that level of administration and bureaucracy. People for a generation have been put in situations where they finally got exhausted and of course the community pressure on them for resources. There's all these rules about well this money's for this, this, this, and this and this and the people actually don't see or understand that and people were saying 'Well this is resources we can use, what's wrong with you, why can't you help us'.

Mr HINDMARSH: We found a document here, it was an ATSIC report from 1991 when they had Yolgnu people in positions as CDEP coordinators, etc. They listed the faults or the problems with the outcomes that they were not achieving. Which is a great thing. Today they are still the same problems because they put these people in there without them having the skills to do the job and therefore to me that is setting someone up to fail. What we are trying to do

Ms DEVITT: But who put them in those jobs? ATSIC or the association put them in it?

Mr HINDMARSH: The association would have done yes but this is previous management and previous staff here. I walked into a nightmare that I'm still trying to sort out. But the problem is what you've got to do is you've go to say "Righto, I've now just got new staff and I think good staff. Now what we can do is our next effort is to say righto, this chap is going to be the CDEP coordinator's assistant. He's going to learn from him, he's going to be mentored from him. I'm trying to encourage Matthew to sit with me so I can mentor him in the management role of the association. And we've got a young chap now that George is very impressed with, that's my bookkeeper who is actually doing a database as he's going, and this kid's just picked it up.

Ms DEVITT: It's that mentoring thing, even in education. There were actually designated positions in the school to mentor Batchelor graduates and none of that money is available now, so anybody that we might have that could have taken on an executive role, or got some experience in that area, the only person who can do that is Corolyn, on top of everything else that she's got to do, or somebody who has got a full time teaching load and extra duties and try and mentor somebody. Not that we have got that staff in the school anyway. But those

roles used to be around and then the money, that was Federal money, that ended and a whole lot of programs vanished.

Mr HINDMARSH: The way I see it with ATSiS at the moment, now I could be wrong I could be cynical but I reckon government, talking Commonwealth government here, is going to make most of the communities around throughout Arnhemland welfare communities. They will decrease your CDEP by bringing accountability, I agree with accountability, we should be free and open with accountability. But they're going to start reducing your oncosts which reflects in what you can or cannot do, and eventually what are they going to lose, CDEP wages? They still get paid the dole anyway. So they will say, for example from here, they would probably say just on on costs alone, half a million dollars, and if you multiply that by every community throughout the Territory, there is a few million bucks you are going to save. The regional councils will suffer. I think the Lake Evella is just on the verge of going under because they closed the CDEP up. So the local government is sort of pushing to take over just the basic running of the community, leaving a lot of the essential services etc, and they will be welfare communities.

Ms OGLE: I was trying to develop a submission to government to help train people to make the council self sufficient, so going the other way. And I talked to the local government person who was coming up to Ramingining Council and I said how can you make a community self sufficient with nothing in place. But is that the way they ...

Mr WOOD: Well, local government is not meant to be totally self sufficient. They are meant to, like the council I worked for, Litchfield, you probably can't quite compare it, but you raise money from rates and you are also entitled to a percentage of the money the Commonwealth gives you which is just to run the community and also for roads. So you should have three bundles of money. Now, the problem is that local governing in Aboriginal communities, and I actually have never been in agreement, took on roles that I don't believe are local government. I don't believe they should run the health clinic. That is the department of health's job. Local government are basically about providing essential services to people.

Ms OGLE: Are you talking about the community controlled health services, though.

Mdm CHAIR: No, it was grant in aid communities, which I used to always argue with the Northern Territory government, don't call it community control because it wasn't. It was grant in aid which was imposed on communities.

Mr WOOD: Post offices, yes.

Mdm CHAIR: I have never disagreed with you on that.

Mr WOOD: Banks, Centrelink. Local government has started getting into all these things. Well let's make sure the rubbish is picked up, let's make sure the tip is working correctly, that is the sort of basic functions of local government. In time, maybe, you take on those things, but I still think that governments were actually devolving or getting rid of some of their responsibility and putting it into the hands of local government. And that is why I think a lot of them became dysfunctional because their very core, which I think is very suitable for Aboriginal people to operate, it wasn't too complex, it became complex. But mowing lawns, planting trees, fixing the airstrip fence, all those sorts of things created lots of work, they were fairly straightforward and all of a sudden they copped all these other things as well.

Mdm CHAIR: Well, a lot of town clerks are not health administrators. They don't know how to run health services or schools or things like that. But it is all part of that cost shifting that I was talking about.

Mr WOOD: And Aboriginal people started to lose more and more control because it became more complex. So you know, people in the educational level here, all of a sudden they would move the average up a bit higher.

Ms OGLE: I am sorry Mdm Chair, I must leave the meeting as I need to undertake mantoux testing on a few little children.

Mdm CHAIR: Thank you and we will be back.

TRANSCRIPT NO. 13

NGUKURR – COMMUNITY MEETING

17 September 2003

PRESENT:

Committee: Mr Elliot McAdam, MLA (Acting Chair)
Ms Susan Carter, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Mr Jacob Larsen, Community Leader
Mr Ben Kiwi Kiwi, Co-ordinator Petrol Sniffing Program
Ms Louise Huddleston, Alcohol and Other Drugs worker
Mr Craig Rogers
Members of the Community

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mr CHAIR: Thank you very much and good morning everyone. My name is Elliot McAdam and we're out here for the substance abuse committee. Before I start I might ask some of the members of the committee if they could stand up when I call out their names so you know then who you're talking to. The first person is Ms Sue Carter. Sue is from Darwin, the seat of Port Darwin. She's on the substance abuse committee. The other person is Mr Gerry Wood. Gerry is an independent member and he's from Nelson which is a seat he calls it bush in Darwin but it's really a suburb, nothing like the bush here. And the other people we've got with a little more to come is Pat. Pat's the secretary to the committee and she writes down all the stuff we say or stuff that people say. The other person we have is Liz, who is sitting over here, and Liz does all the recording, all the tape recording. So thank you very much to those people.

If I could very briefly explain just very quickly about the committee. The committee is a committee of the Northern Territory parliament and the role of the committee such as the substance abuse committee is to go around to different communities, different towns and talk to people in the bush places like here at Ngukurr and for the people to let the committee know what is happening in their community particularly in regards to things like grog, ganja, there's a lot of ganja around the place, petrol sniffing, in some communities there's a lot of petrol sniffing. Grog is just about everywhere. And the idea is to go around and talk to different people and we as a committee then have to report back to parliament with ideas or suggestions how we can respond to some of the issues that are going on out in the communities. I'd also like to just acknowledge the traditional owners for this place and the council for allowing us to come out here today. We thank you very much.

And just a little bit on the committee. As I said Liz will be doing some of the recording, so she's tape recording stuff and whatever people say it will be put down on that tape and it will be typed out like a record of the meeting, like minutes of a meeting, and what we are asking people is that if they want to say something to the committee if they could possibly give their name, if you don't want to give your name or indicate to me or indicate someone else and we'll work it out but we'll make sure that you're down in some form. The other thing is that sometimes people don't want to talk to the committee, out in the open, and if you want to do that just let us know and we're quite happy to talk to you separately, they call that *in-camera* or it might be 'in secret' or something like that but the idea being that if someone wants to say something, they want to give information to the committee, it stays in the committee and it remains part of the committee but it stays within the committee.

The other thing which I would like you to know that Marion Scrymgour who is the Chairperson of this committee, Marion's the member for Arafura, she isn't able to get here today as was Dr Richard Lim, the member for Greatorex and also Deputy Leader and also Mr Len Kiely who is the member for Sanderson is not here today. All those people extend their apologies.

So what we might do if it's okay, we're quite happy to start the meeting and very much we're here to listen and basically try and respond in a way which may be able to assist in the effects of too much grog, ganja, petrol sniffing. There's lots of other things too which people might want to raise around those issues. Please feel free to do so. So what we might do is make a start if that's alright.

Mr LARSEN: I would like to ask the people to come in here or ask them for a bit of help with substance abuse, all sorts of substance abuse, alcohol, ganja, petrol sniffing and we're finding it very hard to do things. I mean even with our strong people helping our police here, as much as we can the things still comes up. It's very hard now with two substance abuse, before we used to have one, just petrol sniffing, now it's, two with petrol sniffing and alcohol abuse, now it's cannabis or ganja or whatever they call it. It's very hard for this community to do something about it, about the two of them and we're finding it very hard. I would like to ask if the people will come in, how can we get around doing things and working with our community police officers and things like that. If any member can come up and have a talk and just suggest anything.

Mr CHAIR: Thank you very much. The main reason for us mob to be here today is basically to have a listen to people and to see what the problems are in the community. The things that are making the community not work very good. We've got to be honest, got to be straight. We know that grog is a big issue and we've got to deal with it as a community. Government's can't always do it and that's the reason why we've come around to have a listen. It's the same with ganja, we know it's getting worse and worse but even our young kids 8 years old have been known to smoke ganja. We also know that in some places and even here I don't know, you got petrol sniffing. But the idea behind this for us mob to come out is the people to come up and tell us straight what you think can be done for your community. We have been to a lot of places, right through the top end we've been to Lajamanu places like that. We've been there to them south communities and it's the issue of grog and ganja and petrol sniffing, they seem to be getting worse everywhere and I think it's very important for people to talk to people like the substance abuse committee and let us know because we've got to go back to parliament and we've got to report on what the feeling is out there, what sort of ideas can happen to make sure that you are happy. It might be that people might come up with some ideas here. People might have some issues about youth programs. People might have some issues about jobs, not enough jobs. People might have

issues about youth problems, not enough training, those sort of things. All these sort of things are, part of the reason is that why a lot of our people are getting drunk and causing trouble and our kids, is because there isn't the jobs or maybe the programs that are being put in place are the wrong programs.

I would just ask people if they want to, please feel free to just come up and let us know what you think. Don't be frightened because I think it's very important that people let us know. Some communities are doing little things differently. All them communities like Ali Curung mob, Warlpiri mob, Lajamanu, all through that area Yuendumu, we're working on law and order strategies, which is looking at ways and means of tackling grog, all those sort of things. They're working a little bit. I know that one of the communities at Millingimbi there's a lot of issues with grog again and the community sat down and worked with the police and they come up with a way of cutting down the grog etc. Borroloola mob just finished the grog trials. So there's lots of things that we can talk about but if there are ideas for people at a local level here at Ngukurr to let us know what you think the problems are because it is very important that we tell parliament exactly what's going on out here.

Mr LARSEN: Anybody else in the community, come and have a talk. Come up don't be shy, you won't be shy when you've got a grog inside you. Come up and have a talk now, it's going to be a proper opportunity for us. Every time that we have drinking, parties,at Roper Bar, drinking part ofeven here.

Mr KIWI KIWI: Good morning everyone you're all familiar with me, you know me. For the Legislative Assembly my name is Ben Kiwi Kiwi I've been in the community for three years. I am now on my third year. I'm here because my wife is the local principal. Could all the locals come around closer so that I can ask you questions. Just come around in the shade here.

What I want to say is to the families. When I first come here the petrol sniffers they were like outcasts, they weren't really welcome by lots of the families. Now the Council made up a job which I am in now and the local people. I work with these boys and making the families aware of petrol sniffing is a family problem. It can't be solved by the government, it's a family thing. With plenty of TLC those boys will come right because only this year they walk around the street now with their heads up and that's only the families that are aware. It is important to families and they are helping out. We have five children now back at school which is a good thing. And so far with the families looking after them I don't think they're sniffing. But we do have this problem where you have one of the stronger boys in the community, that keeps the sniffing going. So it's just my job to work on those boys that the families themselves got to do a lot. So all the sniffers, either the father, an uncle or she might be an aunty to one of the kids, or a cousin or somebody else, so they're all family.

Not somebody that has just come into the community like myself. So it is a family problem, it's if the families all get together and help it can solve the problem.

As for alcohol I'd like to ask the Legislative Assembly a question. What happened to Living with Alcohol? The reason I ask is I think we live in a different century now and perhaps the elders should look at having a wet canteen so these younger gentlemen here can learn how to drink and handle alcohol because it's a problem in a dry community and you go and binge drink, you don't learn how to drink properly. I think it's up to the elders to talk about that.

Mr CHAIR: You asked about the wine cask levy – or Living with Alcohol. That program would be funded with the tax on the wine cask and my understanding was that there was a

problem in respect of the Northern Territory government at that point in time collecting taxes as a result of levy and because of that my understanding that the program ceased, or at least the same amount of money was not collected. The Living with Alcohol Program was essentially finished as we know it, but maybe that's something that the community may want to talk about because another push ahead or people are now starting to talk about taxing grog on it's alcohol content. I guess that's another way of maybe raising money in terms of, it's a Commonwealth decision though, raising money in terms of alcohol programs. But obviously there isn't the same focus because we don't have those dollars that we were allocated to Living with Alcohol. So if the community wants to put a recommendation or suggestion to us, and it is coming from other areas too, Living with Alcohol was a good program and maybe we should think about starting it up again.

Mr KIWI KIWI: Louise would you come up for a second please you mentioned a good thing when we had the last the meeting about getting the drop-in centre running.

Just the same thing you had in the meeting, when we had a meeting with that lady from Batchelor College. You wanted a place where, just mention, it's for the local people. That you wanted a drop-in centre, place where they could have their own.

Ms HUDDLESTON: Hello my name is Louise. Last week we spoke about opening a drop-in centre for the drug and alcohol abuse. We need some help. Because we do not have an alcohol and drug place where all people can come and have a talk to me and Matthew. We want to know how to get about making a place like that in Ngukurr. Which people to ask to help us out to put a drug and alcohol place for us.

Mr LARSEN: What she is trying to say is she wants get a place or a building so that people, because she's attending Batchelor, and I think she's finished her courses now with substance abuse. She's here now and she hasn't got anywhere to sit down and talk to people because all our offices, staff here, are all taken up and what she is looking for a fund so that they can have a little office where people know that they can go and talk to people like her and that fellow there sitting beside her, he's doing a course in Batchelor too about drug and alcohol abuse. She's finished and he's still doing it and then a few other people here. If people in the community with substance abuse problems they can go and have a talk with them instead of fighting and all that.

Mr KIWI KIWI: Instead of everyone being over there you could come and have a talk. You look at that chap next to you that's on marijuana and you'll see the difference straight away so some of you boys should come and have a talk. Arthur.

We all stay near the place here like Louise mentioned. We have a few men walking around that's sort of out on their own, they haven't got anybody to talk to. As soon as they get into mischief it is either they take them away to Darwin, I don't know what they call that place, Ward 1, then they're injected with something and come back looking like a zombie in our community. And then we look after them here, I don't mind them jumping around because they're not damaging anybody. But they're in their own environment. And these things here, I can see two people now just looking around and when I first come here I used to take them every day with the petrol sniffers and they come really good but since we had an overflow they've been left out a bit. So we still have problems with men like that and I don't know about the females, obviously the girls they took to the women's centre.

Ms HUDDLESTON: The kids like playing football a lot and I think if you make arrangements to send a good footballer out here talking to the kids about being healthy. We

need more videos on what alcohol and drugs do to your body. We want more pamphlets. I know I like my cigarette but...

The kids like Michael Long or someone coming out here talking to them about being healthy. I know it will take a while – that place we are looking for will take a while. But we would like something to be done please. Because it is getting really bad. Come on you have to talk more. Thank you.

Mr WOOD: Andrew will be out here soon. Andrew MacLeod.

Ms HUDDLESTON: But I know it will take a while for the place we're looking for, it will take a while. But we'd like something to be done please because it's getting really bad. Come on you've got to talk more. Matthew. Anybody more want to talk.

Mr LARSEN: Come on these people come out here to listen to what we want. Maybe they can't do anything about it but they'll try and do something about it when they get back.

Ms HUDDLESTON: We want Michael Long or who's that other one.

Mr WOOD: Andrew's coming out next month.

Ms HUDDLESTON: Andrew MacLeod? OK. But we want more videos please and pamphlets. All things put out to the school or clinic.

Mr BARR: Anybody more want to talk.

Mr ROGERS: Hello my name is Kevin Rogers. I would like to talk about the problem with the committee. It is very important that where there is substance abuse it is a problem in this community, especially. We can't talk about anybody else, any other community, but we can talk about our community.

And most of the things in that category we are talking about substance abuse it now available to our young people and it's not grog alone. Always one and petrol sniffing is available, ganja especially is being used, young people are more starting to use that. And we'd like to work out a way of assisting our kids and help us find the solutions to that problem alone because it's readily available. We don't know who is supplying them and most of the money that they make is going out of the community and the community is suffering from that, especially with our young people, and if it gets worse it will effect the whole young, our future generation of our community and we don't want that and we are seeking your directions and assistance to try and overcome this problem. That is the major one I think that ganja now is we feel that a lot of people are starting to smoke it and we are seeing that it is a problem here.

The other thing we are worried about is this Us mob, most of us we drink beer, it is not available on this community it's a dry community and we are trying to get in with the council and the T/O's try to find us a better way in tackling this. I think that it's a community problem and the community will have to find a solution to it's all substance abuse. Even though you might give us a hand in finding ways to trying and overcome that problem, it's the community itself who will have to solve this problem alone. Thank you.

Mr LARSEN: Come on anybody else got anything to say. Wilfred anything.

Mr BARR: We are going to split up, woman go separately and men go separately and discuss with them. Some people make a good friend. We do that way huh.

The Meeting broke into groups of men and women. No recording took place.

TRANSCRIPT NO. 14

DARWIN, LIQUOR INDUSTRY HEARING
24 SEPTEMBER 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Len Kiely, MLA
Dr Richard Lim, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Mr Greg Weller, Executive Director, Australian Hoteliers Association, NT Branch
Mr Peter Hardy, National Licensing Manager and
Mr Robert Kidman, Area Manager NT, Woolworths Ltd
Mr Peter Jones, Senior Policy Officer, Northern Territory Treasury
Ms Jill Huck, Member, Northern Territory Licensing Commission
Mr Peter Allen, Chairman, Northern Territory Licensing Commission
Mr Peter Hardy, National Licensing Manager, Woolworths Ltd
Mr Chris McDougall, Licensee, 5 Star Supermarket, Stuart Park
Mr Robert Kidman, Area Manager NT, Woolworths Ltd
Mr Patrick O'Sullivan, National Manager, Licensing and External Affairs, Coles Myer Liquor Group
Mr Rob Montague, Area Manager NT, Hardy Wine Company
Ms Fiona Smith, Health Promotion Officer, Alcohol and Other Drugs Program, Department of Health and Community Services
Mr Craig Spencer, Member, Northern Territory Licensing Commission and representative, Katherine Drink Driver Education

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: Good morning. On behalf of the committee I welcome you all and I declare open this meeting of this Select Committee on Substance Abuse in the Community; and thank all participants appearing before the committee today to brief it on its Terms of Reference. The meeting is open to the public and is being recorded. A transcript will be produced and

eventually tabled in the Legislative Assembly. Please advise if you wish any part of your evidence to be *in-camera*. The decision regarding this will be at the discretion of the committee who are reminded that any evidence given to the committee is protected by parliamentary privilege. For the purposes of the *Hansard* record I ask that you state your full name and the capacity in which you appear today the first time that you speak and thereafter. Simply state your name to assist the recording and transcribing staff.

I welcome Mr Greg Weller, Executive Director of the AHA.

Mr WELLER: Good morning Chair and good morning committee. My name is Greg Weller, I am the Executive Director of the Australian Hotels Association in the Northern Territory. We represent licensees throughout the entire Territory including hotels, clubs, nightclubs, wayside inns, restaurants. In general, licensed stores, supermarkets and venues where hospitality is not the key business are people who are our members. Thank you for the opportunity to appear before you here this morning. We have received the interim report of the committee and I believe that is a reasonable place to start in terms of making comment on some of the issues raised in there.

Following that, I thought it may be beneficial to the committee if I update since we last spoke, which I think was almost 12 months ago, some of the issues that have been happening in our industry and some of the ways we have gone forward. I am sure members of the committee will have plenty of questions because I am sure they have got a few stored up. In terms of the interim report of the committee, issues of concern to the committee, availability as a factor of alcohol abuse was a particular area that was raised. There are six points there, which I will very briefly go through. Obviously they are quite broad points, we could talk all day on them, but I propose to just touch briefly on each of the points on how that may impact us and what our thoughts on those areas are, and obviously if there are questions I would be happy to answer anything on those.

In regards to the first point, the committee obviously, under this heading of availability in a factor of alcohol abuse, in terms of the six points; the first one being considered the purpose of liquor licensing legislation. My understanding is that is something that has been, since we last met and probably since this interim report was put out, that has been an area in regards to the administrative and national competition policy review of the Act. My understanding is that that was an area that was found deficient within the Act and I believe there have been objectives drafted for that. We have not, at this stage, seen what they are so it is very difficult to comment on what those objectives might be; but I understand that is a process that is currently taking place. In regards to the second point, considering whether liquor licenses should be issued for set periods, I guess that is a fairly broad question but I think that the committee there has some merit in that comment. Obviously, we would have concern for licensees of any variety that are looking to invest in a business and are seeking a new liquor licence, the uncertainty that may occur from having a set period for that licence.

Now, obviously, there would be an expectation that there would be a continuation of that licence after any set date. Probably when we are looking in terms of other business arrangements such as leases on licensed premises, you are probably looking in the vicinity of 10 years, 20 years. I would suspect that this sort of proposal would be talking about a shorter period and that which would probably put a fairly large burden on new businesses trying to enter the industry. But in regards to the question of what I believe may be some of the motivation of the committee to try and stop licences from existing in perpetuity, I think that is a very valid concern and a valid thought, and I would encourage the committee to investigate ways in which the occurrence, where licences can continually open and close, and new

entrants go into the industry on the back of one licence; investigating how that sort of practice can be stopped I think is very worthwhile and has a lot of merit.

The onus on licensees to demonstrate their commitment to harm minimisation and how this will be put into practice, I believe that there already is quite a strong onus on licensees in terms of both the Liquor Act which, while there is often discussion about the Liquor Act and having tenets of harm minimisation considered as a key objective of that, I believe the Act in itself by its pure existence and definition, addresses the issue of harm minimisation, because clearly without the Act there would be a lot less regulated system than what there is now. And likewise with the current code of practice which operates for licensees, and training that does occur with staff. I do not think it is something that we have reached the end of the road, though, currently and we will address this a little bit further later on no doubt. But the industry is currently embarking, particularly to do with alcohol related issues in the Darwin CBD, we are embarking on not just a period of consultation and hopefully, better cooperation between us and authorities, but also looking at the possibility of accords which may address issues such as training and such as harm minimisation as well. So as that progresses, I would be more than happy to provide information to the committee on that.

Consider whether public health and welfare issues should be the primary criteria in deciding licence applications and conditions. The industry believes that there could be more consideration to this issue. We have made it public before that we believe in terms of the process of application for licences, that it appears to be heading through a number of means. A key one of those of recent times, which I will touch on further, has been government legislation, they have been heading to a direction of increasing the ease by getting licences rather than reducing the availability of alcohol by making it more difficult to get licences. And so we certainly believe that public health and welfare, it is something that there is an increased onus in terms of obtaining short term licences such as special licences or variations to licences. There is a process now in place where the Department of Health will comment on all special licences or variations no matter how large or small, and I think in terms of...

Dr LIM: Could I interrupt you for a second. I did not quite catch it. What you said just now is that it appears that it is easier now to get licences than previously?

Mr WELLER: Yes.

Mdm CHAIR: Can you just elaborate?

Dr LIM: Yes could you elaborate on that for me please?

Mr WELLER: I think one area that I intend to touch on further but I am happy to raise that now, was the issue of amendments to the Liquor Act that was made not long after I last appeared before the committee. In regards to a number of issues that were happening, particularly centred around licences in town and aimed at the objection process, we fairly and squarely believed at the time, and it was our advice to the government, that we felt that this was counter-productive to the industry and counter-productive to the process; an orderly process and a good process by which new licences are issued. I plan to detail further how that has been the case and I think it has been very counter-productive to the process of issuing licences. And that is certainly one of the key areas. So I think there certainly is room for more consideration in that area.

In regards to the last two points, consider whether the licensing commission be obliged to separately seek out the views of community in question and to ascertain the impact that a

licence may have on health and well being, and to consider whether the licensing commission should take a pro-active approach to encourage community input. No doubt, with the members of the commission here this morning, they will have much more to say on that. I will not put words into their mouths, but certainly from our point of view, there is currently a reasonable level of community consultation, of it being made public, but again, for the similar reasons that I will cite for that last point. I think that is an area that we have probably been going backwards in rather than forwards, and I can get onto that shortly. But I guess if there are any questions to start with on those points, or would the committee like me to continue on?

I guess this point I have raised here, which has been of concern to the industry, not long as I have said, after last appearing before the committee late last year, there were amendments passed to the Liquor Act particularly concerning the process of objecting to new licences. It was something that generally seemed to be sparked by a spate of licensees objecting to other licensees. As members of the committee are no doubt aware, under the Liquor Act, objections on commercial grounds are not allowed but we have seen over the years many objections by licensees on every other grounds other than commercial. But I think there has obviously been an element of concern about not just the overall industry, but it is a fine line between what is a concern for the overall industry and concern for their particular business. That made it into the papers and I think was dubbed the 'bar wars saga' if that helps people recall the situation.

And amendments were drafted and put in place. I believe they were based on elements of the equivalent Act in Victoria and in other jurisdictions but I believe that was the main source. The process, rather than the current situation which has less definition over who can object and on what grounds, very simply the amendments to the Act defined what groups of people may object, and they were groups such as the Northern Territory Police; and defined in terms of members of the general public or the business community, that was defined to be just people within the immediate neighbourhood of the licensed premise. And so what it did was, it certainly did not, as we said at the time, it did not stop licensees from objecting. And the third important point was it reduced the grounds on which people could object just to that of being the amenity of the local neighbourhood. The net result was that a licensee who was in the neighbourhood and who objects within the bounds of what the amendments to the Act were, is still able to object. And in fact, by the process by which the commission now needs to conduct a hearing to decide whether their objection is or is not in line with the amendments to the Act, it puts another hurdle in place in terms of the process of the original licensee, actually getting that anyone who is seeking to stall the process of the application has another means by which to do it.

Dr LIM: How could then that bring the rationale that it is easier to get a licence now, than previously?

Mr WELLER: Well, in that regard we do not believe it has worked but, by reducing the numbers of, by putting barriers in place to people to object, by people not necessarily being in the neighbourhood. For example, someone who may have a particular interest in alcohol, be they an academic, be they a doctor who has a great deal of expertise that they could be able to bring to the debate and to the licensing commission. By the virtue of the fact that they are situated at the university or at Darwin hospital, they are automatically excluded from having any input whatsoever into the licence application. Whereas again, a licensee who happens to be next door to the proposed development is available to object. And so we are not necessarily sure that it is giving the best information to the commission.

Also by ruling out other people, again, we believe there is a chance there that it could mean there is information that is not going to the commission that could help sway them. And I think we saw the other side to this was by putting definitions on who can object and who can not. Again, from the applicant's point of view, it gives more grounds on which they can seek to have people barred as being objectors. We saw one very recently, and by saying this I am being aware of members of the commission being here in the room and I certainly do not want to suggest that they made the wrong decision; I think the commission most likely, or no doubt acted in accordance with the Act, but we saw a situation where the Northern Territory Police were excluded because of the strict definition of the Act in terms of it being a member of the Northern Territory police force. One of the grounds on which the application was thrown out was the fact that the person was an employee of the police force, not actually a member of the police force. And there were obviously other questions which I may be pulled up on, which were relevant to that, but that was certainly something that I got out of a decision which I found quite surprising. And the person in particular, that sought to make comment, was not only an employee of the police force but they were also part of the police's actual division that deals with alcohol and drug related matters. And so I think that was quite surprising.

So as we go down this path of this alcohol framework, which I will get onto further, it has long been the industry's view that there is need for some major reform of the Act, and in particular, not just what we identified at the time of these changes as being something that is an add on or a bandaid solution. We believe that there needs to be some major overhaul to the entire Act.

Mr WOODS: Greg, one of the other factors that the person got dismissed, or their submission was not allowed, was because they were not in the neighbourhood, because she works out of the Berrimah police station and the application was in Alice Springs, which makes it even worse really. But I was just wondering, did the AHA, when those amendments to the Liquor Act were being put forward, did they support the changes or have some concerns then?

Mr WELLER: We were given the opportunity to meet with the minister's staff and staff from Racing, Gaming and Licensing. We put forward our concerns at the time. Upon saying that, we certainly said to the minister's office that these changes are being made and there are some problems that are occurring at the moment. And we did welcome action by the government to try and address the problems, and we did say that we were prepared to see how they would go. But certainly at the time expressed extreme reservations about them and I think that has been vindicated since, in terms of what we have seen. I think the one incident there which I suppose is the one outcome where they could go the other way and make it more difficult for the licensee, we have not seen yet, but I suspect it is only going to be a matter of time. Where an objection is made, it will be heard by one member of the commission and if the objection is still thrown out it will be heard by three members. If it is still thrown out it will be off to the Supreme Court and we may find that it is a year before it even gets to hearing the substance of the application, which is the other problem that we identified. It certainly does not fall under that category of making it easier to get a licence. I think the rest of the elements of it do.

To be quite frank, I mean, at the time we were given the assurance that in terms of what we identified as creating a hole in the process by reducing the amount of scrutiny on the new licence, we were given assurances that any slack that is there would be taken up, and the types of issues which people may have been raised otherwise would be fully investigated by the department. That slack taken up, we do not believe that has been the case so far. And

again, we think that this is something that needs to be addressed as part of this broader process of looking at the Liquor Act.

Mr WOOD: I mean, the reason they made the changes was to try and reduce the chances of one commercial operation trying to hinder or stop the licence, based on commercial grounds, but using other technical means to do it. Do you see any way, besides what has been changed at the present time, the amendments were supposed to try and reduce that and I am not sure they have, and I think you have said yourself that they probably have not done so. Do you see any way the government could stop those sort of vexatious, one company against the other, claims occurring?

Mr WELLER: I think probably, it is fair to say that while the public perception might not be that, licensees do not actually enjoy going to court or going to the commission. Some of them occasionally show a strong propensity for it, but I do not think that is certainly their preference. They do not want to be doing that. But I think a big problem that you do have in licensing matters is that while a licensee, while they may be viewed as it being simply on commercial grounds and that could be part of the motivation for it; despite the ads that are put up in the paper and the signs that are put up, I think it is generally only people who are involved with the industry through being participants in the industry or being regulators or being stakeholders such as health; they are generally the only people who do look at it. And quite often, members of the public may not be aware of this, or may not be aware of the consequences of what a new licence might bring, until it is well and truly too late.

Back to the question of how do we go about stopping licensees from clashing like this, I think that the only way we can stop it, is by putting a situation in place where, a framework in place, where licensees genuinely believe that they don't have to be doing that because while some of their motivations might be questioned I think that a lot of them genuinely believe and quite rightly genuinely believe, that if they don't do it, no-one else will. And if they don't raise the questions no-one else will. And so I think a very good start would be to put some sort of a process in place whereby the industry feels that the questions are being answered, there is a framework which won't just lead to an unabated continuing issuing of licenses.

Mr WOOD: Just to follow up on that. Do you think there should be, and I mentioned it during the debate on this, like a I suppose an agent provocateur or they've got a special name for it, a person that sits basically on the licensing committee to challenge every license, simply for that very reason. Because a lot of times the public doesn't know much about the license. There's a person there basically to test the license, they're an independent person that's just there to challenge the license you might say to put it to the test why the license is being required, the hours of application etc, that person's there all the time.

Mr WELLER: Yes I think there could be merit in investigating some sort of process. I think from viewing the way the Commission's operated from the industry's perspective, while there has been no doubt strong method behind it and process, it doesn't necessarily always appear consistent. We've had different situations where the Commission in various ways over the years has employed counsel assisting which in some ways takes on that role, in some instances but that will be a situation that will depend on, it may be where two licensees both roll up with their barristers in tow, the Commission may not feel there is any need to have anyone facilitating the operation of the hearing in which case they won't go ahead with expense of just adding another lawyer to the table, where in other circumstances you may have someone appearing and counsel assisting as employed, and that may be for a complaint against the licensee and the licensee gets a very strong view that they're taking on a role such as the public prosecutor, so I think that there could be a lot of merit in a consistent

approach to this and that may be one way of going about it and I think if it's a situation where it is one rule for everybody regardless of their representation it probably could have some merit.

Mr KIELY: You were saying before that the definitions and those who can object have to a degree freed up the ability or stopped others who might have a genuine concern for raising the issue with the issuing of a new license, but you also mentioned earlier on that the legislation came about to a degree because of the perceived 'bar wars' on Mitchell Street. That was the only a perception that was wrong, is that what you're saying, that really there was no issue with licensees objecting on the grounds of business decisions, that that wasn't a case, that there was no Mitchell Street 'bar wars' as such?

Mr WELLER: Oh no there certainly was, I'm sure whether may the name was a good description of it. There were certainly a lot of problems there, there's no question and those problems were certainly not new at the time when it was given that nickname. There had been matters going on, without going into specifics, we could all think of ones that have been going on for years before that, and there's no question that that was a very big problem and as I've stated we were very happy to see the government seek to take some action at the time. But we just didn't believe that that was the right way around it was to necessarily seek to put more regulation in place and to seek to exclude people we would much rather in the types of things we raised at the time, would be to look at this in a far bigger picture and look at it in questioning in terms of how many licenses actually should there be. Now there's not a question, we're certainly not suggesting a moratorium there will always be a need for new licenses, whether it's changing population or particularly new developments that may come about that are great for the Territory of which a license is an important part of that, but currently there is no other than the test of the needs and wishes, there is no measure by which there can be a decision made on when is enough licenses enough and clearly that is something that committees recognise that the availability of alcohol is a question and that is something that we certainly support, that we believe that there's got to be a point sooner or later where whether we say that, whether we're put in a situation whereby the number of licenses can be reduced, or whether it's a matter of licenses being traded rather than new licenses be given out, there could be a number of areas like that that could be investigated and that's what we believe should be the basis for this type of situation, where it's not constantly an issue because since these changes were made there have been a number of new taverns either restaurant-type licenses have upgraded for want of a better term to a tavern or new tavern licenses have occurred and there will be more coming on line. And as far as we can see there is no process at the moment by which the Commission can say no more.

Mr KIELY: So from the AHA's point of view, did the amendments and I'm with you that they ran into a few problems with the changes but the amendments as such have addressed by the issue whereby we won't have a repeat of the Mitchell Street scenario again where we will licensees objecting on the grounds. Did the amendments address that particular section, have we got that bit right.

Mr WELLER: To be frank the only reason that the amendments addressed the issues on Mitchell Street was because everybody got the license they were after. That was the only reason that those stopped. If we look at the three bars that were involved in the issue, two of them are now taverns and the third one got the changes to their existing license so the only reason they've all gone away is because they got what they want to be quite frank. So no I don't believe that it will necessarily stop that from happening because when the next person puts their hand up for a tavern in the neighbourhood of an existing licensed premise, if that

existing licensed premise chooses to go down this path I believe they can use the amendments to stretch out the process even further as I described before so while in the short term it solved that issue, it wasn't the amendments that solved the issue it was simply the granting of conditions on those licenses that stopped the wars from happening and I guess everyone's happy for the moment until the next license application on the street comes up.

Mdm CHAIR: Have you got much more of your presentation Greg I'm just conscious that there's a number of other presenters, so if members could just hold off from the questioning and let's go through.

Mr WELLER: That was certainly a major area of discussion that I wanted to raise. An issue which is also got a lot of publicity surrounding our industry and again Mitchell Street, no doubt members of the committee have been following that in the media over the last couple of weeks so I thought it was opportune if I make some very brief comments on that.

The practice of breath testing patrons is one that we are unaware of happening anywhere else in Australia. While it's received a lot of coverage of late because it has been in the tourism precinct, it's been something we know of been going on in the Territory for probably at least 12 months at the moment where patrons have been breath tested. In those situations it's tended to generally be more people in a takeaway situation in drive through bottle shops, etc. Some of those circumstances have been even people in taxis for example going through. And particularly looking at those type of situations raises our first question, we obviously have a big concern as to whether the people who are being subjected to these breath tests are fully aware of their rights and the process by which this has gone about. One of the people who was involved with this on Mitchell Street recently made those comments to the effect that they felt that they didn't know they didn't have to and I'd certainly expect that the type of people that were being breath tested in areas such as Katherine and Alice Springs, I'd be very surprised if those people were fully aware of their rights to be able to refuse a breath test.

I guess the other particular issue that we've had with the operations have been the undercover nature. Again police have a very difficult job to do in enforcing the *Liquor Act* and there's no question they do a very good job in doing that. Our particular concern though is by conducting these undercover operations combined with the breath testing of patrons, these circumstances when we add that on to the *Liquor Act* and the reverse onus of proof that exists there whereby if a licensed premise be it in a take away situation or an on premise situation, has been charged with serving a intoxicated patron, the onus is on the licensed premises to prove that the patron was sober not on the authorities to prove that the patron was intoxicated, and so certainly when you wrap those up together, and patrons are being breath tested and then whisked off from the licensed premises and the licensees not being given the opportunity to talk to the patron, or at least collect any evidence that may support their case, that led to a great deal of concern for us and I guess that's to sum up to the committee what our driving force is to why we were so worried about these type of operations whereas of the last 12 months we've been as an industry we've made a number of approaches, again starting at around 12 months ago we've made a number of approaches to the Northern Territory Police to try and enter into a more proactive and cooperative approach to dealing with liquor related issues on licensed premises, that included not just meetings with the commanders in town around 12 months ago, but also a meeting with the Police Commissioner earlier this year. Again we've been met with a reasonable amount of resistance from police to agree to enter in to any joint campaigns or joint initiatives with the industry to try and deal with liquor related issues on licensed premises.

If there has been an upside to the recent coverage of this matter it has been that we've had contact by the police and we've since met with them with the aim to, we'll be starting next week, conducting weekly debriefings with key licensees and security operators on Mitchell Street and also the police too. Not just had a debrief on the weekend before but to also to be able to talk about strategies for the weekends leading up and so that police have a forum by which they can say to nominees and security personnel exactly what the issues are that they're targeting at the moment and concerning them. And this is certainly what we've been after and we're very please to see so we're going to be trialing this up to Christmas this year and seeing what results we can certainly get out of that. So if there has been I guess a good ending to this, but police in our meetings still reserve the right to continue with the undercover operations and with the breath testing of patrons, that's obviously a decision that they've made. We still don't agree with it but we think in terms of what we have achieved out of this, and the recent meeting it's been a very good step forward that hopefully now that there is a forum for a bit more communication we might see some more cooperation between licensees and police on Mitchell Street.

Another important issue that has come up in regards while it's a security issue, but also that I can report back to the committee on what's happened in our industry since we last met has been the development of license conditions and protocols for the use of security cameras on licensed premises. We've been working with the Police, Racing, Gaming and Licensing and the Licensing Commission for around 12 months to develop a set of protocols and as of about a week ago we were given the final signed off version on that. So they'll be going into place very shortly which consists of a range of measures but to sum them up very briefly, it sets out timetables for all late night entertainment venues to have security cameras, it sets benchmarks as to what those security cameras shall be and it sets protocols in place for the storage and the recording of those images and who might have access to them, both in terms of within the licensed premises and from outside the licensed premises such as offices of the Northern Territory Police and Racing, Gaming and Licensing.

The alcohol framework and development of which was announced by the Minister very recently will obviously be one of the next big issues for our industry and next big challenges. There's not a lot to report to the committee at this stage on that other than we certainly welcome the initiative by the government. It is quite broad ranging. There's a number of terms of reference there to work through and certainly in terms of what we've been asking for for sometime of a major overhaul of the *Liquor Act* and that being done in regards to an overall creation of a liquor policy or a framework for the Northern Territory is something that we think is long overdue and we've been asking successive governments for sometime and so we think that's a very positive step forward and we look forward to working with the government on that.

Mr KIELY: To the policing issue and the breathalysers I guess. Came as a bit of a shock to me as well to tell you the truth Greg. Are you advising the committee that while members of your Association were aware that undercover operations we being undertaken, they weren't party to the understanding that patrons would be breathalysed outside of the premises?

Mr WELLER: No that certainly came as a, it's obviously as this, I'm more than happy to answer questions, obviously on terms of the specifics it's difficult as the indications are that there's a brief being prepared so I'd prefer not to go into too many of the specifics. But in regards to that, my understanding is certainly that none of the members were aware that either there were undercover operations being conducted or that that would involve the use of breath testing equipment.

Mr KIELY: We can go into in camera if need be can't we?

Mdm CHAIR: Yes.

Mr KIELY: We can certainly go into in camera and talk to you from a much more secure level about this if you feel somehow that you can't talk but...

Mr KIELY: I'm keen to not censor, so you never knew about that. Had the police once the Association members became aware that patrons were being breathalysed, had the police advised Association members of what limit they considered was such to record a judgement of intoxication. Like as a car we've got rules at .05/.08 that just limits it, they don't go into a person's capabilities it's just blood alcohol levels. But I should imagine on premises it would be more a capability test so I was just wondering is there a level determined to say okay if you're .1 you're considered to be incapable of, or your judgement's impaired therefore you're intoxicated.

Mr WELLER: No to my knowledge certainly not the AHA but to my knowledge, members neither have been advised of any arbitrary level of what measures intoxication or not. I would again without putting words into the police, from what we've been advised by them and I would suspect what they would say in regards to that is that this is a for use of the breath test and getting a measure is an additional piece of information, it's an additional piece of evidence. They've indicated that they're obviously looking at other signs of intoxication as well and I suspect that's how they would address that issue. But we've been given no indication. While I believe the venues have been given an indication of what the actual levels were, I do not know that there has been any judgment made by police over what is an appropriate level or whether any of those levels breached what they would consider an appropriate level.

Mr KIELY: So your understanding of patrons who have been taken outside – I have only read in the press and I have not talked to anyone from the association or any member of the public who has been affected by this. But from your understanding, from reports back to you, have the police been picking up patrons who might otherwise have come to the attention of your security staff or your bar staff who might have appeared to be such is the triggers that your association members use to assess someone is intoxicated and not serve them. Is it your understanding that police have been using the same triggers or have they just been signalling out someone who looks like they might have sat there for an hour.

How are the police picking up someone in a hotel? Is it because – are they picking up people who your security people or your bar staff might not have necessarily have picked up?

Mr WELLER: That is, their indication to us is that they have – again while we have not seen what their detailed brief would be on this or their statement in regards to it – their indications to us have been that they have been while conducting under cover operations and observing patrons in hotels, that is how they have – and looking for other signs of intoxication as how they conduct their investigations.

Mr KIELY: So is it after someone picks up a drink, and they have assessed them to be at that level, perhaps they should not have been provided with one, and then they are picked up and breathalysed?

Mr WELLER: Well in all cases whether it is licensing inspectors or police, where there is issue in regards to serving intoxicated patrons, it is the usual practice that police or inspectors observe the purchase of a drink by the particular person, so I would expect that in either or this situations they would have had to had observe someone rather than – because our indications are that the charges are not allowing intoxicated people to be on the premises but serving intoxicated people.

Mr KIELY: I have got just a couple more questions. Following on from being intoxicated on premise and the police action, similarly we had the disturbance on Mitchell Street. Now there has been reports from 20 to 100 and there is all sorts of different stories coming out about that, but from the association's point of view and harm minimisation, where does the responsibility for patrons behaviour end. Is it at the front door? You know, like people leaving, does the licensees responsibility end at the front door or is there any sort of harm minimisation strategy employed to say disperse people out on the street instead of having everyone dump out at the one time. I have been to hotels when they have closed and seen everyone dump out. In particular along Mitchell Street, are there any strategies in place whereby when the bars close that people are able to disperse? Some arrangement with private hire cars or...?

Mr WELLER: I think in terms of the word 'responsibility' it is a very difficult one because I would certainly say we have a very strong responsibility to play a role in ensuring that Mitchell Street and anywhere around licensed premises is safe and that it does operate well, but I would not necessarily say that we are responsible for all of those patrons all of the time. I think in terms of are there measures in place, in terms of keeping people off the street, two that spring to mind already is a staggered closing by where which some venues might close at 12.00pm, others at 2.00am, others at 4.00am. I think that in itself is quite a good initiative that was brought in some years back. It does not solve the problem on its own but there are things like that that I think it is important that licensees do play a role, be it with police through this. As I said, something that we have been calling for for a long time and I think out of this process of meetings with the police some sort of accord for the street which as well as addressing issues such as training, could address some of these other areas.

I mean one thing that springs to mind which we will certainly be putting up may well be that licensed premises, late night venues, may be allowed to open for half an hour later but not serve alcohol for example. There may be measures like that whereby – which would be a cost for a licensed premise. If they have staff there they have the lights on but they are not selling a drink or making any money out of it, but there are measures such as that which I think when you ask are we responsible, I think we certainly do have a responsibility to the community to play our part and there could be measures like that that the industry could certainly consider. I think the idea of staged closing times, which we already have, is one very simple measure but we are certainly very open to look at other measures like these, whether, as I said, it could be leaving venues open a little bit longer so we are avoiding dumping everybody onto the street.

In regards to that particular incident the other night, the industry is obviously and the authorities are still getting together information on that but certainly our information, from having read the security report from the licensed premise and having talked to the security personnel, the group of youths across the road which have generally been accredited with starting the problems and a number of which were also taken into custody, are all – my understanding is that there is footage of them all being knocked back from entering the licensed premises. A very big problem that we have is that being licensed premises such as these late night venues, we can control what goes on inside the venue, we can even work

with authorities to control how people leave the venue and what happens after that, it is very difficult when we get groups of people in that the problems seem to occur around licensed premises but it is not just because of the people leaving the licensed premises, it is because the people who are looking for trouble from elsewhere in the community head straight for the licensed premises and I think we read about them in the paper and we see gangs of youths in the northern suburbs and rock throwing, substance abuse and it is generally put down to being a community problem or a parenting problem or a law and order problem but as soon as they turn 18 and go into a licensed premise or one of them gets a car and they can all head into town, all of a sudden it is the licensee's problem for filling all these young people full of drink and letting them loose.

I think we need to in terms of these problems, we have a very strong role as licensees in terms of serving practices, in terms of training, in terms of how we deal with a large number of people that leave our premise but we also need to look at this in a much broader picture and about who are these other people who are coming into areas and who are heading to the entertainment districts, a lot of them quite often with the intent of looking to cause some trouble and I think the result of that is what we saw on Saturday night.

Mr KIELY: So that was a one-off situation?

Mr WELLER: I think in terms of the magnitude of it, it certainly was one-off and in terms of the magnitude I would also make the comment that I suspect that if there genuinely was 100 people involved in a rolling brawl down the street it would have taken a few more than 20 police to get them under control. I think the numbers were from – from certainly the security reports that we have seen, the numbers were considerably exaggerated. So it needs to be put into some sort of perspective but upon saying that a fight between two people is two people too many on the street and so I think while it is not ever going to be achievable that we totally wipe out the problems, I think that there is a long way to go and I just bring it back on this circle of this issue of availability of liquor, while we do not want to be seen in a situation where we are trying to protect the patch of the existing licensees that are there, I think that if we are looking to continually – we need to have some sort of measure by which we say when is enough licenses in a district before it starts turning into a purely alcohol based and nightclub district and when it loses that element of food based and tourism based. Where we have no measure for that at the moment I think that is something that we really need to do to protect these type of areas and yes we will always be open to the – whenever we discuss any of these issues we will always be open to the criticism that it is just about competition but I think we really need to make sure that we do not kill the goose that lays the golden egg as such and turn these areas into purely alcohol areas and encourage more of these sort of problems.

Ms CARTER: Greg, how hard is it for licensees and their staff to tell people they cannot have any more to drink? Is that an issue?

Mr WELLER: It is certainly something that in terms of late night venues there is obviously the need for crowd controllers, security personnel and I think the industry has come a long way in both the liquor industry and the security industry has come a long way over the years of getting to the point where we are now where we have got quite a functioning system. In terms of dealing with people it can be very difficult. If I can give another example and this one other than charges that may occur in a Magistrates Court, there will be no – I do not know of any liquor related issues so I can certainly talk about that, but an incident that was recounted to us by one of our city members recently where – it was the Cavanagh in fact – where a patron at five o'clock in the afternoon was asked to leave the venue on their first or second

drink of the night and they broke the publican's nose and smashed a glass over the security personnel's head and there was no question whatsoever of intoxication, it was purely a question of the patron that had no doubt come out looking for trouble and when identified by security personnel as being a potential problem, being asked to leave, that was what happened.

So that does not mean when you are confronted – that is the industry arena when you are confronted with the potential for those problems, it does not mean that you ignore them or it is any excuse not to tell people to leave licensed premises by any respect, but in answer to your question, it is not always easy and that is certainly some of the problems that we have seen occur in the last couple of weeks.

Ms CARTER: I recall a few years ago the government ran a media program that essentially was give us a fair go to say no, to basically educate the public that it is the role of publicans to say no at some point if you are intoxicated. Do you know whether programs like that are of any use?

Mr WELLER: We would certainly welcome – and this has been something – and I guess with spurred on by a lot of the media coverage recently that a lot of our members have brought to our attention as saying that they identified what they think is a need for possibly more programs that are identify patrons and their behaviour. So we would certainly welcome anything like that. The 'no more it is the law' that style of thing, we would certainly be very supportive of something like that.

Ms CARTER: So that before people go out to be drunk they have got that subliminal message that it is your role or the role of the licensees to, at some point say no to them.

Mr WELLER: Yes, very quickly as I am conscious of the time, we very recently the AHA nationally developed a strategy and a public campaign. It was in response to the federal government inquiry, the road to recovery inquiry that has very recently handed down its findings in response to that around 18 months ago. The AHA developed its own strategy down that line specifically dealing with violence around licensed premises, not just general intoxication, but this was specifically violence related. So there was a lot of investment in that issue and a lot of thought went into that and discussions at a federal level. So we would obviously as an organisation support any program like that that did address those issues.

Mdm CHAIR: Can we just take one more question because I am conscious of the time and a lot of these questions could be done in the Round Table discussions. I mean I have got a number of questions which I would like to put but I think that they are probably better done in the Round Table discussions. So if members do not have any more questions we might get him onto the next presentation, if that is all right.

Mr WOOD: Yes, I will leave it to then.

Mdm CHAIR: Are you sure? If you have got one, I will let you have one.

Mr WOOD: No, that is all right.

Mdm CHAIR: Thank you Greg. Are you going to join the Round Table discussions?

Mr WELLER: Absolutely.

Mdm CHAIR: We might get Peter Allen, Chairman and Ms Jill Huck.

Mr ALLEN: Marian, I – we did not actually come to talk. I am happy to talk. I am always happy. We have not brought presentations at this time nor did we expect to. We saw it as the industry's day. We do have another time with you for which we will be extremely well prepared.

Mdm CHAIR: That is okay Peter. I have just got you down. That is okay Peter. What we will do is go onto Mr Peter Hardy but it would be good if you could be part of the Round Table discussions though because there are a number of issues that did come out of the first presentation which it would be good to have the Commission part of that.

Mr Peter Hardy, National Licensing Manager and Mr Robert Kidman, Regional Manager with Woolworths.

Mr HARDY: Good morning and thank you very much for an opportunity to talk to you today. We have not prepared a formal submission but we thought we would start by just talking about our high level views and respond to some of the questions raised in the interim report and then open it up to questions for you and more than happy to cooperate in any way we can from there.

Just by way of background, Woolworths is a large professional Australian retailer and one of the largest employers in Australia. As well as the Woolworths supermarkets it operates Big W, Dick Smith Electronics and Tandy. In liquor Woolworths operates 497 liquor stores. The majority of which, being 328, are attached to supermarkets and we operate 169 free standing liquor outlets. In the Territory, Woolworths has a significant investment with 11 supermarkets, a Big W, 11 liquor stores as well as some Dick Smith, Tandy and petrol stations. It is one of the largest employers in the Territory.

Of the 11 liquor stores, 10 are attached to supermarkets and one operates as a freestanding business. We estimate that our market share of the takeaway package liquor market in the Northern Territory is just above 13% leaving around 86% in the hands of other licensees. Liquor is a legal and popular product enjoying general community acceptance when it is consumed responsibly by the majority of people. Where people consume alcohol responsibly they should be able to do so with a minimum of restriction on their choice.

A minority do excessively consume or misuse alcohol resulting in alcohol related problems such as anti-social behaviour, intoxication, violence and harm to oneself and others. We agree that the adverse effect of excess alcohol consumption must be addressed. Alcohol abuse is however a complex issue and cannot be solved simply by regulating access to alcohol via the liquor legislation. The only long term solution must be to influence the consumption by those that do abuse. This requires a holistic approach inclusive of industry, government, police and community groups and we see Alice Springs as being a prime example of that approach.

We believe that education should essentially be the major focus of addressing abuse, the results of which are unlikely to be immediate and may be a generational focus. More immediate results may be delivered via greater employment opportunities and a reliance on leaders within the community. The influence of elders is important in Aboriginal communities.

Liquor licensees do have a role to play. Licensees have a responsibility to the community to conduct their business in a professional manner with a commitment to using responsible

service of alcohol practices from premises that do not encourage abuse. The quality of management in licensed premises is very much a crucial element of that. Alcohol abuse cannot be addressed by increasingly restrictive licensing laws. Abuse is a complex community problem requiring a collaborative and holistic approach.

The Select Committee has canvassed the appropriateness of the current *Liquor Act* as an instrument to allow the Licensing Commission to address community concerns relating to alcohol abuse. In relation to the issues of concerns we would like to make the following comments.

Addressing the points at page 17: We believe the objectives of the *Liquor Act* should be clearly stated in the *Liquor Act*. We believe they should be to regulate the sale and consumption of liquor, to promote the responsible development of the liquor industry and to minimise harm resulting from the misuse and abuse of alcohol.

So we certainly see harm minimisation very much as a prime objective of the Act. It is our view that liquor licenses should not be issued for set periods. Licensees must be allowed to invest and upgrade their businesses in the knowledge that they have security in the possession of the license so that as long as they continue to trade within the provisions of the Act. Disciplinary proceedings can always be taken against any licensee not meeting their responsibilities under the *Liquor Act*. As we believe harm minimisation should be an objective of the *Liquor Act* we also believe that applicants and existing licensees should be able to demonstrate their commitment to harm minimisation through a clear understanding of the legal obligations, adoption of responsible serving practices and commitment to training and use of house policies.

By incorporating harm minimisation into the objectives of the *Liquor Act* the Licensing Commission will, where appropriate, consider public health and welfare issues when deciding on license applications and conditions. It is our experience in the Territory that community groups already play an active role in license applications and conditions hearings. We do not wish to comment further on the notion of availability of licenses and other provisions of the *Liquor Act*.

We see modern research that suggests that availability and abuse are not strongly correlated and that attempts to limit the number, size or location of package liquor outlets will do little to constrain alcohol related problems and examples of that research are in the review of the *Victorian Liquor Act*, the original (?)Newenhausen Report in 1986 plus the more recent Victorian Review and Queensland Review.

While this research is not specific to remote communities we note that the current *Liquor Act* provides for restricted areas as a means of satisfying local communities desires to restrict availability. The current *Liquor Act* in comparison to other states provides significant flexibility to the Licensing Commission to address community concerns of alcohol abuse, especially in remote or discreet communities and examples of the flexibility in the *Liquor Act* in the Northern Territory that is generally not in other states, is that there are no license categories and the Commission has the ability to impose conditions specific to each license. It also has the complaints provisions, the ability to issue special licenses, declaration of restricted areas and permits and license suspensions, cancellations, it can look into inappropriate advertising, it can issue directions and it can also issue orders on prohibited persons.

So in concluding the opening address, that is broadly our view of liquor licensing and alcohol in the Northern Territory. We would like to open it up to any further questions and am happy to answer.

Mr WOOD: Peter, Woolworths talks about harm minimisation as being a goal but how could Woolworths put that into place when your 11 shops in the Northern Territory are takeaways, so if a person walked in there and said I want to buy 10 slabs, you would have no idea of course where that would go, you would have no idea whether it was going into the back of a taxi or to a community or whatever, so how could a company that deals with purely takeaway sales have a harm minimisation policy.

Mr HARDY: In that example it is very difficult to know what is likely to happen with the alcohol, but certainly we do have harm minimisation policies. We have policies and procedures in place to ensure that we do not sell to intoxicated people, that we do check identification for those persons who may be under age. We have full training for persons normally working in the liquor departments to ensure that they have been trained in responsible service of alcohol and are aware of the issues involved. We also have a house policy in place that highlights each of these areas to our employees.

Mr WOOD: The other issue I suppose with companies like yourself would be advertising and one can just open up the paper and you will see specials on 10% off wine. You have got a lot of the new types of drinks which are certainly coloured nicely and flavoured nicely and you can have those on special too. Does Woolworths have a policy on looking at its methods of advertising – and again I am talking from harm minimisation. Does it, for instance, believe that the promotion of some of these drinks – especially the vodka drinks – is really aimed at young people and do they see that as an issue that they could address by perhaps not advertising and putting them on special or advertising them in a different way that is not necessarily up front and it could apply to other forms of alcohol because I think it was mentioned in Alice Springs at one stage where I think it may have been, I am not sure which company it was, but when the restrictions came in there were all of a sudden the – the alcohol that could be consumed that the restrictions did not cover all of a sudden came on special in that premises. So do you see Woolworths having a role to play in responsible advertising?

Mr HARDY: Yes, I do. Woolworths does review its advertising for appropriateness. Its advertising in the Northern Territory is Territory wide. I am just trying to remember each component of the question. When we look at advertising it must be aimed at persons above 18 years of age because we simply do not sell to people below 18 years of age, so therefore it would be a total waste of money for any company to direct advertising at people below the 18 years of age.

In relation to those types of products that you mentioned, we must always remember that the vast majority of people do consume alcohol responsibly and the advertising is certainly aimed at them. I know of no research which indicates that those people who abuse alcohol are particularly interested in the liquor specials and advertising. Most of the research tends to suggest those people who abuse alcohol have their favourite product of choice and purchase that product irrespective.

Ms CARTER: Peter, in the Northern Territory we have got a problem with what is known as itinerants in our community, particularly, for example in Darwin and Alice Springs, Tennant Creek Katherine, Woolworths in all areas I think except Tennant have takeaway licenses that arguably are favoured by those people. Do you have any role to play with trying to assist in that problem?

Mr HARDY: It is extremely difficult to help in that regard. We have licenses that openly trade to the public, the vast majority of customers, like I have said, are not abusers. We can only look at a person at face value when they come into a store and assess whether they are over 18 years of age, whether they are intoxicated or not and as a result of that assessment look at selling the alcohol to them. It is a very difficult area because when a person takes alcohol away from any takeaway outlet you have little control on where or when they are going to consume it.

Mr KIELY: You mentioned in your presentation that there was an awareness in the organisation about the value of working with communities. Have you got any programs in place whereby your organisation supports communities on harm minimisation strategies in any way?

Mr HARDY: Probably the closest is some work we are doing in the Katherine region with the local manager of the Woolworths Supermarket there is assisting three community general stores in the running of their businesses with the focus on teaching business skills and nutritional focus making the general store self-sufficient. So I guess that is an area where we are helping those communities in that area.

Mr KIELY: Do you see that as a pilot project or a stand alone?

Mr HARDY: At this stage it is very much a stand alone.

Mdm CHAIR: I probably want to ask a number of questions but like with Greg Weller's presentation I will leave my questions until we have the Round Table discussions. Have you finished Peter at all.

Mr HARDY: Yes, we also have views on access to licenses that may differ....

Mdm CHAIR: Do you just want to go for it and then...

Mr HARDY: ...a little from Greg's. We do not believe that the changes have made it substantially easier to obtain licenses. We believe that the changes are very much welcome to section 47(f). We believe that commercial objectors have historically tied up valuable commission time that could be spent elsewhere on other projects. And we have a strong belief that the over-riding purpose of commercial objectors objecting is very much commercial reasons alone.

Mr WOOD: So are you saying that the changes did not make any difference basically?

Mr HARDY: No, we are saying that what the changes, the changes did not increase the ability to obtain licences. What we believe the changes did was focus the inquiry specifically on the community's needs and wishes by trying to restrict the ability of objectors getting involved and chewing up the commission time throughout the hearing, in place of community groups presenting their view of whether or not the licence should be granted; and the commission's ability to assess the needs and wishes in the community. It has certainly provided for community groups and the police as a matter of right, to be involved in the proceedings.

Mr WOOD: Would it be fair to say that the individual can not now make comment, I am not talking about the individual who is involved in you know, another premises with a licence,

but the ordinary individual who may wish to comment is now prohibited from commenting unless they live in the neighbourhood. Would that be fair to say?

Mr HARDY: My understanding of it is, that if you own a property or you work in the area, then you have the right to lodge an objection, and you can present a case and call on evidence from any person whether they are in that area or not, to support your case. But it is trying very much to limit it to people who are in the immediate vicinity who have a direct role in that grant of that licence, or direct impact on the grant of that licence.

Mr KIELY: But in your view then, the changes to the Act have brought about the limiting of commercial premises to object on those grounds. It has been effective.

Mr HARDY: I think it has made it harder. As Greg said, it still has not been tested yet, but a commercial objector can still qualify if he is a resident or if he owns a property in the neighbourhood of the application.

Mdm CHAIR: Have you got any more to add?

Mr HARDY: No but I am more than happy to participate in the round table. Thank you very much.

Mdm CHAIR: We might have a five minute break. I would like to ask all committee members if we can just go into a quick deliberative session.

Mdm CHAIR: I would like to thank everyone that's come this morning and Greg for your presentation and also Peter Hardy and Robert Kidman.

What we're going to do is break this session into two parts. The first part we will have an open discussion and hopefully have some free-flowing discussion and debate and questions from members of the committee. I'll put a time limit of that of about 20 minutes and then I'm going to call an *in camera* session with the industry only and at that time when I call that *in camera* sessions I'd ask that everybody else that's not associated with the industry, if they could leave the meeting, and the meeting would then be only with members of the industry. So we'll start.

Ms CARTER: Greg this issue of police coming in and tapping patrons on the shoulder and taking them out for a breath test with a view that it might assist a police prosecution against a licensee, do patrons have a right to say no, is that what you were saying before?

Mr WELLER: Yes our view is that they do. The place where that type of equipment is prescribed is under the *Motor Vehicles Act* and so my understanding is that being behind the wheel of a car you've got no option but to submit to it and I would expect there is sanctions for refusing to but in regards to in the street or in a licensed premise you've certainly got the opportunity to do that. I suppose the question that I raise and again not looking at the specific circumstances but any time when it's been happening is one question that hasn't really been investigated is whether people necessarily know these rights and how these rights are being explained to people when they are being requested that.

Ms CARTER: Peter do you want to make any comment on this issue.

Mr ALLEN: I agree with Greg. Indeed to me it would be a very long and laborious evidentiary road for the police to expect the Commission would then suspend the license.

That road would start as was the person served on the premises, were they served liquor, how did they know it had alcohol in it, right through to having the person who took the reading give evidence in the Commission or the court as to how they took that reading, because it's not otherwise admissible because as Greg said it is a matter for the *Road Traffic Act* and breathalysers are plainly confined to that Act.

Mr KIELY: Peter were you part of the decision or informed any way of this approach. Your organisation did you know of this operation beforehand.

Mr ALLEN: No there's no reason of course that we should but we did have a hearing in Alice Springs recently where the police gave evidence of an operation and quite frankly the Commission was impressed by that thoroughness and detail of that operation and the police that took part in it spent two days workshoping the license conditions of the premises so that they were able to walk in without having to read from a sheet of paper and to check compliance from their own acquired knowledge of the license conditions. But while I share Greg's attitude in relation to dragging people outside, the quality of that police operation which we received evidence in Alice Springs was of a very high order.

Mr WOOD: Could it be that one reason the police are doing these breathalyser checks is based on problems associated say with Mitchell Street, especially at closing time – I mean we have mentioned the issue that was in the paper the other day – but my belief from people who have better knowledge of Mitchell Street at 4.30am is that there are regularly problems in Mitchell Street at that time of night from patrons coming out onto the street and do you think they are perhaps trying to be a little bit proactive. That is they are putting the wind up people you might say of either people that are buying liquor or people who are selling liquor that they are trying to get in early to see if they can reduce this problem.

Mr ALLEN: That may well be their objective but at the end of the day if they cannot make it stick in a court or a commission, no matter how open a court or a commission may be to hearing the full evidence, you wonder about the benefits of whatever their long-term objective may be.

Mr KIELY: But I thought the exercise was not about stopping drinkers as such, it was to get evidence to get a licensee. I mean there is no – this thing that is going on is not about pinching someone for being drunk on the street when they leave the premises because of some alcohol reading, it was to gather evidence to show that the licensees breached a condition.

Mr WELLER: Yes. It goes back to the phrase there using the question of pro-active. I do not think it is pro-active at all. I do not think it does anything. It does not do anything. I think in terms of while it generally puts the wind up the industry to use that term, I do not think in terms of relating it to say the problems on Saturday night that this is something that necessarily occurred.

Mr KIELY: That may well be consequential but the primary objective is to get a licensee for breaching the Act.

Mr WELLER: Absolutely because I mean to suggest that the sort of problems that we saw on Saturday night – it is drawing a very long bow I believe to simply narrow those problems – and I am not saying they are nothing to do with licensed premises – but to narrow that right back down to a wilful serving of an intoxicated person by a barman I think is drawing a very long bow to say that one has led to the other. I think in terms of these types of operations

where we are talking about – one, the other important feature that I mentioned was that they are undercover operations whereas staff in a licensed premise are making a decision based on their interaction with the person when they come to the bar, security staff are making their decisions on their observations of people as they go throughout their duties in the premises, as opposed to the police who are making observations over a period of maybe half an hour of one particular individual. That type of operation is clearly aimed at getting a conviction. It is not aimed at changing the behaviour of patrons. It is aimed at – and the only aim in terms of changing the behaviour of staff is again purely through getting a conviction and scaring the rest of them.

Now I do not think that is the right way to go and that is not our view. I think that something that did – strategies such as a uniformed police presence, cooperation with the industry, whether it is police, we would welcome to get in behind the bar and put the wind up staff, to walk around with the licensee and point out what they do like and what they do not like about the way the venue is operating that night. Those are the sort of things that we are very keen to work with the police and we would welcome them in there in a very strong visible presence, but I think that is what would be pro-active rather than something that is simply aimed at trying to secure a conviction when as rightly was pointed out, there is a lot of holes in this whole strategy and I think the last thing we ever want to see is that the type of standards that police use for evidence in any other crime scene is then applied to a license premise. I mean that is ridiculous which is why I think you have got this problem that if you start to open the door a little bit to go down this path to conducting an undercover operation to using breath testing equipment, all of a sudden you are opening the door to have to apply a whole lot of other standards that they do in a whole range of other situations, if you had a burglary or an assault or anything else like that, which is not necessarily what I think any of us want to see on licensed premises.

Mdm CHAIR: I was going to ask a question but you sort of answered part of it. I mean you do not have to be blind Freddy sometimes to walk into some of the licensed premises and seeing a number of intoxicated people that are being served and maybe it is something that Peter and yourself Greg, what is – I mean what is the dialogue or what is sort of being planned to try and address some of that? I mean okay the police and we have got the breath testing issue but there is a greater issue that has yet to be, and I mean people are intoxicated, and people are being served in those licensed premises. And we have seen this for a long time. I mean, this has not just happened in the last 12 months or the last two years. The Northern Territory has a reputation of being a grog soaked territory. I mean, that is the reputation. Everybody likes drinking up here. So at some stage we have got to look at what does need to be addressed and how do we do it. So is the commission and is the industry looking at, and you spoke about the sum of it a minute ago, Greg. Are those types of issues being looked at as the wider accord that you talked about earlier?

Mr WELLER: Yes, this was a subject that we had been talking, for probably around twelve months this is something that we have been raising with the police, particularly in terms of in town. And it was something that again we met with them on Monday in relation to what has been happening recently and it was an issue which, now that we have got some regular meetings in process, we hope that it is something that we could potentially get up and running. The kind of things we are talking about is, it would be, to start with we do not want to bite off too much, we want to get targets that are manageable; but we certainly want to look at for in terms of in town, setting some sort of targets for training of staff, for example. Looking at how we can go ahead with, as I said, these types of strategies, that are not just aimed at putting the wind up staff but also are aimed at having the presence of authorities on licensed

premises so something to deal with patrons as well; education programs that deal with patrons' behaviour as well.

Now, I am not saying that it is all the patrons' fault and it is all too hard for licensed premises to be able to deal with these people and to not serve them. There is no question that at the end of the day, I could not guarantee that someone who has had too much will not get served. But I think the important thing from the industry's point of view is that if that does occur, it has not occurred because there is no system in place, no plan in place or no training in place. It has happened despite all the best intentions of the venue, and the fact that they have got trained staff, and the fact that they understand the code of conduct, and the fact that they are signatory to an accord. If it happens then I think that both of those circumstances could be viewed in a very different light; and hopefully, with the latter, we are actually reducing the incidence of those sorts of situations occurring.

Dr LIM: Perhaps the commission would like to comment on that.

Mr ALLEN: Yes I agree fully with Greg in regard to what I will call a more productive role for the police in going into the premises and being with the licensee. I think this dragging people outside as one reads in the newspaper, as I have already indicated, in a legal sense it is going to go nowhere and obtain no convictions. I just simply see the evidentiary burden as far too high, particularly when I do not believe that police are in any way sufficiently well trained in collecting evidence in that particular setting. They may be good at house breaking but not in this particular setting. Above and beyond that, my own presentation as part of the commission's presentation at a later meeting of the committee, will concentrate on community education, licensee education, accords, the enforcement and harm minimisation versus harm prevention. So I perhaps have a great deal more to say about that at another time. But certainly, I think sadly, the police have got it wrong.

Dr LIM: Sorry – got it wrong?

Mr ALLEN: Got it wrong.

Mdm CHAIR: Well, everybody gets it wrong at some stage but you have got to get back to the table and...

Mr ALLEN: I agree, I do respect their role but I think it is poorly informed.

Mdm CHAIR: That is right, and that is what I said, there are two issues, and the breathalisher issue is certainly one that...

Dr LIM: Would you like to make a comment on?

Mr SPENCER: Only just from the point of view, I think some of this breath testing thing is getting a bit blown out of proportion. I think it is just another piece of evidence. It is not the evidence. If it is the evidence it is a different issue, as opposed to part of the evidence. So therefore, if they have not got evidence of other evidence that they have seen, in terms of intoxication, signs of symptoms of intoxication, then it is not going to hold up. So I just think that it may well be that it can be getting taken out of proportion. The test is only a component of it. There are other issues with the test. But the test that I would see; and my understanding of the reports in the papers which has not been really emphasised, and on the radio, is that it is only part of the evidence, not the evidence.

Mr WELLER: I think one of the key points to that though is what I touched on earlier on, about the fact that there is a reverse onus of proof on licensees. My understanding is how that change to the law has come about and these people have certainly been around in the industry and involved with it longer than me, that that was more based in a takeaway situation where those changes came from. Peter is shaking his head.

Mr ALLEN: Sorry, Greg, I am yes.

Mr WELLER: But nonetheless, in terms of that situation, while there is this reverse onus of proof, the fact remains that the licensee, they do not have the presumption of innocence like the rest of us do but they still have the right to natural justice; and I think when you have this circumstance where there is a reverse onus of proof, where we have to prove that this person was sober, not the other way around, I think it is incumbent on authorities and particularly the police to ensure that natural justice is afforded to the licensee or whoever else it is in that circumstance. And by taking people off the licensed premise, which is what is happening when they are being breath tested, and then whisking the person away and denying access to the licensee of that person, I think you are denying any opportunity that the licensee has to be able to defend themselves. And the fact that we have this reverse onus makes it even more important that he is afforded some rights to be able to defend himself or herself.

Dr LIM: With the comment that sometimes when you walk into a front bar, even blind Freddy can see that people are intoxicated, how would the inspectorate deal with that? You walk in, you see somebody who appears inebriated, but could be suffering from a hypoglycaemic attack for all I know, medically speaking; how do you determine that person is drunk?

Mr ALLEN: I might answer that question in terms of what evidence does the commission need before it can make a finding against the licensee. We would need to be certain that the inspector had been in the premises for a sufficient length of time to make a valid judgement and not just walked in. We would need to be convinced that the licensee had had a fulsome opportunity or a reasonable opportunity to take action themselves and had failed to do so. If for example, a 'glassy' went up to the table and cleared the glass and did not note any intoxicated person, and no action was taken or security engaged in conversation with people in the area, we would say the licensee has missed the boat. But we would need, the police in my view are not there long enough, in terms of a time period perhaps 20 minutes; five is not enough. If a person just walks in and is intoxicated upon entry, it is reasonable that the licensee be given first opportunity to remove them, and that is the type of evidence that we would look at. Beyond that, there would be the behavioural signs of slurring, staggering, spilling your drink, lighting your cigarette with the wrong end and so on. But there is no breath analysis standard either in our legislation or, I believe, in any other jurisdiction in Australia.

Dr LIM: I am not fully conversant with the legislation but does the licensee have to physically remove the patron who is intoxicated or can he say look, sit in the corner there, you have had too much to drink, you are not going to get served any more.

Mr ALLEN: Perhaps there are two answers to that. The strict legal answer is that section 121 requires that the licensee shall remove or exclude persons who are intoxicated, quarrelsome, troublesome, violent etc. But the commission as a matter of common sense would be likely to allow a reasonable defence. That defence would need to show that the licensee actually knew the person was there, knew they probably should be excluded and was taking action in relation to their well being. In my six years on the commission, no licensee has ever come forward with that material.

Dr LIM: Exclude could mean just being put in the corner, could it not?

Mr ALLEN: No, it is exclude from the premises.

Mdm CHAIR: Yes, they have to go outside.

Dr LIM: And therefore the man walks in front of a car at Surfers Paradise and bingo.

Mr ALLEN: Yes. There are some other issues there for the commission. I certainly agree with you. And as I have indicated, although no licensee has ever pleaded what I will call the common sense defence based on patron care and concern for fellow man etc., we would be likely to allow it, subject to the licensee coming forward with the proper evidence; remembering that their evidence will conflict maybe with the inspector who is also on the premises. So the commission will weigh that evidence, the inspector says well no, they have cleared the table, security did not even notice them, the licensee will have difficulty. If the licensee says look, he has put them on water and spoken to his mates, the licensee is beginning to build up some goodwill.

Mr WOOD: Can I ask a broad question, and it relates to what Peter said in his introduction. He said that basically, he saw the way to tackle substance abuse was through education and talking to elders and not through licence restrictions. Now, we know we are restricted in licences simply because you can only open from a point in time, 10 o'clock to whenever. But if I take your point to the limit, and I am probably asking the whole industry, why should there be any restrictions at all then, if that is the case, and I hear in some countries that you can buy alcohol 24 hours a day, seven days a week. Does the industry believe that there should be any restrictions. For instance, Woollies closes at midnight, I think most shops, so should your franchise, I was going to say Liquorland, sorry.

Mr HARDY: I think you have offended us both.

Mr WOOD: Sorry but it works both ways. Coles is 24 hours at Palmerston and Karama. Should your liquor outlets be open that length of time and should there be any restriction if that is the case? Because there are restrictions, we simply do it now, but you are saying that really that is not the way to go.

Mr HARDY: No, that is not exactly what I was saying. We believe in a licensing regime, no question whatsoever. We believe that restrictions, sole restrictions are not the way to achieve the end. Restrictions may be a part of an overall package that does attack a specific alcohol abuse but it should be tailored to the abuse that is happening in the area that it is happening, not broad band.

Mr WOOD: In other words, if there was not abuse in that area, you would not see a problem with alcohol being available while your supermarket, for instance, in the hours that the supermarket is open?

Mr HARDY: Absolutely, if it is not contributing to a specific abuse problem and the general public demand it in that time, then we would certainly want the ability to sell it if it was possible. So if a supermarket did trade until one in the morning and customers required alcohol for purposes that did not contribute to abuse at that time in the morning, we would like the ability to sell it.

Mdm CHAIR: Just following on from what you were saying Peter, and maybe it is something that the commission can answer. When we talk about restrictions; and we have got a lot of clubs and pubs and I am not necessarily, in the urban centres you have clubs and pubs that operate without restrictions. I mean, there are time restrictions. But you have got indigenous communities where there are a number of restrictions and communities are forced to take on alcohol management plans and get better management in place. How does the commission determine; I mean, urban centres are not without their problems in terms of violence and if you look at police records, just the level of alcohol related incidents in Darwin, and you put that up against also communities; and I use blind Freddy again and maybe we should not pick on blind Freddy, but Darwin also has an alcohol problem. So what, how does that get weighed up? If a community, and look, I think there are valid restrictions in some communities and for reasons, and we could have an all day discussion with this. But why can't there be restrictions in Darwin? And maybe that is something that the industry; I have raised this before too to generate the debate.

Mr ALLEN: Yes. The Act obliges the commission to have regard to the needs and wishes of the community and that applies to restrictions just like, say, as equally as it applies to us granting a licence or denying a licence application. As an intuitive judgement call, I think the level of restrictions currently placed across the broader community, eg Alice Springs, Katherine, Nhulunbuy, are about as much as a compliant and helpfully minded community is willing to bear. While the hours in Darwin might be 10 a.m to 10 p.m, in Alice Springs they are 2 p.m until 8 p.m and there would be people in Alice who would like those hours to be much less. Although I occasionally hear a call for restrictions in Darwin I have never had a letter asking for them nor has any community group ever asked me to meet with them as had been common place in those other centres I mentioned. So it is to an extent, in the community's hands to initiate it.

There are certain difficulties in Darwin, given it is a capital city and a port and a rail head and a major tourist destination, although I think somehow tourists ought to comply when – I think there is a when in Rome philosophy I have for tourists – in that people say well why don't we have shorter hours in Darwin, why don't we limit takeaway in Darwin, but the first time the fleet is in with 6000 sailors or the Thai Navy wants several thousand bottles of whatever to take to places it cannot buy anything, we will be called upon for exemptions and we will be increasing so called upon for exceptions and exemptions on such a regular basis that the restrictions themselves are being in danger of – if there were any – are in danger of becoming farcical.

If the community of Darwin however want restrictions it is not a difficult process for the debate to formally and quite legally be initiated but when you get to the implementation phase Darwin is a different community to Alice Springs – Alice is very isolated – the challenge in restrictions in Katherine is its nearness to Darwin, the money simply left town and came to Darwin.

The Commission's door is always open to hear submissions on restrictions anywhere but I think it is a severe challenge and I just might emphasise the point. The Commission and indeed quite separately from that, government's of course work with a level of community support. Our view is that communities will accept a certain amount of inconvenience if they perceive a benefit. If they do not perceive a benefit they rightly question any form of restrictions and hence what Peter has said in terms of other things – he did not say health and education measures, but I will, and health department activity and I will plainly say that and or police activity so you have got a broadly based strategy where the peak bodies in the

community work to the benefit of that community – any form of restrictions will have a much greater chance of success.

In my experience with the licensees that they accept the reality of that and to be fair to them they have never been backward in coming to a table to discuss that. The thing that saddens me historically over the six or seven years now is that the other agencies who you need tend to step back from the table.

Mdm CHAIR: What agencies tend to stand back?

Mr ALLEN: In any community – of course I am going to name them...

Mdm CHAIR: Are you saying agencies that are – I mean government agencies or are you saying agencies that – if you are saying government agencies I will not get you to...

Mr ALLEN: I am quite happy to name them. I think if you take a community like Katherine or Alice Springs, I mean there is a certain community spirit and closeness there, everybody knows each other and it really confounds me that when it comes down to measuring the effectiveness of restrictions or implementing them you find that the Health Department has changed its computer program, they have changed their recording for alcohol related admissions to the hospital, you find that the school attendance records are not as precise as you would have liked them; you find that the police have introduced a strategy for a period of time to monitor alcohol related harm and then they have put that aside so that at the end of the day some scientific investigation is to just how well the restrictions work is left in doubt and indeed in my – I plainly say this and would say it publicly and have done so – that the police – it is only really the work of the police in taking advantage of the shorter opening times in Alice Springs to lift their law enforcement in public places which has saved the Alice Springs restrictions from completely being thrown out. It was their proactivity that saved those restrictions.

Dr LIM: Let me ask a broad and perhaps very provocative question and I am happy to take it from anybody or all of you. We talk about alcohol restrictions, we talk about control of alcohol in the Northern Territory because we have a drinking society then on the other hand you talk about a small group of people that is causing havoc in our society and mainstream society has to cater to that small group of alcohol dependent people, black, white, Chinese and all. If we were to brand those people with a mark, saying you are an alcoholic you cannot drink anymore, would we be able to target the problem better and therefore say well hang on a minute, you are the problem, the rest of us are 'okay', we have to deal with you specifically and therefore not impose all this on society.

Mr ALLEN: I believe that is a nettle that needs to be grasped. Richard, as you know, and I am sure other members know, I am probably well known to between 20 and 50 organisations in Alice Springs and I meet with them regularly and it disappoints me that a number of them – it would be too bland to suggest, seeing it as someone else's problem – but call upon everybody's help when there is a target group of people who are alcoholic or who indulge in excessive alcohol related violence and or domestic violence, whose families do not go to school etc, etc and when government, as were the initiatives, set money aside as governments have done, the previous and the current government, to support the restrictions that money tends to go more broadly than target specific groups.

In the Alice Springs restrictions it was put to the Commission that we should do impose much greater restrictions because the problems in Alice Springs were simply said to go to the

town camps. My response to that would have to be 'well perhaps the money should follow and deal with those problems and not just be broadly spread', and indeed I sometimes have some difficulties with funding in that I am not sure all funding gets down to cause – I am sure we all have those concerns, but it is another computer, another project officer or for heavens sake, another Toyota. I really think it has got to get down to the actual grass roots of those people with a problem and those people who work directly in a caring, as distinct from a 'small p' political sense, on behalf of those people.

Dr LIM: Having heard the responses from the Commission how would industry feel about assisting, including funding, to produce a program that can target the actual problem rather than society in general?

Mr MONTAGUE: Richard could I just make a comment. Rob Montague, but I will speak as the Chairman of the Parap School Council. I would welcome health and education to get involved with the education of not only white but indigenous children. That leads me to another issue that we have that funding had just been ripped out from under us to encourage these children to come to school. We had a program running down at Kurringal and we have got a lady who goes down there with the Assistant Principal and has been going every week and teaching 20 Aboriginal children in a room down there because we cannot get them to the school. Now that funding has just been ripped out so I think the Northern Territory government has some issues there that they need to deal with to help the schools to encourage these children to come to school and then maybe we start with this health and education program and as the Woolworths people said, it is a thing that is going to be in generations, we cannot fix it tomorrow. It is going to be something that we train and teach my children and indigenous children right from an early age. The same as we do as drink driving on television and we have that shock thing, they show car accidents and stuff to try and encourage people not to drink drive. Maybe we need to do the same, on a lesser degree, on what happens to your liver, what happens to your heart, what happens to all different things when you drink, and increase your life expectancy and that sort of stuff. I think the average age of indigenous people is 40 to 50 years in communities, so maybe we can help that way.

Mr WELLER: I think in terms of that question of branding people on the forehead etc, I think the industry would definitely welcome some sort of system which ables them to much more easily identify people, particularly in these regional areas. There is obviously – that is an extreme example – there is obviously human rights issue there involved and I think a lot of those problems have been dealt with reasonably successfully in regional areas. I mean Peter talked before about when in Rome do as the Romans. Really when we look at a tourist travelling from South Australia to Darwin, he is in Rome, Athens, London, Berlin all the way. When you have a when you have a situation where takeaway sales in Alice starts at 2.00pm, he gets to Barrow Creek and it is 24 hours as a wayside inn, it is not at all if it is a Thursday in Tennant, Katherine's takeaway at midday, none any day of the week out at Jabiru and then into Darwin it is a different set again and different on each of the wayside inns as you go and I am not saying that we should not have a localised focus because I think that is where it works best in terms of agreements and that is part of the problem I think with the restrictions in Alice Springs is that where you have a small community and there is strong leadership in both the indigenous community and amongst the licensees for example and they are prepared to talk and you have that communication we see some, through the Licensing Commission, we see some good agreements come up that are in everybody's interests but I think as soon as you go to somewhere that is anything bigger than a small remote community that is isolated geographically, as soon as you get to a bigger area where you have more stakeholders, more voices, it is very difficult in somewhere like Alice Springs to get an agreement, to have any

sort of a process like this which actually targets the right people and is not so arbitrary that it becomes discriminatory.

So I think it is something that the industry is certainly welcome and where they are given the opportunity to do so in regional areas, licensees are more and more coming on board to get involved with doing that. That is from one side is raised, we have seen obviously from the other side price which friends from Woolworths would no doubt be very well aware of the issues in Nhulunbuy with the problems that happen when you deal with price. I do not think that, that is certainly not an issue that – and that was something that was supermarkets, it was hotels, it was clubs. So how we deal with that price issue, I am not sure what you do about that.

In terms of some of the other agreements there are through the Human Rights Commission there are out in the Licensing Commission there are avenues to deal with the problems that we have there which we do do, but I guess my point is that when you get back to places like Darwin or to Alice Springs where you have got one, a whole range of different stakeholders for whom no one person speaks for them and secondly you have got such a broad number of licensed premises that you cannot localise an agreement down to one or two particular venues, I think it makes it very difficult to get these things workable in somewhere like Darwin or Alice Springs.

Dr LIM: I have explored this immeasurably with many of you before – and there is 12 of you here so I might be able to get a bit of a straw poll. The pub card while not a legal instrument is used in various forms as a way of indicating if a person is legally allowed to purchase alcohol over the bar. If that pub card type principle were to be placed on the back of a driver's license and the back of a driver's license is really an empty space, nothing much more than that with a little bit of a space for bit of comment. If that were to have – again your photograph as you would a driver's license – and space for some way to indicate that you have committed a breach in terms of the *Licensing Act* if everybody had that in the Territory would that assist licensees to identify who is legally able to purchase alcohol and who is not?

Mr WELLER: I think from industry's point of view we would like something like that, we would certainly accept but even from someone who would – from the point of view of someone who would probably support something like that, I can still see a lot of problems with it already. The fact that ultimately sooner or later you are going to have a situation where it is never Peter Allen or myself that is asked for it every time we buy a drink, it is going to be people who are considered at higher risk of being in that problem category in which case all of a sudden it opens the question of being discriminatory and how that is policed because let's be realistic, not everybody is going to be asked every time they purchase a drink so it opens the door to licensees.

Mr KIELY: Yes but are you talking about alcoholics or people who go for DUI Richard?

Dr LIM: I mean everybody who wants to access alcohol has to have a license and the licensee has the responsibility to determine whether he or she wants to view the card. Now, if the licensee chose not to and I have not applied to the commission for an alcohol card because I do not use alcohol ever, then you sell me alcohol and an inspector comes along and says great, Limmy hasn't got one, you just sold him some alcohol, you are done. I am done but you are done too. And that applies to your driver's licence. When you are driving a car, nobody bothers you until something causes a policeman or somebody to say I am going to target that driver and he pulls you over, and show me your driver's licence. Suddenly, if

you have not got a driver's licence, you are in trouble. That is a universal way of saying everybody has to have a card. If you do not have it, you do not get alcohol.

Mr KIELY: Well, that system is already in place on some communities.

Dr LIM: Yes I understand that. In Maningrida we were actually told about that sort of thing but not so much in possession of a card, but Maningrida does have a program where people are prohibited from purchasing alcohol altogether. But if we are not going to target race or whatever, then a universal card for Territorians would be fine. Every tourist has some sort of identification, they come from elsewhere.

Mr MONTAGUE: What, you stop at the border and you say listen, don't go past Kulgarra without getting your card.

Dr LIM: No, no. Somebody, anybody living outside the Territory would have some form of identification that would be out from outside the Territory, whether it be a driver's licence or a passport or whatever, so that is fine. But a Territorian, if you do not have a driver's licence, you can still have a pub card of sorts, which you can then show at any licensed premises; I want to buy alcohol and this is my card. And if you do not have it, you can not have it, you can not buy the alcohol. And if you can get your mate to buy it for you, it breaches the terms of the licensee because, just like if I were buying something for a drunk or a minor I get into strife.

Mr MONTAGUE: I have been here for four and a half years and my views, what I say today are my personal views, they do not represent Hardy Wines in any way. But having spent a lot of time in Alice Springs and lots of time standing next to the bar at 'Bojangles' and talking to a lot of publicans. There have been times when they say, sure, a card would be a great idea, with a bar code and they come in, and if you were to restrict to 4 litres per day per person, the same as the navy do, 2 cans per day per man, perhaps, sort of thing. But then, I don't know, it gets really restrictive, it cuts out the human rights of people, to buy from a station that they come in and buy three weeks' worth of alcohol to take back, because they only come to town once every three weeks, so you can not do it in that instance. But it does have a little bit of merit I think.

Dr LIM: Well, the thing is, there is no restriction on it if you buy it, you buy as much as you want, but you have got to have the card to access alcohol.

Mr MONTAGUE: They have mentioned about having a bar code on it, and you walk into an outlet and it stops people from going to Todd Tavern, to Liquorland.

Dr LIM: That is another issue.

Mr MONTAGUE: But that is what I am talking about though. That was the days, remember when you had to put stickers on the casks in Alice to identify where it came from, and that is when this came about; they said why don't we have a card that they swipe and it stops them going to multiple outlets and buying, and the onus then is not on Liquorland or Woolworths or a Todd Tavern employee to determine whether that person is drunk or not. They just go sorry mate, you have had too much, leave.

Mr KIELY: You are from Five Star aren't you? We mentioned pricing just before and of course, the big fellows are here and the AHA. How does an independent operator feel about the pricing issue of alcohol? I mean, you have got competitive issues there and you are going up against the big chains.

Mr McDOUGALL: Alcohol is something most people will pay for when they want it. We are dearer than all these guys, we will always be dearer than all these guys, yet we still sell it. There is no fix tomorrow on the, the pricing is neither here or there, I do not think pricing makes people want to drink more. I think people drink more because they want to drink more. Okay? I like the type of idea, I am not interested in the pricing issue which is your question, because I do not know that it is a real issue. But I have trouble as a licensee being called a racist, okay. I tend not to serve people in my premises who have offended in my premises. I let all my customers offend once and then I prefer not to serve them again. I am so small that I can do that, okay. These guys would not be able to do that. So if you came into my store and you are trying to steal or whatever, I am going to remember your face as long as I ever live there, okay, and I am not going to allow you alcohol again. And that is what I do. Burunga Ridge is a loosely used term in the community.

Mr KIELY: Moselle, let us just call it moselle.

Mr McDOUGALL: Moselle, a loosely used term in the community. And the consumption, and I have only had a licence for 12 months, the consumption of that in my outlet has gone from about six cartons a week, whereas these guys are selling six pallets a week or whatever, down to six units a week, because I will not supply it.

Mr MONTAGUE: But up the road, he has tripled because he discounts.

Mr McDOUGALL: Well, there are other outlets around the neighbourhood that sell a pallet a week, okay, and it is not my job to go naming them, but they are also, and I would like to make the comment; there are two supermarkets and anyone who is familiar with Westralia Street, we are unique in the fact that there are two supermarkets both with liquor licences. We have got the Buff Club and then we have got the Woolworths outlet down the road, okay. There are other outlets within walking distance.

Mr MONTAGUE: 500 metres?

Mr McDOUGALL: No, outside of our little zone. There are other outlets. And when I see the liquor truck turn up, drop off my two cartons of moselle, he has got a pallet with 40 on it for somebody else. So I like restrictions because if the community was perfect, we would not need restrictions. The community is not perfect. The community is never going to be perfect. So there needs to be restrictions set that everybody can agree on. I like the card idea but I can not see that it is workable. I would like to be able to, you know, we have discussed it, we have Stuart Park business meetings, and in the business meetings we have the doctors and the lawyers and the art gallery people, and everybody comes together. In those meetings, we have discussed the fact that can we have a photo ID so that people who offend at the doctors then can not come and buy liquor from us. So that everybody gets to put this idea up. This is basically what you are getting at. But making it work between my area and say, someone in the northern suburbs, because offenders move.

Dr LIM: If I can explain further how this card I propose can work, is that on the back of your card, of your driver's licence, let us say, there is space for ten squares. For each time there is a breach of the liquor act, whether it be drunken behaviour or whatever, if the police pick you up or the inspector pick you up for something, a hole is punched in the card. After 10 holes, that card is confiscated by the last officer putting that last hole in the card. The card gets put back to the commission and there is a restriction that no card is issued for this person for three months. Suddenly this person is compulsorily dry for a three month period. You do not have to keep a database because the holes speak for themselves. But if you do

not have a card you can not access alcohol. After the ninth hole, the ten holes go on and you lose the card anyway, so you have to go without the card for three months. No databases be kept anywhere, with the licensing commission the only place you can get the card and nowhere else, and a person comes along and says; if you lose your card, stiff. You have to wait three months. If you lose your card because somebody confiscates it, you lose it for three months. There are no exceptions, and that applies to every Territorian, and I think it is a fairly simple thing to do without any real hassle. And if you lose the card because you have lost 10 holes, you lose your driver's licence. Stiff cheese! For three months you can not drive too. I mean, what is the difference.

Mr McDOUGALL: My fear with that is Joe Bloggs comes up to Richard and says, hey Richard, I will sling you \$50 if you can go and buy me two casks of moselle down the street, so you get this black market thing happening here.

Dr LIM: Yeah, sure I can do that. Yep. It happens now.

Mr McDOUGALL: But it will be on a massive...

Dr LIM: Except that if I get caught doing that when they know that I do not drink and I am buying 100 slabs of grog, something is going on, and then the inspector, you know, will be sitting there with binoculars watching what Limmy is doing. I mean, every breach of the law, every legislature written, allows it to be broken, and laws are written for honest people essentially, and you are going to have those people who are trying to break it, and that is what the regulators are for, to try and ensure that the law does not get broken. Let the regulators police that part, let us have a societal indicator or societal paths or a societal measure that can control and target the people who are having the alcohol problems. And then maybe those people can actually be treated because they are targeted, we know who they are, they are identified.

Mdm CHAIR: Well, I mean, there is some merit with that and if I could say something. Where you would have problems, I mean, if it becomes a driver's licence and the people that it will directly impact on and you immediately exclude from that process are indigenous people. And the biggest issue that we have in Darwin, Katherine, Tennant and Alice is the issue of countrymen that have come in from communities, create a problem in the urban centres.

Dr LIM: Why would that exclude?

Mdm CHAIR: Well the reality is Richard, if you look at a lot of the indigenous people living in the long grass, out in the communities, a lot of them do not have driver's licences.

Dr LIM: No, no, no. But I am saying, let me explain that. I am saying the back of the driver's licence is blank normally so you can use that as your pub card. If you do not have a driver's licence, the other side of it is blank. You do not have to have the driver's licence on it. So you still have one piece of plastic with the pub card on one side and a blank on the other. If you have got a driver's licence, you have got a driver's licence for this side and a pub card on the other side.

Mr KIELY: Richard, you put up an argument before about we are punishing a lot for the few. I mean, I see shades of prohibition all over this thing. I see speakeasies starting up, I see sly grog shops, and you know, that set aside. But apart from those concerns that I have, once you get back to that fundamental argument that you put up about why should the majority suffer for

the few, for the alcoholics. Not the itinerants, let us get it right, that itinerants are different to alcoholics. But for the alcoholics. And so therefore you are advocating a system whereby all of us have to demonstrate that we are not alcoholics in order to obtain a beer; whereas because under this system alcoholics would soon be weeded out. But I put it to you that alcoholics have a fairly cunning line when it comes to getting a beer and that they would soon find ways around manipulating the card system.

Mr WELLER: And I think it comes back a little bit to this idea that was talked about before, about restrictions, and particularly when talking about moselle or particular products, and I think if anything that we saw, if there was one thing that pretty much everyone agreed on out of Alice Springs, was that trying to target a particular product in a particular sized container and identifying that and restricting it, made absolutely no difference to the problem whatsoever; and to a certain degree, made the problem worse, because the substance which people changed to, in this particular instance turned out to be worse than what they were on to start with.

Mr MONTAGUE: If I can just add, there were more than one product. Let us be fair. It was not just port. Jim Beam and Cola cans went up from one pallet a week to ten pallets a week out at the wholesale; VB went up by 30% to 40%. I mean, there were other products that went up.

Mr WELLER: Well, I am not sure that was, being on the evaluation reference group, and this is not having a go at wine or anything.

Mr MONTAGUE: But the figures are all wrong. You do not have the figures. These figures in here are totally inaccurate.

Mr WELLER: Okay, well they are not my figures. You probably should direct that to Peter there. The commission has collected those. But the point is whether it is Jim Beam, whether it is any other product, it does not matter what it is. The point is what was shown out of the trial was that trying to eliminate one product from the market simply did not work. It meant that people would shift onto other products and I think a lot of, particularly in the first couple of months, it showed that while people were adjusting to those new products, a lot of them, the social harm indicators showed that things got even a little bit worse to start with. And so I think that by simply identifying one and saying this is the current drink of choice and we will fix it by getting rid of that, does not work. We saw an interesting proposal that was put up by some members of the group, which actually looked to setting a floor on prices, in terms of creating a ratio of how many grams of alcohol per cents, the price. So that any product that fell below a particular ratio of the amount of alcohol per the price of that product would not be allowed to be sold or would have to be sold at a higher price and that floor would be set somewhere around the ratio for beer to try and force people onto less harmful products. I mean that is obviously got a lot of problems there. A few of our members who compete strongly with Woolworths actually thought it was not a bad idea to help their bottle shops but I cannot see it as generally being something that – there is a lot of issues in terms of price here which we come back to with the issue before with the ACCC which I think to start with springs to mind. So I think we have to be very careful if we think that things like – not just the issue of hours. I certainly agree with what Peter said before in terms of saying that just hours alone, they have to be something as part of a package and on their own they will not do anything and likewise I think with products. If we just look at those and say well here is a product that drinkers pick, let's get rid of it, I think we are kidding ourselves if we think that that is going to solve the problem.

Len made the valid point that drinkers are pretty cunning people and they will get their liquor from anywhere and any type.

Mr MONTAGUE: It is interesting, a lot of people outside this room and inside this room have this opinion that the chains are discounters and in my experience sure they do have competitive pricing but it is Australia wide pricing. It is not just, 'hey we are in the Northern Territory and they cut the guts out of the price'. They are normally a dollar dearer than down south, so their price is standard, but if it is a problem product and it might be one or two of my products that I have in different regions, they will only stock so much on the shelf and both Liquorland and Woolworths are responsible people when it comes to this and when it is gone it is gone. There might be stock out the back but they will not fill the shelf again. In my experience there are other outlets in the Northern Territory both liquor stores and hotels that keep filling their shelves up and keep filling their fridges up because they want the dollars to go through the cash register.

So I think you have got to be careful when you start accusing – picking on Woolworths or stuff like that because – I am not blowing their bag for one minute but you have got to look at the whole picture and the way that everybody sells and tries to get money to keep their businesses running.

Mr WELLER: We are not for a second suggesting or picking on Woolworths or anything like that. At the end of the day there is no question that the large chains, just by virtue of buying power, a bigger pub can offer a sharper price than a smaller pub and a bigger supermarket chain can get a better deal from manufacturers. So I do not think there is any issue of saying it is a price issue and someone is particularly discounting or focusing and I think another thing that I think came out of the Alice Springs trial was at that time there was no real evidence. While Peter may disagree and want to add something, but other than a couple of what you call isolated incidences there was certainly no evidence from either a hotel, club or supermarket point of view in Alice Springs that licensees were seeking to exploit changes and conditions to the licenses or anything like that. I do not know what the Commission would say about that but I do not think, from the Evaluation Groups point of view, were not overwhelmed with evidence of licensees of any variety seeking to when a change has occurred, trying to focus in on that for their own benefit.

Mr ALLEN: I would have to say Greg, there was a hotel that was selling plastic cups of port.

Mr WELLER: There was, as I said, there was isolated incidences but I do not think it was something that was widespread across the industry.

Mr ALLEN: True, but when something is introduced for a level of community good and then somebody is then selling plastic cups of cheap port, I mean it just promotes cynicism and despair as far as I am concerned.

Mr WOOD: Mine is a fairly broad question. I have a concern more about the general consumption of alcohol rather than just picking on people that might be alcoholics and Peter you mentioned about a holistic approach to some of these issues and Rob you mentioned about education. Now the balance on the education side is that the industry – and I know the industry is not fully represented here because a lot of people are retailers and wholesalers – but the industry of course spends millions on advertising and it does not do it because it thinks it is a nice way to fill in the gaps between a goal at the footy, it does it because it believes it is effective and I see the problem is that the education that you would like to put forward Rob, on teaching people the problems about abusive alcohol or proper ways to drink alcohol are overwhelmed by the 'education' of the industry on how to drink. I mean one can

just have a look at the VB ads and the Fourx ads on TV and they are not there to tell you how to drink a moderate amount, they are there to tell you to drink a large amount. Because you wouldn't have wall fridge full of Fourx if you believed that that was an education program in moderate drinking.

Now Peter do you see your role as the Liquor Commissioner and you mentioned it before, or it was mentioned before, that one of the roles is to look at the way alcohol is advertised, to seriously look at the way alcohol is advertised in the Northern Territory, and do you believe that the way alcohol is advertised does have an effect, especially on young people.

Mr ALLEN: Taking your last point first yes, and I commend an article in the news magazine The Bulletin, of last week or the week before last and I absolutely commend that to the committee and suggest that you have that because while it is obvious here that I am able to talk and we have a reasonable if not really good working relationship with the industry and community groups.

I'm going to say the word chick-drinks, the continual re-invention of exciting looking products, fancy glass, special colours, promotion, is a real concern to me and while the Commission and the industry is heavily concerned for example about drink spiking, there is now an increasing body of evidence that it is not drink spiking at all, it's simply young people, particularly young women who are exposed to a product that they have no experience with, they have no experience with alcohol generally anyway, and they get intoxicated on that product so quickly that they think their drink is being spiked because they can't believe that they have done it to themselves.

That's put fairly emotionally and the industry probably would have something to say about that later, but I do part the ways with the industry when I face, yes they're in there to make money and yes they will say a Commission hearing have duties to the shareholders. Well I have to bite my tongue a bit when I hear that because I think I know what their individual shareholders might actually say if they were ever asked, in relation to some of that product promotion.

In relation to advertising and educational, and when I speak at a later sittings of the committee I've got a lot to say about community and industry education, particularly community education. The Commission does have a role in advertising. There is a code of conduct but that role tends to go to the premises and the way that they promote their particular venue. Things like free drinks for ladies, drink cards, all you can drink for \$20, those things are absolutely outlawed. But you bring to my mind something that quite honestly members of the committee, we've not ever in my knowledge talked about and that's those ads with the fridge full of beer and so on. I'm probably guilty of being amused by that ad where all the guys goes out to the shed, but.

Mr WOOD: It's a clever ad.

Mr ALLEN: It's very clever.

Mr WELLER: I think actually the shed and the wall of beer would probably worth noting are both low strength beer

Dr LIM: Censors will actually to say to you that no different than the extreme violent DVD games and all that. The censors will say the children actually can make an extinction between fact and fantasy and that to me I've always looked at that, I am very bemused by the ad and I think it's a bit of fantasy.

Mr ALLEN: In terms if I may of those drinks which I'm bagging, I've the same attitude towards those as I had as a much younger person when Rothmans put their cigarettes in packets of 12 which happened to coincide with my pocket money.

Mr MONTAGUE: They were tens.

Mr WOOD: Tens could fit in your back pocket

Mr KIELY: Peter Stuyvesent are 12s.

Mr WELLER: In general from the industry here on the whole I think most of the advertising that's done as you point out being in general retailers here most of what's done here by our members and likewise by the supermarkets really is based on issues such as price or convenience rather than a change in lifestyle or anything like that, so without the risk of passing the buck, it's probably a question best put to the manufacturers who are generally involved in that.

Mr MONTAGUE: Again I will speak on me. When I came up here, Marion's not here but I'm actually part Aboriginal, so I took this stand that I wouldn't actively promote casks. That was one of my briefs that I said to my boss, I'll grow the glass business but I will not promote casks in any way, shape or form. And to one of the group's credits and Markdown Liquor Group of Hotels mainly, they never advertise 4 litre casks and only late have they advertised premium casks as in 3 litre and 4 litre varietals that are \$23-\$24 each, and of varieties dry whites and premium blends of red that the problem drinkers that drink casks wouldn't buy anyway. So for the last 4½ years this hotel chain has taken the stance, they will support this view that I had and that was their view as well anyway, it just happened that that was just what we did, and we didn't actively go out and do it.

I also mention about Peter with his advertising and commend him on what he did with a lot of the little liquor stores around town as he went and stripped, and cost me thousands of dollars, but I commend him on restricting the number of signs to the liquor stores. I don't know whether you've that around town that a lot of them have just been gone to plain walls maybe advertising Streets ice cream or something like that.

Mr ALLEN: Cadbury's chocolates are favourites.

Mr MONTAGUE: Cadbury's are a big one? Streets are big too with the blue, but you've still got a bit of work to do with some of those big beer signs that wrap around the tops but I'm sure that'll come eventually. But no we don't advertise casks.

I can't speak for people in the room, because it's a national campaign it slots into there because they're all printed and they all do the same thing nationally, so that's my view on advertising.

Mr SPENCER: Just going back to your card concept. There's a few problems there. One is that if you get caught for drink driving you lose your license then you've lost your card, so it's going to be one of the problems. The other side of that...

Dr LIM: If you go drink driving you lose four points, four holes rather than just the one hole.

Mr SPENCER: But you lose your card, the card actually gets handed in so you lose your card.

Dr LIM: So what's the problem if you drink driving you shouldn't be drinking.

Mr ALLEN: You'd get a double penalty then.

Mr SPENCER: I'm just raising it as another issue you've got to think about. The other thing that if you lose your 10 holes but you lose your license. But there's two different issues, you should still be able to keep your drivers license, you should be able to drive.

Dr LIM: My thought would be that if you're a drunk and you get caught you shouldn't be driving.

Mr SPENCER: No you just issue a new card, new license without the 10 holes in it. So there's administrative issues there and also where you start punching holes you're going to lose your date of birth, you're going to lose

Dr LIM: I've looked at the space on the card and on the top 5 mls, there's nothing in there.

Mr KIELY: I'm warming more to branding them on the forehead Richard.

Dr LIM: What was that?

Mr SPENCER: There's one other thing, I wanted to take this opportunity in another hat that I have which is involved in drink driver education. One of the problems there is you have to go and learn all about alcohol abuse, short terms effects, long term effects, and all that type of thing as part getting your license back again, but there seems to be no effort made at the starting point when you first get your license and that's been a consistent argument, that's never been implemented or tried round at the moment and I think that's something which needs to seriously be looked at, at putting at the other end when they first get their license and they understand what they are actually going into. That's a different hat.

Mr KIELY: You could also say in schools that they don't do driver education and alcohol awareness I don't know whether that's part of curriculum or not but...

Ms SMITH: Currently Education strategy is drug education strategy

Mr MONTAGUE: But that's just been scrapped as of this month or next month. DARE funding's been pulled?

Ms SMITH: No it's not DARE

Mr KIELY: No it's just a vicious and malicious thing that's put around by some people.

Dr LIM: I think the schools know better.

Mr WELLER: Just following on from what Craig said, wearing another hat of mine I'm on the board of Amity Community Service and we've been taking a role for the last few years of as well as offering the drink driver education like what Craig does, we also have a role in coordinating that, and that's a government funded project and that involves a range of things supporting trainers, ensuring there is some sort of standard and also seeing that the course is

re-accredited each year. Now that is something that has just 100% had its funding pulled from it and that's something that we're very concerned about because when the funding runs out at the end of September, the accreditation for the training course runs out at the end of December.

So potentially after that it we're unable to get it re-accredited and as I'm not sure where the process to that is up to bearing in mind the funding finishes next week, but as of December there will be no accredited course anymore for drink driver education which I think really puts a lot of pressure on the whole system, bearing in mind but I think the total figures is around something like 800 courses done every year, so it's a lot of people out there who are doing this course who potentially there will be no course anymore. So we could have a lot of people either not being able either the courts won't be able to tell them to do a course to get their drivers license back, or people will be just driving, alcohol problems just driving unlicensed. So I think there's some real issues there that's at the moment it was being handballed between Lands, Planning and Motor Transports and Health with no one seemingly wanting to pay for it and saying that it was the other one's job. We are very concerned about where that's going to go in the future.

Mdm CHAIR: Just picking up on what you were saying then Greg and when we talk about the industry and we did mention I think in the last sessions someone said responsibility and you spoke a bit about that and we've talked about education and prevention but what we haven't talked about is rehabilitation and treatment. In terms of Amity House, does the industry, I mean for a long time and I raised this before just as a left field comment as well, when or shouldn't the industry be looking at whether it's responsibility, whether it's taking some parts of the responsibility. Because when we look across the field of rehabilitation and treatment a lot of it is alcohol. People going into that system. The industry doesn't pay or participate in that area. Should the alcohol industry be made to also become responsible for part of that, because reality is the government bucket is getting smaller and smaller. The cost of treatment and rehabilitation for those people is getting higher and higher.

Mr WELLER: I guess if we talk about a financial responsibility obviously in terms of from a preventative side of the obvious I mentioned earlier on talking about training staff and that's something where we continue to move forwards on and that. So in terms of preventative side, in terms of the other end of rehabilitation and the question of funding, the very difficult thing would be I guess in the first instance identifying at the back end who should be contributing what and where the level of responsibility lies.

But I suppose in the question of a financial contribution, we can't forget the very large contribution that if the government's to say well our pie's getting smaller and smaller all the time, really when we look at that argument it doesn't always wash. When we look at the amount of taxes that are collected on alcohol. When we look at things like very simply in just hotels the government collects over \$1.5m a year from the community benefit fund on gaming machines for example. There's a lot of money coming out of the industry whether it's liquor related, whether it's gaming related.

So I think we can't forever continually while the industry has a responsibility governments can't continue to put their hands out forever at all levels and expect, there has got to be a point sooner or later when we say well there's a fairly large amount of funding that has been put forward both by retailers and also by the manufacturers I think there's a lot of money there. Even in terms of when we look at, and to talk about the volumes collected even when talked recently about the rise in excise, the collection there that was paid back federally I think

was well over \$100m in a very short period of time just to give you an idea of the amount of money that's already being collected off the industry.

Mr KIELY: I guess it would be equitable to have a look at how much alcohol related crime and health and all that and then bring out the figures and then judge that against the taxation base and then we'll see whether there's equity in the taxation base for the related industries.

Mr WELLER: I think governments tend not to go down the path of contributing expenditure through taxation etc specifically on that basis otherwise I'd say that we'd end up with a situation where the people who earn more money and pay more taxes therefore have a right to live in a better street than someone doesn't which is clearly not a situation we want to see in society. So I don't think we can go that far down the path in saying this is how much it costs, this is how much it is going to cost you blokes. I'm not sure it's a fair comparison.

Mdm CHAIR: But that is an industry that has been created and the reason I ask that is because what was created is an industry out in remote Aboriginal communities where pubs and clubs have been used to raise revenue to put their people through rehabilitation treatment, to fund new centres and other things. So whilst people say there are two laws and Aboriginal people want two laws, they've already been created two systems in the alcohol industry. One which is the Aboriginal alcohol industry which we see clubs and pubs which I think some of your members in remote communities that have actually been funding and generating from their profits, community services which should be, so all of that is actually something that I think needs to be looked at in the whole context of the alcohol debate.

Mr ALLEN: I would just like to comment on the tax. Up to August 1998 taxes on liquor were collected indeed by the then Liquor Commission and went straight from there to Treasury where the government of the day did put some of that money back to alcohol related harm in terms of the outstanding lighthouse on a national or international level, Living with Alcohol program.

Following a High Court case in August 1998 which was into licensing fees, those license fees or liquor fees as well call them were found to be illegal. Perhaps the New South Wales jurisdiction got a bit greedy on its tobacco taxes it seems and so the taxes on alcohol, fuel and tobacco became a matter for the Commonwealth. And it's now the Commonwealth that collects them. At the time guarantees were given by the Commonwealth which in terms of prime ministerial statements in the Hansard and so on, that that tax would go back to the states and territories.

Now I don't know and maybe there is a simple answer, but I don't know what mechanisms are in place to ensure that the collection of those taxes goes back to jurisdictions in which it was collected. What if any mechanisms are in place to see whether it is accurate, or whether or not, as a much worse scenario, that is now simply Commonwealth funds which health ministers then have to go to the Commonwealth table where I must admit I have been as a departmental officer myself, and a ministerial officer, and I appreciate how damned difficult it is to get some of that back. Now I hear what Greg says about tax and indeed those taxes under the local collection were in my view well used by the government of the day and exceptionally well used by the Department of Health at that time that had its Living with Alcohol program, an initiative I think that all Territorians could be proud of. But the question is then where is that money now and is it coming back to the Territory, because these people are paying their taxes but are we getting the benefit of it.

Mr WOOD: Peter are you saying, would you agree it would be good to start up that program again if possible.

Mr ALLEN: I think I will say a fair bit about that next time and I'll be going along those lines.

Mdm CHAIR: And I'm conscious of time. We'll have a five minute break and we'll go in to the in-camera discussion with the industry. Thank you Peter.

Mr ALLEN: And thank you.

In camera evidence

Mdm CHAIR: I suppose the purpose of this discussion, what we would like to encourage I suppose, is quite open and frank discussions about the whole issue of the health, alcohol industry in the Northern Territory. The committee has done some fairly wide and extensive consultations throughout the Northern Territory and not just the urban centres, but we have travelled quite extensively into some of the remote communities. Whether they be dry communities where there is not any alcohol, into other communities where you do have social clubs operating there, or you have the system of permits which allow people who are resident there to hold a liquor permit which is similar, I suppose, to the card that Richard is talking about; where, when you look at that permit system, it is actually quite manageable. I have a community in my electorate, and Richard mentioned Maningrida, where the problems of alcohol created quite a dysfunctional community, but that community has now gone through a process of developing an alcohol management plan, getting the permit system right, having the community and elders involved in that whole system, to one where they have a fairly good management of the alcohol problems in that community. I am not saying that that is the answer, because there are still issues that add to the drinking, and that is the problems of cannabis that have increased in a lot of those communities.

But the purpose of this, and I know that you are not, a fairly wide representative, but certainly Greg, with your hat of AHA, you have quite a wide membership, and it is certainly great to have representatives from Woolworths and also Coles Myer. I would like, and I am sure other members of this committee, would like to have open and frank discussion about how we might move forward. Because that is what it is about. It is about collaboration, it is about coming together. It is not about isolating the industry or blaming the industry. It is about, okay, there are problems with alcohol in our community, whether it be Darwin or whether it be Maningrida in Arnhem Land. But it is an issue and it is something that we all have to come together to look at, okay, how do we take the Northern Territory forward. How do we show this maturity. How do we grow as a Territory? And there has been a lot of criticism that Territory lifestyle, and that if you bring in anything it is going to impact on people's lifestyles. I think at some stage we have all got to come to a point where we have got to move forward, and the lifestyle, regardless of how we have had it or how it has been, at some stage, with progress comes change. And I think that it is time to look at how do we make that change, but we do not do it or government does not do it or this committee recommends to government that this is how it should be, that if the recommendation is going to go forward, it is because of the recommendations that have come from not just the community but also the industry. So I will throw that open. Do any other members want to add to that?

Mr WOOD: Maybe I could ask a broader question. I mean, I think it is fairly clear that alcohol, as Marian says, has some major social and health consequences in the Northern

Territory. Some of us have lived on Aboriginal communities and we know the effects of alcohol from many years ago and I am not sure things have actually got better, I would probably be more on the side that things have got worse. And the Aboriginal communities that I have been on, I have seen a lot of deaths of young people and I have mentioned before that a lot of those people were under the age of 21. And I have seen a lot of domestic violence; it was not called domestic violence in my time, it was just violence and it was often the woman who was at the end of a big piece of wood or a steel bar, and I am not saying we accepted it but it was not sort of, people did not put it up in bright lights in the early days. It was just sort of one of those things that happened out in the bush, and it all related to the effects of alcohol. And I sort of see, and I take on from what Peter Allen said; I think we all have a responsibility, not only as politicians, but industry; that it is all right to say 'we are an industry, our job is to make profits and that is quite okay, and we provide a good return to our shareholders'.

But we are all part of something that has a down side, and especially in the Northern Territory and probably in other places as well; and tragically, for many people, it is going to mean their lives are shortened, their children are not going to be educated, the cost to our hospitals and our health is enormous. So my personal belief is that the industry, and I would love to talk to the industry the next level above you people because you are the sellers of the alcohol, the boards and people that make alcohol. So that everybody can get an understanding that it might be very well to sell this product and it is a legal substance and people enjoy it, and certainly it has a great social positiveness around our community when we are having a drink with a meal and a mate; but I think we also need to come together and say, we have these major problems, they are not just government problems, they are also individual problems, and people that actually consume it themselves have got to take some responsibility, but they're also industry's responsibility. So I don't think we can leave ourselves just devoid of that but saying well we're just a company and we haven't got any responsibility outside of that. That might just be an aspect that you might want to talk about, but I would see it would be great if we could all come together, pool our knowledge and resources and perhaps try and affect some change.

Mr MONTAGUE: Could I ask with the Alice Springs restrictions and the figures that were released at the end of the trial period of restrictions, the alcohol related bashings and admittance to hospitals, was that down? I seem to recall reading somewhere that it was and I thought that it's like the Liquor Commissioner, Peter was saying someone's written a program that takes in figures for this and this and this.

I talked to every liquor outlet, restaurant, club down in Alice Springs and they did say to me back in the first half of this year what was happening was the night patrol that was a great initiative by the Northern Territory government would come through and pick up the husband who was drunk in the Todd or wherever, and then take him back to the camp he would then bash his wife or his child, the child would end up in the hospital sober as and it would become a domestic violence case. Therefore totally the figures weren't reported as being an alcohol related figure, they were a domestic violence figure, because the woman was sober, they don't count that she was beaten up by a drunk. So I think you need to be careful when you read these figures from that trial period.

Mdm CHAIR: The figures that we got when we had the meeting and this was prior to the lifting of the restrictions, the police figures were actually showing an increase in alcohol-related. I'm not sure if we received the hospital data whether there was a decrease. Was it a decrease?

Dr LIM: It is very messy, you could not compare.

Mr WELLER: I think there was some quite selective reporting of some of the results. I remember that there was one particular element in relation to alcohol related crime which had actually gone up during the period of the restrictions, while there was a number of different measures such as presentations in different categories at the hospitals that had gone down. Like Rob said you're not always comparing, it was difficult I found when we were on the group, you'd get different messages about what data was what and I think that a problem with it was also that a lot of the time it was being politicised a bit and it was being reported when it was working, but I'm not sure that it necessarily was or the information from the industry was.

I think another thing on Alice that's worth bringing up was in all the time in the lead up to it and while there was a push for restrictions, the Commission indicated that it's view was that shorter hours from what they were at the time alone wouldn't solve the problem. There needed to be additional measures or the so-called complementary measures and certainly from our point of view it seemed that the complementary measures side of things was rather than genuine measures that were put in place and that were funded and were carried through, they were more some initiatives that were put down so that the people who were in favour of shorter hours could get their shorter hours.

I'm sorry I didn't have the final documents here, one of the reports that we got on the complementary measures, I think there were six all up Richard, from memory, and I think one of them didn't even get started, a couple of them were identified as not being really related in the end to alcohol and a couple of the others were really just no preventative measures but increasing the night patrols to day patrols for example.

I think one of the biggest problems the industry notwithstanding any particular one-offs like Peter mentioned of licensed premises who mightn't have done the right thing, in the general I think it's fair to say that everyone did and certainly from the point of view of the major commitment that was put on industry which was trading between these hours and these hours which was shortened, which was obviously what everybody did do. I think from the industry's point of view on the whole they met their side of the bargain but I think in terms of the complementary measures that was probably one of the most disappointing aspects of the Alice trials.

Dr LIM: You were delayed, funding was delayed and they tried recon for six months because of complementary measures actually came into the picture. The other thing too is because of the deferral of the trading hours to the later part of the day it was suggested that much of the problems were pushed into town camps and within the town camps many of the problems were then not reported. So that gives again a skewed picture of the outcomes or the aftermath of alcohol abuse in the town. Anecdotally the towns people were not convinced that the trial worked and that's really in a town of nearly 30 000 people, when a majority says it didn't work, no matter what stats. you put out to it, it didn't work.

Mr MONTAGUE: There was a huge cost to the economy too with not just alcohol sales but those people didn't hang around, they'd shoot down to Kulgara or go out on their way to the Rock to Curtain Springs and top up there with grog there. So they spent less time in the Alice.

Dr LIM: I wonder whether industry is able to provide me with, whether alcohol is consumed but that the total volume of alcohol consumed in the Territory, whether you could

divide it into those consumed by problem drinkers and those that not, is there any way of measuring that at all.

Mr WELLER: If you could genuinely identify someone that is a problem drinker it would be through the card or through tattoo or whatever else it would be a lot easier to cut them off at the source. But I think one thing that the figures and notwithstanding Rob made some comments on he disagreed with all of the liquor figures, but on terms with what we were presented with the evaluation group, I saw one of the best bits of evidence I've seen in terms whenever we talk about the liquor consumed in the Territory and a lot of figures that we're given, when we look at say a ratio of how much is drunk per head we'll get told that's net of tourism for example. But I've always wondered how that ever gets measured when we see that and say this is a figure of much Territorians drink with tourism taken out of that.

I think one of the things we saw in the first set of figures that came out for the trial, there was one of the particular products which was cask wine and I think from the figures we were given at the beginning of the trial all the figures were in litres of absolute alcohol and from memory the figure at the start of the trial was around 20 000 litres of absolute alcohol, now that obviously with the restrictions on 4 litres casks that went down once the trial started and other products changed accordingly.

But the one thing that the figures did show in the 12 months leading up to it and it wasn't sort of the eleventh in any response to what might be happening, that period in the figures we were given went from 40 000 down to 20 000. So that particular line of products halved in the 12 months before the trials even started. Now during that period we saw of those figures being taken, we saw both the Ansett collapse and September 11 and the tourism industry in Alice Springs was devastated. And that's one particular product which like tour groups can, as well problem drinkers, a very high utilisation of large casks is tourism groups that go out bush etc. And I think what the figures, and there were other falls in particular products but that was quite noted, but I think that was one thing that did actually demonstrate the magnitude, it was the first time I'd seen that someone had been collecting and analysing figures like this. We saw a massive impact on tourism and we actually saw what that did to liquor sales.

Dr LIM: I think anecdotally too some of the outlets mentioned that the problems drinkers were already going to product substitution in anticipation of the product being removed off the market and that was in place several months before the trial actually took place.

Mr WELLER: I think there was the possibility of that happening in the lead up there but at the end of the day I think we were talking periods of six plus months out there which in terms of your problem drinkers they're not thinking six months ahead. They probably didn't even know, when these things were occurring the decisions wouldn't have even been made public about what products would be. So I think that's one thing in terms of Alice Springs which we can't underestimate as the impact that this has on tourism in the broader economy which, while it's not just about economics that's obviously something that's very important to areas such as Alice Springs and comes back to this issue of penalising everybody and not just the people that live in the town but those from outside of the town.

At the time in our submission to the group when looking at these issues, when we talk about restricting back hours we raised the possibility of looking outside the square a little bit and looking at possibilities we put forward a number of draft license conditions in terms of how people may well have been able to, people who are bona fide travellers just as they can in a wayside inn, in a supermarket or in a drive through bottle if they can demonstrate they are

tourists, be it through the passport, the air ticket or the caravan on the back, and there'd be an obligation on the licensee. That those people shouldn't be penalised and there should be some way that they can be served, and maybe look in after a year of restrictions and seeing that there hasn't been a big enough change, we could argue over this fell by a couple of percent or this measure went up by a couple of percent.

I think in general it would be fair to say that the first year of the restrictions hasn't overwhelmingly gone one way or the other and said this was a success or this was a failure, except for one particular sized product. Maybe whether it is these areas to address tourists or whether there are ways to look at different licensing regimes, whether changing the hours again, and it doesn't necessarily always mean shortening, and whether there can be some solutions there I don't know, but I definitely think that we need to start looking a bit broader in Alice Springs just simply beyond saying lets shorten the hours a bit more and fix the problems because so far it hasn't worked.

Mr KIELY: There has been some reduction hasn't there? I don't fully agree with your interpretation of it but that's not what I'm asking. It's directed at the table. In this age of litigation public liability is up through the roof and we heard Richard mention the Gold Coast guy out the pub gets run over and think he lost a leg or something didn't he?

Mr LIM: He got a lot of money for it whatever he did.

Mr KIELY: Now given that's the way that we're going, there's no two ways it would be coming more litigious as we go along, is the industry and more so the wholesale retail side of it, the outlets, is there any anticipation within the industry that you too could be vulnerable to this sort of litigation and if that's the case, are you looking at strategies of saying okay well, harm minimisation strategies beyond the front door to where you can put a defence of a reasonable buffer between you and the patron that bought it. Is the industry looking at that at all, is that on the radar?

Mr MONTAGUE: I haven't heard that they are. As a wholesaler how are we going to control you Len or you Gerry from going into an outlet and buying my product versus a VB product versus a spirit product. We're not going to

Mr KIELY: It would be more as a retailer.

Mr HARDY: In the recent decisions, particularly in the Supreme Court of New South Wales, the emphasis has now flowed back on the responsibility of the person who makes the purchase and the way they consume the product. I've talked recently about a recent case where a person consumed an amount of alcohol in a hotel, hopped in the car, drove into a tree 20 kilometres away, and tried to sue the hotelier at that stage for serving the person and allowing them to drive home, and that was certainly unsuccessful.

Hotels have probably got another issue because you're serving on premises but certainly from a takeaway perspective, if the person is not intoxicated when they make the purchase, and they are over 18 years, there's very little else an employee serving in a takeaway outlet, whether it be pub, a hotel or a bottle shop can do to inquire into what's going to happen with that alcohol.

Mr KIELY: So there is very little chance of a takeaway being held liable.

MR WELLER: In terms of on premise there's no question, we are at the frontline it may well be when we look in America at the moment that manufacturers of guns are getting sued now for incidents that happened at some. It's unfortunate but down the track manufacturers and people who sell entirely takeaway may not be exempt but certainly where we are at the moment it's really on premise that's in the frontline.

I think in terms of how we deal with it we obviously have to, the types of things that Peter talked about before, in terms of how these issues would be viewed, what evidence licensees can present that they do, that they have gone through processes and that they have put measures in place.

I think that's something that the industry, whether it is training, whether it is making sure that there are particular protocols in the hotel are in place with serving people and that staff are regularly reminded of their responsibilities, are the best things and to show with individual patrons that they have taken steps for the person's own particular needs. Obviously it is very difficult I understand this, I think the case in New South Wales might be heading off to the federal court so later this year there might be a bit more definition of exactly what. I'm not sure it was that same case but it may be another one

Mr O'SULLIVAN: It would have to be the High Court.

Mr WELLER: Yes. So there might be a bit more clarification of what that will mean for licensees I believe is coming up in the future.

Dr LIM: The welfare industry is talking about not only outlets whether they be retail outlets or hotels having responsibility for the client that in fact private citizens will now be held responsible for their guests. If a guest comes to your home, partakes of your supplies, walks out of the place intoxicated gets in the car and drives. You the host is responsible for that person. On the litigation basis our responsibility if that person encounters an accident on the way home whatever. So where does society draw the line as to who is responsible for whom.

Mr O'SULLIVAN: If I could just take up a comment that Peter made and one that you raised earlier about companies and their level of involvement, etc. The real issue for retailers apart from sales figures assumption on the premises is that there are great limits on what we can do. We accept our responsibility very well and we don't take the view that we're just in business to make money for shareholders.

We recognise there is a major problem in alcohol abuse especially in the Territory and we would want to be part of the solution not part of the problem but there is a real problem for retailers in that their hands are really tied in many ways. A person presents before them sober there is nothing they can do apart from sell the liquor to them, no matter how much they believe that person will go out and drink to excess on that day, or over the next two days. And if the person is sober, likewise the legal risk that you raised hasn't really presented in Australia yet and for takeaway sales although it does come from all premises sales.

There is the move towards making people liable in the home. That type of issue was recently discussed in the Alcohol Summit the New South Wales government held and particularly in relation to juveniles down there where there were many parties for, these days it has to be a party for kin, in homes where adults provide alcohol and that's been going on in society for some years but it's always been illegal but most people turn a blind eye to it but there is going to be a greater emphasis by the government in promoting that.

When it gets down to the service that people in store, if that person is sober this is the problem we have. We cannot decline service.

Mdm CHAIR: I know small retailers and some shops they can control that. I have seen though and maybe I address this to Woolworths and also Coles Myer where there have been a number of outlets, not only just in Darwin but also Katherine, where intoxicated people have been served and they've gone out and I have seen where indigenous men have gone into your takeaway outlets and they walk outside and they'll beat the hell out of their wives and kids out on the footpath, now that's in less than 2 kilometres and it's just outside. Is Woolworths responsible for that?

These are cases that you will see in the Northern Territory. You only have to go to Nightcliff where there is another takeaway outlet. When you talked about availability, I think it was availability you talked about, the other part of the question in the interim report was accessibility which I think is an issue that gets let off the availability question because of the accessibility to alcohol in the urban centres I think is increasing. But it's not what I think, maybe it's changed a bit but I have still seen a number of intoxicated people going into, what does Woolies have in.....

Mr HARDY: I don't know how to answer that question because there is no doubt we have a responsibility not to serve intoxicated people. We have that responsibility Australia-wide. Our staff are trained along those lines. We train all of our staff in responsible serving of alcohol, not just the licensees and there's a strong management ethic throughout the business to police that. I'm not saying to you that we guarantee we do that every time but we certainly take every effort to police that and on each occasion a person presents to a staff member that is one of the things that they must assess. But by way of probably putting things into some perspective, we would probably have around about \$1.4m liquor transactions take place in the Territory each year and there wouldn't be 2 or 3 breaches that come before the Commission. And Australia-wide about \$85m transactions and across Australia I could count on less than my fingers the number of times that we come before a Commission for breaching the Act.

Mr KIELY: On those figures, and we're coming at it from saying look it's a social problem here and we'll try and find some solutions to it if we can. But what about from businesses point of view, how do you, do you think you share the same view that it's an overwhelming issue, or it's something that's part of business and you take it into account with your trading. How do you see it? Do you see it as a big issue, as a small issue or as a manageable issue?

Mr HARDY: Are you talking about selling to intoxicated people.

Mr KIELY: Yes and substance misuse I guess. I'm not saying about the occasional person buying a slab and going down home and watching footy and drinking a dozen and going to sleep, or someone going down the pub then catching a taxi home and they might be three quarters cut. Does the industry here believe that the Territory has a drinking problem or do you believe that the Territory is faced with a small segment of the community who has a drinking problem.

Mr MONTAGUE: I deal with the little supermarkets on a regular basis and I'll give you one area like the Parap/Fannie Bay area. You've got Parap Road store, Everley near Clare Martin's office, and then you've got Manuel's shop, Douglas Street. Tiki's just shut down 6 months ago they were doing X amount of cases but we've just seen a shift in those cases, all

they've done is come across to the other two run by Asian people. They don't discount, they make their normal healthy margin.

Manuel at Fannie Bay doesn't sell the problem casks that they drink here in Darwin. He said I'm not going to sell it I don't want the problem. They come in and buy beer. They buy something else. But he said he won't serve drunks so they send their women come in and buy it for them. And he speaks to them and says now you're not buying for your husband are you. No, no, no sir, no Manuel I'm not. He goes outside and there they are across the park drinking on the long neck that he just sold. So he gets on the phone and rings the night patrol, can you come around they've just bought some grog, they're drunk can you pick it up, so they destroy it. They get someone else to go in and buy and then they drink it around on the other side of the park. Or they buy the yellow box at Parap Road store, get in the little minibus, and there'll be eight of them and they sit behind the jail in that street that runs behind the

jail there, under some of those little frangipani, they sit under the frangipani trees, have a lovely party.. Then they try to come over and get into Manuel's shop and poor Manuel is stuck with this problem that all these drunks are trying to come and buy grog, they didn't even buy any from him in the first place, they're up the road and caught the minibus down.

Mr KIELY: This is the same core group that's floating around like....

Mr MONTAGUE: They move from place to place and then there are certain church groups at the moment that are trying to go around and save these people, get them off the grog and feed them and do this sort of stuff. But then they're getting resistance from the local fish and chip shops and chicken shops, they take the business away from them. I feel fairly sorry for them because there they are trying to feed them, rehydrate them with water and stuff like that and the fish and chip shop gets on the phone and rings Clare Martin's office and complains to Jessie and says 'Jess, there's some church mob down here feeding this mob of people'. So the police came down and did all this stuff and made the church people move on. Purely because the fish and chip shop said he was losing trade.

Ms CARTER: You are touching on that issue and I know from Chris' submission that you've put in that you feel that you've had some success in Westralia Street in the alcohol premises. I used to have the delight of my electorate office in Westralia Street three years ago and I'm very aware how things used to be. Can you tell us, how long have you been there and what have you done.

Mr McDOUGALL: March last year we moved from Arnhemland into Stuart Park and when we first took over we have a lot of people begging out the front, a lot of people coming...

Ms CARTER: Chris can I ask if I'm looking at the row of shops from here, are you on the right hand side or the left hand side.

Mr McDOUGALL: We're at the roundabout. Where Westralia Butchers used to be because that's now the newsagent and a little supermarket and if you're driving down there you could blink and miss it, we've been probably one of the smallest liquor outlets in Darwin I'd say. But there was a problem there okay, and when I moved in there, there was a problem and there's a core group of what I call Stuart Park long grass residents and they'd come in and they'd put 4 litres under their arm and that, and your staff would have experienced all these sorts of things. And they try and get out. I would run down Stuart Highway chasing them. I would physically take that off them and I would physically destroy it. Then when they

come back in because I have a luxury you guys don't, I'm there. The five hours that I'm here today is the first time in 18 whatever months I haven't been there.

So when that person comes back in I can identify the problem. I can say you did the wrong thing by me, now I'm not going to supply you with alcohol. You're free to buy cigarettes, you're free to buy food, but I am not supplying you that offending item. I get very few. I hardly ever have a problem. I have more of a problem with European people coming in and buying alcohol. European long grassers are more of a problem to me. Coming in and buying alcohol because they're smart enough to work out how to get around the system. We spend a lot of time talking about indigenous people. The indigenous people are actually quite honest, very honest. You put it straight to their face, you offended in my shop. 'Yes I'm sorry for that I did'. You cannot buy alcohol. 'I understand that I'll go away'. You do the same thing to a European person. Mate you stole grog, you did this, you did that, you were argumentative. Mate you just get it back. Look you right in the face, this far off your nose and threaten to take your life when you walk outside the shop, that is just part of it. That doesn't happen very often but I'd rather deal with indigenous drunks any day.

Mr MONTAGUE: I mean it's not a good figure to tell you but you're actually 40% down on your Barunga Ridge cask sales, here to date.

Ms CARTER: Do you care about that?

Mr McDOUGALL: No, I don't care.

Ms CARTER: But how are you going? Because when I had my office there it was the big issue was the itinerants in the park opposite and what am I going to do about it sort of thing. And the view from the licensees was we cannot survive unless we sell grog ergo to these people. Are you surviving?

Mr McDOUGALL: I would not like to try and run the shop without a liquor license and selling to the majority of the population. But I can very easily survive without, what do we make on a cask of Barunga Ridge, \$3?

Mr MONTAGUE: What do you sell it for?

Mr McDOUGALL: \$17, I don't discount it, that's over the going price.

Mr MONTAGUE: You're making \$8.

Mr McDOUGALL: If I sell six casks a week, which is a big week in Barunga Ridge for me, that's all I'm going to make. I don't care if I don't make that. The less stress, the less hassle, I'll pay for it

Ms CARTER: Have you found that you've gained customers because of this behaviour.

Mr McDOUGALL: Both shops have changed hands in the last 18 months. Because of my years working with Aboriginal people I don't have a problem relating with them, I don't have a problem in talking to them. But the people at the other end they had no such experience and when they first took over they encouraged people to come to their shop, which was great.

Ms CARTER: Could they book up?

Mr McDOUGALL: I don't know about that I wouldn't think so. Everybody congregated up that end which meant the traffic driving into the area drove straight past that shop and up in parked in front of mine because there was no begging in front of mine, there was no drunkenness in front of mine. So that worked for me. Our sales are strong but then so is the work and everything else.

Mr MONTAGUE: When did you buy the shop?

Mr McDOUGALL: March 27th, 2002.

Mr MONTAGUE: So there was a dramatic decrease from the moment that you took over the shop in that particular cask sales. I know the previous owner, he was out to bleed it for everything he could get. He was buying it by the pallet. Nick didn't really care. Nick had another problem he was also running a prostitution racket on the side too.

Ms CARTER: No wonder I felt uncomfortable.

Mr MONTAGUE: Which his wife didn't know about, Linda.

Ms CARTER: It was a such a miserable shop quite frankly.

Mr MONTAGUE: You've got to remember he went out and bought a brand new Harley and he bought a unit and he did all this sort of stuff and he was just getting whatever he could sell and he was a nasty sort of person. Now he's running a prostitution racket in Melbourne. He was up visiting his daughter last week, I saw him in the Parap.

Ms CARTER: But you're obviously surviving, because we get told that all the time in Darwin is that the corner stores must have a liquor license to survive and hence this feeling in the place that we are swamped with liquor licenses everywhere, but what you're saying is that you can change your behaviours and obviously the problem drinkers will go somewhere else, but in your area you can change it and still survive, you're not desperate for the moselle.

Mr McDOUGALL: What I said in my submission, I do rely on my license. There's no doubt about that. But if everybody conformed to a code of practice where especially the smaller stores where we can identify our problems, we can overcome them. The whole area would be better off.

Ms CARTER: Where you don't tolerate certain behaviours.

Mr McDOUGALL: We just won't. I mean problem drinkers are problem drinkers I don't know what you can do about them. I deliver magazines and newspapers, I also have a newsagency. Now I deliver to the stores all around the place and I see some of the people that I identify as problem drinkers sitting down outside another outlet counting their fives and ten cent pieces waiting for 10 o'clock to come. And they go in at 10 o'clock, they're sober they haven't had a drink for 10 hours, they're sober they buy their cask. I don't know what you can do about them, that's the problem. The 10 o'clock purchase is sober. It's not against the law to sell them a cask. What are you going to do about it. Or a beer or anything else. Plenty of European people do the same.

Mr O'SULLIVAN: That's the problem for retail, they're sober you have to sell it.

Dr LIM: The rationale in Alice Springs was defer it to 2 o'clock was that, if you delayed opening until 2 o'clock it brings them past the lunchtime period and therefore they must spend the money buying food rather than alcohol. That's the rationale.

Mr O'SULLIVAN: Has it worked

Dr LIM: Well it depends who you ask.

Mr MONTAGUE: Since the cancellation I'm led to believe by a wholesaler down there that sales of one of the products hit 16 pallets three weeks ago to 1 pallet of the of the Free Good 0 that they were trying to get them back onto so you've got a 16% alcohol product versus a 9½% product.

I know Hardy's tried to introduce a 2 litre and we were condemned by all the do-gooders down in Alice Springs for targeting the Aboriginals. You're specifically targeting them with this 2 litre product. Well yes we are it's a 9½% alcohol product – they switched over to a 17% alcohol. I mean if they'd let us do it and when we wanted to do it, because there was a lot of resistance and everyone's saying don't do it Hardy's, don't do it Hardy's. And I felt sorry because we were ready to push the button, the cask had been developed, it was ready to go three weeks prior to the liquor restrictions, we would have had all the stock swapped over, no port would have entered the town, and at the last minute someone from Alice Springs I think rang one of our directors and said something like you're making a bad move. It was one of these do gooder people – and they canned it. That afternoon they stopped the print run at the cask manufacturer. Never got made and then three or four months later there such an outcry look we need it, we need it, we've got a problem with port. So they went into production.

We wrote off in excess of 2 000 cartons of wine because they went off because they wouldn't buy it. And even just recently the Heavitree Gap down there had stocks still in their fridge that was over 17 months old. I said I thought I got rid of it all, she said no it's still stuck out the back. I said well what do you want for it. She said I need port, swap it for port. So we did..

Ms CARTER: Patrick could I ask you. Rob said earlier on in for example Cole's liquor outlets, when you run out of a stock at a certain period of time you don't restock that shelf. Do you know what Rob's talking about and is it a policy even though you've got stock at the back.

Mr O'SULLIVAN: I understand what he is saying but you'll have to forgive me I'm not actually aware whether that's a practice.

Mr MONTAGUE: It's a manager's agreed policy with the area manager. This is what the store manager has said. Guys you will not fill the shelf again.

Ms CARTER: Is that each day or each week.

Mr MONTAGUE: Each day. So they might put 20 units on the shelf and they'll put 8 in the fridge. When they're gone they're gone. Woolworths do the same down there. When Ian was managing the shop down there he really controlled them well. The new guy I haven't had a lot to do with the new guys but I understand they have the same philosophy, fill the shelf once, once it's gone they don't fill it up again.

Ms CARTER: And the reason for that is purely social good, is that right,

Mr MONTAGUE: Yes tighter control.

Mr O'SULLIVAN: What practice I am aware of is limitation of what we call facing and set as the number of units that are visible to the customer and port is the product which people shifted down in Alice Springs to Stanley 2 litre casks of port and have not shifted back since the restrictions have lifted. And we maintain three facings of that port.

The number of facings can have a dramatic impact. I remember going to Alice Springs 12-13 years ago when it was the first time we really as a company operating out of Sydney became aware of the extent of the alcohol problems and the growing awareness of it generally and that stage I think there was Eric Poole's committee had started looking into it and 4 litre casks of moselle were the big problem then. I remember going up to the store and it was the practice of most stores to have a pallet of it just inside the store sitting on the floor so all customers had to do was just step inside the door, grab a cask and go to the counter to pay for it. At that stage we were selling \$865 000 a year of that product. We got rid of instantly the pallet on the floor and said what we'll do we'll have, I can't remember whether it was 3 or 4, casks only visible and they were around the back of some shelving so you had to actually walk to the back of the store and go around behind some shelving and there were four casks there. And just doing that overnight we dropped from selling a pallet a week to something like 32 casks because people they were not prepared to ask and they weren't prepared to look. If it wasn't there they either switched to another product that was visible like beer or whatever else. That's the philosophy behind limiting supplies and limiting exposure because we found it had a dramatic impact on sales. Making it visible and convenient had a greater effect than you can possibly believe and so if the stores is on a limit as to how much of a product it will sell in a day, that's the basis of it.

Mr MONTAGUE: It is true, stock sells stock. As marketing people we try and encourage the outlets throughout Australia if we want a case stack of a glass product, Nottage Hill or Houghton's, we want them to case stack it so we can start pushing it out the door. I've never pushed the casks, I've never ever. It's only Alice Springs that had like the port, Millner Road with Carlos. His store was the only store that used to sell the Stanley port in any abundance going back three years ago, and he would mainly buy 24 cartons at a time per month, and that was only through the colder months, through winter. But now he regularly buys a pallet a week. Dawn at the Heavitree try to switch them back to 5 litres. She's got 5 litre big stack on the floor, all cut, in the fridge, big things. She said I'm still selling like 5:1 one of port. Eventually she's starting to scale, she said she's going to make a conscious decision to scale back her port to what Liquorland do and Woolies and just have one shelf. And she said if I have to top up and buy every day I will, from the wholesaler, but I'll maintain a big stack of Free so that when the hot weather comes into Alice they'll hopefully switch over to the 9½% alcohol product.

But it's a huge issue. I was going through some figures a minute ago. Those 1991 figures that are in here, for the whole Territory you're saying 4.7m litres. My estimates as a company that maintains around 22% of the market share in Australia, we sell just under 10m in the Territory and that excludes Liquorland and Woolworths. So these figures are a tip of the iceberg. And unless you can get those figures from all the suppliers and the chains you're not going to get a true indication on what the figures are.

Dr LIM: I would have thought the Licensing Commission should know exactly how much alcohol is being sold.

Mr WELLER: I think what you're talking about is a different set of figures than what I was talking about before. I was talking about the liquor figures in Alice Springs and the evaluation reference group collected. The Commission collected from wholesalers. That's different to what I think is being

Mr MONTAGUE: These are the Liquor Licensing Commission figures for the Territory so I don't believe they access the figures from South Australian distributors, like distribution centres from the chains, or they don't access SA Liquor Distributors, which is another wholesaler in Adelaide that supplies into Alice Springs and Darwin. And also outlets in Darwin buy direct from some outlets.

Dr LIM: I would have thought that all alcohol coming through into the Territory has to somehow be.....

Mr MONTAGUE: No that's what the Commissioner said. He said they used to control is previously, every bit of

Dr LIM: No it's a federal thing, that's right.

Mr MONTAGUE: They buy out of say in Queensland supplies places in Alice Springs. There's an outlet there that buys I think he said to me 360 000 worth of wine a year direct from Those figures they're definitely not in there. There's a supermarket here that buys regularly from a Queensland liquor outlet, that's Mr Corks, because he's a heavy discounter in Brisbane. Now he buys his fruit and veg from Brisbane so occasionally he'll throw a pallet in, he'll be over there for some reason and he'll say 'oh yeah I'll take a pallet of that'. He'll pay for his credit card, get his frequent flyer points and ship it over because it's 80 cents a unit cheaper than buying it here out of the wholesale in Darwin. So you don't get those figures as well. There's so many different ways of people accessing alcohol in the Territory.

Mr WOOD: I have got a technical question. Does the Liquor Commissioner can he ask for the sales from every outlet? Can he say that you have to provide the sales you've had.

Mr McDOUGALL: He can ask, it's no obligation

Mr WELLER: They can certainly under the powers of inspectors they can, the Act says that they can seize records whether or not, and I don't know whether it's been tested or not, whether or not you could then challenge them in terms of whether that's in relation what's the threshold of I guess evidence is that they need that they're collecting those figures in relation to an offence or whether they can just do it ad hoc. I know for the Alice Springs trials that they were collecting wholesale figures not retail figures but I think that was purely just because more a logistical issue, there's a lot less wholesalers than retailers.

Mr MONTAGUE: The outlet was selling over 50% of the casks in Alice Springs who is an AHA member was buying their stock out of Adelaide. So you wouldn't have been accessing their figures unless Dianne wrote

Mr WELLER: They were. You'd have to ask Peter about that but I don't see any reason to believe why the figures at the evaluation group were getting wouldn't have been correct.

Mr MONTAGUE: These are the figures sent for 1991 but they're only saying 5m litres, I mean we did nearly 10m ourselves and we're only

Mr WELLER: I don't know what they are.

Mr MONTAGUE: This is the alcohol industry March 1991, 370 outlets. It tells you the

Ms CARTER: You're going back a fair way then

Mr MONTAGUE: Yes that was this one but we're doing apples for apples here. I've got 2001 figures here and 2001 figures there. Ours is double what you are saying the whole Territory did and we're only 20%.

Mdm CHAIR: We could discuss this topic all day if we wanted to but unfortunately we don't have the time and I'm going to have to bring the meeting to a close. However I'd like to encourage that we do meet again. It would be good to continue this dialogue with the industry as we are continuing that same communication with the community hopefully leading up to a report at some stage in the Legislative Assembly so it would be good to have another meeting. We are going to Alice Springs and we'll be meeting with industry representatives in Alice Springs as well.

Dr LIM: And if any of you guys want to speak to me about the card, please contact me.

Mdm CHAIR: We'll come back and have another meeting up here. That would be good to.

Dr LIM: We can talk privately if you like.

Mr WELLER: We can start by punching a couple of hole in that one already.

Mdm CHAIR: In our interim report one of the issues of concern to the committee was the availability as a factor in alcohol abuse. There should have been accessibility in there as well but that becomes part of the availability. If members of the industry wanted, we would welcome submissions, written submissions if you didn't want to give or participate in a verbal discussion like this.

Okay thank you all for coming.

TRANSCRIPT NO. 15

ALICE SPRINGS, LIQUOR INDUSTRY HEARING
2 OCTOBER 2003

PRESENT:

Committee: Mr Elliot McAdam, MLA (Acting Chair)
Ms Susan Carter, MLA
Dr Richard Lim, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Ms Dianne Loechel, Director / Owner, Todd Tavern
Mr Peter Hardy, National Licensing Manager, Woolworths Ltd
Mr Robert Kidman, Area Manager NT, Woolworths Ltd
Mr Bill Ferguson, Tyewereteye Club
Mr Peter Allen, Chairman, Northern Territory Licensing
Commission
Mr Kim Ireland, General Manager, Central Australian Football
League
Mr Mick Cotter, Independent Grocers
Mr Chris McIntyre, Deputy Director (South), Racing, Gaming
and Licensing

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mr CHAIRMAN: Good morning everyone. We will make a start to our session for deliberations this morning. My name is Elliot McAdam, the member for Barkly. On the Select Committee on Substance Abuse, Marion Scrymgour is the Chairperson is not available today. She apologises, as does Mr Len Kiely who is also a member of the Substance Abuse Committee. Before we get into the meeting, it might be appropriate for members of the committee to introduce themselves, just very quickly.

Ms CARTER: Sue Carter, member for Port Darwin.

Mr WOOD: Gerry Wood, member for Nelson, Humpty Doo and Howard Springs.

Mr LIM: Richard Lim, a local.

Mr CHAIRMAN: As I said previously, welcome to the meeting and I now officially declare the meeting open, of the Select Committee on Substance Abuse in the Community and I thank you all for your attendance here this morning.

This meeting is open to the public and it is being recorded. A transcript will be produced and eventually tabled in the Legislative Assembly. Please advise if you wish any part of your evidence to *in camera*. A decision regarding this will be at the discretion of the committee. You are reminded that evidence given to the committee is protected by parliamentary privilege and for the purposes of *Hansard* record, I ask that on all occasions, you state your full name and the capacity in which you appear and perhaps for the purposes of *Hansard*, as I say, every time you wish to speak, it might be better if you just identify yourself. Just very quickly, the purpose of this morning's meeting and I understand one was held in Darwin last week which I wasn't able to attend. It was essentially to seek the views of people associated in the liquor industry. I am aware that we have received some submissions from people here in Alice Springs and outside of Alice Springs. My understanding is that Mr Severin from Curtain Springs will not be available this morning. The other submission we received was from Tyeweretye Club, Mr Bill Ferguson and I do not think Bill is here at the moment. And the schedule was that Bill would speak first up. I propose that the committee proposes to conduct this hearing in a very, very informal way. I understand that other people have indicated to our secretary that they wish to speak so it might be appropriate at this point in time if we were to ask people perhaps to introduce yourselves and indicate who you represent.

Mr KIDMAN: Robert Kidman, Area Manager for Woolworths in the Northern Territory.

Mr HARDY: Peter Hardy, Licensing Manager for Woolworths.

Ms LOECHEL: Diane Loechel, owner/operator of the Todd Tavern

Mr **COTTER:** Mick Cotter, Independent Grocers.

Mr ALLEN: Peter Allen, Chairman of the Licensing Commission.

Mr McINTYRE: Chris McIntyre, Deputy Director of Racing Gaming and Licensing.

Mr IRELAND: Kim Ireland, General Manager of the Central Australian Football League.

Mr CHAIRMAN: So would anyone like to present evidence at this point in time. I understand some of the representatives from Woolworths may wish to, as well as Diane from the Todd Tavern.

Ms LOECHEL: Good morning.

Mr CHAIRMAN: How are you?

Ms LOECHEL: I am quite well thank you. I suppose I would like to thank you for the opportunity of being invited to come here today. We are talking about an issue that is very sensitive to probably everybody in the community and it is also a very emotive issue. From the perspective of people in the industry such as myself, we feel a lot of the times that we are precluded from a lot of discussion in relation to alcohol as problems. There have been incidents where we have been denied access to certain organisations because we sell alcohol, because we are not deemed as being people who have any input into the community. We do not want to assist people in the community with a drinking problem. We are not there to help people with a drinking problem; we are just there to look at the dollars and cents that go through our till at the end of the day. And I guess in some instances for some people that may well be true. But I think the larger part the industry has changed greatly over a period

years. People are far more responsible, they are far more aware of their social obligations, and I think if you are going to get a solution to any problem you have to include all parties; regardless of what side of the fence they might sit on. You can have all sorts of agencies that want to see all these good things done, but without all the assistance and input of people in industry you are never ever going to reach conclusion because it is always going to be one-sided.

When restrictions were brought into the debate here in Alice Springs, the licensees actually went to the Commission and objected to the restrictions on a variety of grounds. Those are public record. They are there for anybody to go and have a look at. And sadly, we only have anecdotal evidence to support what we try and say. Sadly, that anecdotal evidence has been proven to be correct. We said quite rightly that people would start to drink port in large quantities; that people would not decrease the amount of alcohol that they consumed; that in fact it would increase. That there would be more harm to people because of the higher alcohol content and that it would further impinge on people who come into the region. We rely heavily on tourism. You know, tourists can not get products of choice. We invite people to come to the Northern Territory. We spend millions and millions of dollars inviting people to come here, and when they come here we can not even offer them the basic services that they can get at any other places in Australia. And I think if we are not careful, we stand the risk of becoming the stand still Territory where we won't progress, we won't move forward. We will lose great numbers of people. People in business spend a lot on training and education. Those people will move away for a variety reasons and we'll lose all that expertise and there'll be a huge drain in the Northern Territory of people that have got skills, regardless to whether people think those skills are appropriate we do need people in this industry and people spend a lot money training them. If their hours get cut back or their standard of living decreases because we bring in further restrictions or look at other ways of curbing people with a drinking problem we end up losing far greater talent to the Northern Territory than we have at the moment.

We all acknowledge that there are Aboriginal in the community with drinking problems and I think Aboriginal people have to acknowledge that they have them and that they have to take responsibility for their own actions. We as a society cannot be seen as paternalistic constantly telling people what is the right thing and the wrong thing to do and how they can and cannot behave. Everybody has the right to self-determination and some people need to get to that point where they have to stop and take a good hard look at themselves before they can put themselves on the right track. To constantly put money in the way and say that's going to solve the problem is just going to make people more dependant on welfare and we are basically forcing people into a situation of no return. We are encouraging generation after generation to just sit there and wait for welfare payments. With no thought of how they can do something for themselves to make themselves more responsible or to become contributors to our community and our society.

In the Northern Territory we are very proud of the fact that indigenous people have their own communities. But they don't run their own communities everybody else runs them. Everybody else tells them how they should do this and how they should do that and these people have no right of their own determination for anything. If you're constantly told that everything you do is not right because you need to get that government handout or government assistance or government subsidy. Why would you want to challenge that and do something different and be proud of what you can achieve for yourself. You wouldn't. Why would you. If someone offered me x amount of dollars to sit home for a period of time I'm sure I'd be quite thrilled for the first 12 months. Then after that I would slip into the pattern of degradation and just sitting there waiting for another welfare payment.

If it's unacceptable for Aboriginal people on their communities to drink it should be as unacceptable in our community for us to have to tolerate the bad behaviour and all the other things that we have to be subject to because they're not allowed to go back to their own homelands. We live in this community just the same as they do. We have as many rights as they do and it shouldn't be a them against us situation which is what is happening at the moment.

We can't continually allow people to be indulgent and that's what we're doing. We're basically just saying it's okay for you to be Aboriginal with a drinking problem and we'll just blame everybody else in the community and they'll fix the problem for you. Can't do that. We've offered on numerous occasions for Aboriginal agencies to talk to licensees in relation to problem drinkers that they know that they have that are taking problems back to the communities, and we would be happy for those people not to be served if they come into our premise, if they are identified. But we don't get that co-operation we just get blamed for the problems that stem from it. We have asked to be involved in Aboriginal agencies to sit down and talk to people about strategies that can be put in place and again you don't get any feedback from that. You just get told that it's you that's killing Aboriginal people.

We try very, very hard to change the way we run our businesses to accommodate certain things and I think that most of us have done that very, very well and instead of people constantly putting the hammer over our head and telling us that we're not regulated enough, we don't have enough liquor inspectors, we're not penalised enough, what about looking at the people that have the problem and trying something to prevent them instead of waiting until they've already done the deed. Everything in the restrictions was post alcohol abuse not pre. There were no intervention strategies there for those people. It was all when they are intoxicated we will have night patrol or DASA to pick them up and put them in somewhere to keep them safe and warm.

What about something that stop those people from going to license premises. What about some work intervention where those people were taken to a place of work where something constructive was done and at the end of that period if they chose to go to the local hotel, or the local takeaway outlet, they've worked for their day's pay, they're entitled to do that the same as any other Australian. Everything is for when they are intoxicated. There is not a strategy in place to stop them from being that. And that's the things we need to look at. We have people that are picked up by the police on a constant basis. They are taken to DASA regularly as clockwork. Come winter you will see them banging on the back of cage cars to be locked up so they can have a warm bed and some food and clean clothes the following day. What message are we sending to people? Let us fund an agency that is just going to be there to encourage them to get drunk again tomorrow because they can come back for another hot feed. It is ludicrous. We need to look at things to stop people from getting to that point and we need to make those people to be identified, so that intervention strategies can be put into place, whether it be through an prohibition order which we have in the *Licensing Act* at this point in time, or whether that be changed to formerly identify those people, so they must go through some form of rehabilitation, which can be funded through their social security payments or money from their own communities and try and get people back on track so that they become contributing members of our community.

We cannot constantly look at the people selling alcohol and say it is all your fault. There is a choice, there is a process and there is a reason why someone does what they do. If you speak to anyone who is a reformed alcoholic, there is a point in their life that makes them change. It is not restriction, it is not taking products off the shelf, it is not changing the hours

that people trade, it is something that happened in their life that made them want to do something positive about. Whether that is an intervention by someone who cares or whether it is because they realise that they are going to, you know, hit rock bottom but you need to make people more responsible for their own actions and not look at the wider community and say: 'Ok, there is 200 people in this town who have drinking problem, 28 000 people have to suffer. There are 3000 people in the Northern Territory, 130 000 people have to suffer.' It does not work. We will end up with black against white, we will end up with greater forms of racism, whether it be blatant or indirect, that is exactly what is going to happen. We need to educate people, you need to integrate the communities together and to do that, we have got to talk to people like they are people and not treat people like they are second rate citizens. Aboriginal people in this town, whether you like it or not, are exactly that. They do not fit into the mainstream because they do not conform, you know, by whose standards are we asking them to conform? You know, if I go around to your house and have a bar-b-que, I am sitting outside under the sun, no drama, there is a fence around us, that is okay. We go and sit down by the river, and you light a fire and you are doing something terribly wrong. Why? There is no fence. But we are doing exactly the same thing, so that is acceptable in some parts of the community and not in others. We have to knock those barriers down and start treating people like people and getting everybody informed and involved and, you know, looking past the fact that I am a licensee and I do not have two heads and that is just the way most people see us, that is a very sad state of affairs.

Mr CHAIRMAN: Thank you for that. Are there any question?

Ms CARTER: Thanks for that Di, I found that very, very interesting. I was wondering, you said that as a licensee, like many other licensees, you have changed your thinking, the way things are done here in Alice Springs from a licensee's point of view, to the benefit of the situation. What sort of things have you done at the Todd Tavern?

Ms LOECHEL: When we first came to town, which was nearly five years ago, I think it would have to be non disputed that it was an Aboriginal venue I suppose. Everybody was quite happy to gain Aboriginal money and they did not look at the long term affects of that, as far as the community was concerned. We made a choice when we came here, to actually get to know our clientele, to speak to them and get to know them as people and not just as, this person that comes through, deposits ex amount of money over your bar. By doing that, you are actually build a rapport with people and you can speak to them and you know who they are and they know who you are and so you get as respect situation going. We have very strict rules in the Riverside Bar or the 'Animal Bar' as it is commonly called by a lot of people and the people that come to drink in that bar are predominantly Aboriginal, it is not just an Aboriginal bar but it seems to be a place where they congregate. They come there for the same reasons everybody else goes out, to socialise, they enjoy each other's company and they interact and we provide food a couple of times a day in the bar, so that people are not just sitting there drinking and we ...

Ms Carter: Is that food free of charge?

Ms LOECHEL: Yes it is. Yeah. There are meals there that they can purchase, but we do provide two hot cooked meals through the day. Between ten and two, we actually provide hot food free of charge for people, so that they are getting food and not just drinking because I think if you establish that to eat and drink is okay and they are not just eating on an empty stomach and just drinking for the sake of drinking. So, that has been a change that we have made.

We do have very strict rules in that bar. We do not hesitate to ask people to leave if they do not comply with the guidelines that we have in place there. People will drive past and quite often see our security scan people as they come into the bar. Aboriginal people, not just Aboriginal people but the people that come into bar will carry weapons of some description. Whether it be knives, blades, razor blades, slingshots, all sorts of things. We confiscate all of those and they realise that they're not allowed to have those. It's not acceptable in our premises to carry that sort of weaponry. They are confiscated and we take them down to the police when we get a collection of assorted objects. That's the condition that they come into the hotel. So it's a safety issue for us, for our staff and it's also a safety issue for our customers because we have duty of care to make sure that no-one gets hurt.

The boys that work in the bar are all well known to the people that come in. They all relate very, very well with each other. So that's made a big difference because instead of it just being this dollar and see you later, because people talk to each other now I think it's a lot nicer atmosphere when you go into the bar. When we walk in there we just have a huge laugh and it's just a different feeling when you go in there and speak to those people. They're just fabulous they really are you just have a real laugh because their sense of humour is just unbelievable and it's just something that you don't realise I think. People walk past and don't realise that they're there. We walk past and see people in the streets, giddy how are you and this is my grandchild and these are my dogs and it's you sort of feel more a part of the community I suppose and they do too.

We also changed our serving practices in relation to the bottle shop. We don't like to serve people on foot, we prefer people come through in a car. We found that by doing that people aren't encouraged to sit in the River across from the hotel so we don't have an issue just sitting over there and then just walking backwards and forwards all day every day to get more and more alcohol. It's harder for them to do that because if they're in the car and they're intoxicated we won't serve them and if they're on foot and intoxicated we won't serve them so it makes it a lot harder for them to purchase through our bottle shops.

Those are some of the changes and also in Maxim's Bar when people come in there is a very strict dress standard and people must comply with that if they wish to come in and because people do want to be accepted as part of the community they will comply with those rules and regulations and so they will change their standard of dress and they will change their standard of behaviour. I think it's all about knowing where the guidelines are and what you will not tolerate and so people will comply with that.

Ms CARTER: When you said with regard to the drive-in service, you actually turn people who are not intoxicated but are on foot away?

Ms LOECHEL: No if people aren't intoxicated we will serve them but if someone is intoxicatedWe have a problem where we know with the restrictions coming into being that people would be on premise for a longer period of time, because they're on premise now from 10 until 2. So the chances of them getting to that point where we would not be able to serve them because from say 1 o'clock we're starting to cut people out of the bars, saying no you've had too much to drink.

People have to realise that when they come into our bar at 10 o'clock in the morning some of them are refused service at 10 o'clock in the morning because they are intoxicated. Where that's coming from I don't know. But they are intoxicated so they're not allowed in. So if you take that into consideration that there is always a constant amount of alcohol in someone's bloodstream, it doesn't take very much alcohol for them to be refused service. So by having

someone on premise for a longer period even though there's light beer available for the first hour and a half, it still means by 2 o'clock we're just saying to a lot more people look we just can't serve you.

So by asking people to come in a car, they're coming in a taxi, their alcohol is being taken to their own premise, their own area that they choose to drink it and we know that that's not necessarily in a home or probably the right environment, but they accept those rules and if they want to come through our bottle shop they will comply with that, and if they don't they go to other venues in town that will serve them.

Mr CHAIRMAN: Di have you been in the hotel industry a long time?

Ms LOECHEL: I've been in the industry for 25 years.

Mr CHAIRMAN: And whereabouts is that.

Ms LOECHEL: South Australia and then here for the last five years.

Mr CHAIRMAN: Whereabouts in South Australia?

MS LOECHEL: I worked for a couple by the name of Greg and Judy Fahey and they have numerous hotels down there and I worked initially in sporting clubs and then went into hotels and worked for them for some 15 years. At the Paradise Hotel, the Settlers Hotel, the Lakes Resort, the Bridgeway Hotel, the Earl of Leicester in town.

Mr CHAIRMAN: I guess the reason why I was asking that question was because I think you made a comment that we have got to get real, I guess, in terms of how we deal with problems. I guess your point was self-determination of the individual. I guess that is where you were coming from, and I was just interested in your comment ie *'the Territory will become known as a stand still place'* in terms of its development, social, economic. I think that is probably the crux of some of the real issues that we have to face as a community in the longer term.

Mr WOOD: Diane, I mean one of the I suppose one of the problems or issues that this committee looks at tends to focus on Aboriginal issues and yet as you know in other parts of the Territory where there are non-Aboriginal issues, do you see a non-Aboriginal alcohol misuse issue?

Ms LOECHEL: Absolutely! I think like anything, if you want to change something, you have to tackle the small end of the wedge to get acceptance. I think where governments in the past have come out in the past and said: 'These are the blanket rules, and this is what applies', you are saying to some bloke who sits in his lounge room at home and says: 'Well, you have got a drinking problem pal, you can not do this,' and they become quite resentful of that because whether some one does or does not, they have to be the one to realise that they have the problem. We in our industry, and probably a lot of people in this room would be able to say that we can recognise someone who has a drinking problem long before they do. If I spoke to that person, and said: 'Look, excuse me, I think you have a real issue here,' they would get quite offended by that because they see it as being a personal issue and they see it as being well, who are you to tell me what I can do. Governments are labelled exactly the same way. If you are seen as doing something constructive to help people that have a problem; that we all know have a problem, because it is a visible problem, I think you gain wider acceptance in the wider community because they can see that it is pro-active and not

just reactive all the time. It is not just let's just hand out more to do this and this. Then people would start to perhaps look at things in a different way. DASA is there supposedly to help people with a drinking problems. But DASA is seen by the larger community as an Aboriginal agency that just picks up Aboriginal people and puts them there for the night to go to bed. So somebody that has a drinking problem would be reluctant to go to that agency, because they would consider themselves as being the last dregs, I suppose, of the community. That is how they see Aboriginal people that are constantly on the street and constantly being picked up and locked up.

If you look at the government, and federally, state, territory, it does not matter. If you have a drinking problem, there is not a bed in Australia to help you go through rehab. You have to pay for that. But if you have a heroin problem, there is a bed for you. We will put you through rehab. We will do anything to help you. But for someone with a drinking problem does not have the same support. So if you are not getting support at federal level, that has got to filter through to all levels of government whether it be state, territory, local. You can not then put it back on to business people and say: 'Well, you are the ones that have to solve it.' Because, it has to start up here. But the groundswell has to start here. It has to start from people in the community saying: 'This is not acceptable. We need to have funding for people with drinking problems for them to go through rehabilitation the same as someone who has an illicit drug problem, there is plenty of funding, plenty of assistance for people with that, but there is nothing for someone with an alcohol problem. Absolutely nothing!' So, you have to look at ways to get acceptance by the larger community that if you have a problem with alcohol, that you are not just channelled through CARPU and DASA, that there has to be other places and other interventions and real help for people and what we give people is a placebo effect. We put someone in DASA for 3 days. After that, if there is a place in CARPU they are lucky, then after 3 weeks what happens? They are back out in the wider community doing exactly the same thing.

Dr LIM: Let me explore this thought with you, and I will have to see what your thoughts are about it. You said that there should be a groundswell in the community first and then government or whatever has got to respond in an appropriate way. Do you think that 12 months 18 months ago with the restrictions, with the complimentary measures that occurred in Alice Springs. I mean it came it from a groundswell of concern that was expressed in Alice Springs. Can I explore your thoughts on how you thought about the whole process, and what you thought of restrictions itself, and the complimentary measures and results of all that.

Ms LOEHEL: If we look at the ground swell which wasn't slow in coming, I mean it was something that had been building for a great period of time and before restrictions were actually put into place we did have a bit of an opportunity to write into the Liquor Commission and express our points of view. So it was a bit like well there's this side of the fence and that side of the fence. So we're madly getting people to sign petitions saying no, no, no and then on the other side they're madly getting people signing petitions saying yes, yes, yes. All those petitions were taken into the Liquor Commission and I can remember going to the hearing and being told well look sorry we're going to get restrictions but this many of the community, and there was a larger percentage of the community by my understanding who didn't want restrictions, but we still got them. So it was a minority of people who had I don't know more sway with certain agencies? I honestly don't know why we ended down the path that we did.

When we went to the Commission, as a group, there were 16 licensees out of some 60, and see that's the apathy of our own industry really. We can't even get consensus amongst ourselves and it's the takeaway outlets I mean they're the biggest demons of all time. You

know let's close all those down, we won't have a drinking problem. Oh of course we won't you know. Of course we will. People will get it regardless. We have wine clubs all over Australia and the Liquor Commission gains all our figures and can tell each of you what is being sold per head of population and the amounts of this and the amounts of that. But we don't ever take statistics on what comes into the Territory through wine clubs and all those other things which will be readily available to everyone regardless of what restrictions you put in place. People will still get it. So we were very concerned because we thought it wouldn't really solve the problem it would just change the demographics of the problem.

Positives that came out of it if you like is a quieter CBD because people are on premise for a longer period of time. But where you've got a quieter CBD we've pushed it to the town camps. Policing has changed, it's pushed it to the town camps. So the people that are probably least equipped to handle the situation are the one's that are now confronting it because people in town don't want to see it. So let's push it out, let's push it away. Town camps don't have a telephone, so they can't call the police, they can't call the ambulance. So when you look at the statistics which we did for the ERG there was less call outs by police, there was less call outs by ambulance, so it's less, less, less. It look absolutely wonderful. But if you didn't have a phone how are you going to call anyone for help.

So all we've done is push it from what was a very visible thing to an area that was totally invisible and pushed it back and have given people less skills to deal with it and we've seen as many people admitted to hospital but they're not just being admitted to hospital with the immediate problems of alcohol assault such as stabbing someone or hitting them over the head or the numerous horrible things that do occur, but we are seeing long term damage to people's livers and we're seeing a higher increasing kidney disease and we're seeing a higher increase in diabetes. All of those things have been directly related in the last 18 months to the product that people are being forced or were forced to drink.

When we went to the Commission we said this isn't the way to do it. The complementary measures weren't even enforced when we went into restrictions. The drop in centre still isn't going to this day because there was not funding. But they were all part of the complementary measures. Night patrol didn't get going until six months or so into the trial. DASA had it's hours extended by a day and the only thing that changed was the fact that the time that people were being brought into the shelter changed. But the amount didn't really decrease.

Nothing really changed other than we pushed the problem out of the CBD so the good citizens of Alice Springs didn't have to confront it and pushed it to the shadows of a night time which made it a lot harder for people to police and control. The police are in a difficult situation I'd imagine because if they picked someone and take them back to the police station, it's people off the street, they've got to be there to look after them because of deaths in custody. So DASA or some agency becomes a convenient stopping point and the person just sleeps it off and they go back the next day their own merry way. But if DASA decides they don't want to let that person in, well they don't. And they have a list yai long of people they won't allow into their facility. So we got the ground swell but we didn't really do anything positively in my opinion to be preventative, it was all after the event.

Dr LIM: As a licensee, you said just now that communities do not want problems with people drinking in their communities: 'Why should we have to live with it in our communities?'. Do you think we should have wet canteens in communities so that they can deal with their own problems?

Ms LOECHEL: I think if you, you know, I have done this analogy before, if you had a canteen and this was the canteen, and we had a chill out zone which was next to it and we had the police station which was that side of the canteen – in the canteen, there would be very strict rules and regulations, I would imagine, for it to be successful and one of those would be: 'If you want this canteen to function, then you have to go to work for ex amount of hours in the day, to be entitled to come into the canteen and have your quantity of alcohol for that period of time.' But, it is not just a case of, you go out to work and you pick up the cans and you clean up the streets and you grade the roads and you do those things, then you just come in here and it is a open festival for you to do whatever you choose to do. For that section to be open, they would have to provide a hot cooked meal, for all the people that have been out working.

Their families and themselves who are entitled to go in there but they would only be allowed maybe two or three cans of light beer and it would be open for a period of time, say from twelve until two. And then in the afternoon, they would perhaps go back and do some other form of work around their community, then again, in the evening it would be open from six until eight but it would be dependent on those people working, getting a thing signed by the council clerk or someone of authority at the community, which would have to be handed to the person behind the bar for that person to be entitled to their two cans of beer or three cans of beer and again a meal would have to be provided. If you did something like that and people misbehaved in their own community, the police would be there, they put them in the chill out zone, where they are not being locked up in a police institution, their families can still see them, they know that they are safe, they know that they are not going to come to any harm. The police know where the troublemakers are because they have already put them in the situation. Instead of them having to patrol three or four-hundred kilometres of area to stop this person, who is going to go in there anyway, coming into town and bringing back quantities of alcohol and smuggling it into the community, they are encouraging people to be there and take responsibility for their own community but not giving them open slather for it. So it is not just a swill-fest, it is controlled, it is: 'If you go to work, you can have a couple of beers, you eat, you have your beers, you go back, you do a couple more hours work, you do the same thing.' Those people are still going to go into town, why wouldn't they. You know, it is just natural that people would want to, but you take away the need to be in town, constantly just bringing back as much as you possibly can, to bring those problems back into the community. If this person wants to go and have a drink, they are going to come into town regardless to how far away they live. That problem still goes back to the community because that person is well and truly intoxicated when they get there.

We all know that they come into town, they load themselves up, they drop off points around the roads, they all know where they can pick it up, they all sit there and drink it, until they have, you know, absolutely blind and then they all stagger back home and the missus cops it or the grandmother cops it and she has got money and I need more and so the problem just proliferates more and more.

So, the people on the communities who are vulnerable, which would be the women and children, are always going to be vulnerable. I just think if you give people some form of control, then you take away the need for them to be constantly abusing themselves to such a degree.

Mr CHAIRMAN: I guess the question I just want, it is a comment actually, I think you referred to the number, 16 licensees or people involved in the industry who actually provided submissions or evidence to the Liquor Commission during the period and you have got 60, in excess of 60 licensees.

Ms LOECHEL: There were 62 licences, I believe, that were affected by the restrictions. That was because of only being able to serve light beer until 11.30, so all the restaurants obviously were affected by that so there were some 60 odd licences and then there were 23 take-away, I think, outlets that were affected by the two o'clock opening.

Mr CHAIRMAN: I guess I was just wanting to know whether, in fact, that other people did not provide evidence, did that lessen the capacity in terms of the industry? For coming up with some unified or some sort of uniform approach?

Ms LOECHEL: I think, to the larger community and people in our own industry in particular, see it as a take-away issue only. So, for most of the licences in town, restaurants particularly, they saw it as being our problem and so it was not something they should get involved in. There are only a few licensees that had restaurants that saw that it may be an all over problem because it affected tourism. Because, if some one is on holidays and they have been out on a balloon flight and they might, you know they have been up since 3 o'clock in the morning. By 10, 11 o'clock in the morning they might be ready to sit down and have a beer. But you know, that would have affected that and then of course you have got people that come into clubs who are the early drinkers who drink quite early in the day, and they are home by 12 o'clock. You know, the senior citizens of our community who have retired who get up quite early in the day and so there day is you know, by 12 o'clock it is time to go home because you have got to have a little bit of a snooze, you know. So their daily routine is affected and all those sorts of things. It is also a lot of shift workers whose total routine was affected. There is not a place in town where someone who works nightshift can go and have a drink until 11.30, unless you want to drink light beer. Someone who drinks wine can not have a wine. So, if you wanted to go out if it was someone's birthday, you are all on holidays and you wanted to go out at 11 o'clock in the morning and sit down and have a glass of champagne well, you can not do that. So, it was those things that people came together for, but generally, the larger community sees it as a take away problem. It is generally take away outlets that create the problems and so it is takeaway that we should target, which I suppose if you just look at it on the surface that would be very, very true. But there is also other aspects of the industry that are not as attractive and you know, late venues I suppose would be one of those where people can go out until 3, 4 in the morning and turn out on the street and cause all sorts of havoc at that time of the day. I mean, you have really got to look at the much broader picture and say you know, it really is an all-over problem, not just one particular section.

Mr CHAIRMAN: I guess, the only reason why I raised it is I think you did raise an important point and that is in respect to the long-term future of us as a Territory. We seem to target indigenous people in certain circumstances, or indeed might have to target the take away industry or in you know, in a certain transcript you are targeting Woollies or something like that, and I was just wondering what capacity there was for the industry in total to try and develop some sort of strategy. Essentially, that is what it is going to take some time in the future. The Territory is very much reliant on the tourism dollars and we are talking about development over a long period of time. Industries coming in to this place and it would appear to me that one of the logical things would be for the industry - I know that you never come up with a defined response to the issue, but what I am saying is - and this is a view on my part that says you know, that the industry must come up with a position that is in the best interests of the Territory. Equally as does the Indigenous community, or indeed other groups, other interests. But that is why I just asked the question.

Ms LOESEL: I think there has always been groups of people in town who try to get together and work things out, and I know when we first came to town the licensees actually comprised of the Licensees Association actually comprised of the larger chains Woollies, Coles, BiLo; they all used to attend the meetings. But sadly, due to I do not really know why, I am assuming, and I have not been given you know concrete substantiation that because decisions are made somewhere else by corporate structures and I think at one stage Woollies took on the Liquor Commission in the Northern Territory and did not get a favourable result so you know, Woollies had their own decisions and their own processes that they do things by, so they did not come to our meetings any more. So we sort of lost the contact I guess with the larger groups because their head offices are based somewhere else and so their decision process is totally different. So I think, you that may be a bit of a stumbling block I suppose, because those of those through independents we can make the decision today. If I go back today and decide I am not selling 5 litres, 4 litres 3 litres, 2 litres, that is my decision to do so, and I can do that quite freely. But I imagine if the guys coming from here today went back and said: 'Okay, well we are not selling this, this and this, they would have to get permission from someone in another office who is totally oblivious to the situations that we face, and consequently would not perhaps be able to do that, and so that is where we have that stumbling block I suppose. Their process is totally different. They are a much large organisation, they are dealing not just on a Territory basis, but Australia wide. We belong to groups; buying groups, all those sorts of things. We have to pass on savings to people. If we do not, we are in breach of the ACCC and you know, it just goes on and on and on.

But we're expected not to do those things because it's contrary to the needs and wishes of our own community. So every day we trade, and I'm probably not being wrong here by saying it, we all face huge fines if we don't pass on savings. So if I have a 5 litre cask which I can buy which is on special and I'm getting it at a discount price, by law I am supposed to pass that price on to my consumer. But if I pass that price on to my consumer and they can come in and buy a 5 litre at x amount then I'm going to be labelled as irresponsible. So we make the choice not to do that because we don't want to do it. But we face going up before the ACCC and the trade practices people for breach of the law, which are federal statutes which hold huge fines and sorts of things for us. These guys would be in same situation.

Mr WOOD: I just find that strange because when I used to work in a hardware and buy 25 wheelbarrows and you'd get a discount of 20%. We didn't have to pass on that discount unless we wanted to compete with another hardware.

Ms LOECHEL: We actually belong to Sip and Save which is a buying group and we have been informed that we are legally obliged to pass on any savings that we get to the consumer because you belong to that chain because it's a buying group, because it is a big group of people that buy on your behalf, you are legally obliged to pass that on.

Mr WOOD: It's interesting. I thought one of the reasons you would have belonged to that was to give you a better profit margin to help you continue in business.

Ms LOECHEL: The ACCC and some other agencies don't see that as being the case, they see it as being greedy because you're getting something at one price and you're not passing it on so it's not fair competition. It's all sorts of other stuff. But we don't do that on certain products, like I would never ever discount Stanley Port, not in a pink fit, I'd rather go to jail.

Ms CARTER: Di on that issue. I noticed from the paper, the Centralian I think it was earlier this week, there was a letter in the paper that implied that when there was a lot of

excitement with events and that in Alice certain places increased the price of I think it was Hahn's 6pack or something like that, whereas another place hadn't done that. How could a place increase the price like was in that letter and not get into trouble as you've just said. Did you see the letter?

Ms LOECHEL: I did see the letter in the paper. If it could have been on an advertised special and that special could have ceased, so I mean that's an assumption I can't really say that yes everybody would hike their prices up just because a tourism event has occurred. I don't think it would be sensible to do that and I think maybe that could well be their everyday price or the fact that it may have gone off special and so it's gone back to it's normal price and the fact that somebody else has got it cheaper doesn't necessarily mean that someone else has increased it. I mean my prices are different to Woolies and Bi-Lo and Coles and all sorts of places and that will happen on a very regular basis. I would be surprised if someone would be that silly to be honest, particularly a large corporate group that was mentioned in the paper because the ramifications for them would just be horrendous because as you know it's not just the first offence, it's every offence that attracts the fine.

Mr WOOD: Just on restrictions. I gather there are two kinds of restrictions. One is on the type of alcohol that can be sold and the other is on the time that licenses are open. Do you see that, I mean all licenses have restrictions anyway, I mean you can only open at this time and you will close at that time. But do you see it being a bad thing that for instance places aren't open at a certain time. I can see there is an issue about tourism, is it also an issue about peace and quiet. That's one reason why the restrictions were brought in so at least the morning you're not hassled by people who are hanging around licensed premises. Do you see any benefit in restricting hours or if I take it to the extreme, do you think there should be any restriction on hours at all.

Ms LOECHEL: Well I think if you were to say, if you had 24-hour trade, it would just spread that trade over that period of 24 hours, I would be very surprised if many people took it up because it would be too costly an exercise to do. There would be huge security issues and all those sorts of things. So I really would be very, very surprised if any premise, off-premise license, took that up as a course of action.

I think we had a huge problem at 12 o'clock before when we opened up. Everybody would be around all the bottle shops at 12 o'clock. That problem is still there but now it's at 2 o'clock. If we opened at 10 o'clock it would probably be exactly the same, the only thing is, the lock up time alters for the people that are intoxicated that end up going to DASA or the police cells. That is what changes, that is the only thing that changes. You still get that configuration of people hang around the premise at ten o'clock, twelve o'clock, two o'clock.

When we first came here, our bar, the Riverside Bar opened at ten o'clock. My office is right upstairs and I am on the corner and when we first came here, I would hear this [Loechel makes banging noise] and I used to think: 'What on earth is that noise?' I could not understand what it was and it was all the Aboriginal people coming across hitting the pole, you know, for the traffic lights so that, you know, they could walk across and come into the hotel. None of them wear a watch but they all know what time everything opens and so people just regulate to that and the same as, they know when the take-away opens. We tried as an experiment once, we changed the clock in our bar, just to see if people would really notice, by looking up at the clock, that it was not in fact 12 o'clock, you know, we changed it back by an hour so at 12 o'clock we were saying it was 11 o'clock. Twelve o'clock on the dot, they were out the door. It did not matter that that time clock said 11 o'clock. Twelve o'clock they were out the door. We could just, they just know and it is not different today. Two

o'clock is the time the bottle shop opens, come two o'clock your bar is empty, there is nobody there. You know, they just go, it is just, I do not know how you change that, I do not know how you change the culture of the people so that it does not reflect, but their whole being is focused on the opening hours of licensed premises. If they do not get served in one premise, they go to another premise, to another premise, to another. They join this club to get certain benefits, they will join that club to get certain benefits. You do not preclude people.

Mr KIDMAN: Thank you. One of the things I actually would like to ...

Mr CHAIRMAN: If you would just like to say your name for the record.

Mr KIDMAN: Robert Kidman, Woolworths. One of the things I actually, that I have noticed in the three years that I have been in the Territory – the later the opening time, the more active people are. In Darwin, when it is ten o'clock opening, least activity at ten o'clock, you do not seem to have the people milling around the licensed premise. The later in the day that the opening time is, the more active, the greater the conglomeration is, around the licensed premise. This is one observation I have made in the three years I have been here.

Mr CHAIRMAN: Thank you very much.

Dr LIM: Tell me Di through your observations, people gather around outlets just prior to the opening time, obviously waiting for to purchase their supply. If, for some reason, somebody waved a magic wand and the supply is not available, what is would happen to the people at that particular time? What would happen if suddenly, you know, every bottle they bought turned to water, what would happen?

Mr CHAIRMAN: They would go to another place.

Dr LIM: No, no, every bottle they picked up turned to water. What would happen?

Ms LOEHEL: Well I think they would be totally, well, they would be confused, they would not know what or why or how or when. It would totally disorientate people. I mean, I think before restrictions came in, we noticed a huge increase in port sales. They just went absolutely through the roof and we actually had a meeting with Peter Toyne and we went to Peter Toyne and said: 'Look, we are really, really concerned about this because the front page of the paper, here, had our bottle shop, with a big cross on it, a VB can with a big cross on it, Berri five litre with a big cross on it and it, you know, it was just out there, months and months and months before it was actually decided that, you know, the restrictions would come into being and what would be affected by that. So, the information is getting out there somewhere.

These people knew that they were not going to be able to buy the Berri five litre but they would be able to buy the Stanley Port. So, we just had a huge increase in port sales and we were very concerned by that. So, we went to Peter Toyne and we said: 'Look, in the time that it first hit the paper, to us coming to see you now, we have had a 300% increase in our port sales.' To be told that: 'Well no, that could not be right because how could we know?' Well, we sell it, we know, we have to order it, I mean, you know, for goodness sake. We are not the only people in town who are noticing this increase, so it has got to be something that is going to occur, once you take the five litres off the market. To be told that, pretty much, we were just licensees who were not being quite honest and we were doing it for our own gain, we were going to make far more money out of the five litre. Well, I do not know how, I honestly do not know how. I mean a product is a product. You make your margin and you make it on whatever you are going to sell. In real terms and the boys behind me will bear me out. A pallet of port weighs far less than a

pallet of Berri 5 litre casks and I get double on a pallet of port than I do on 5 litre casks, so how am I making less money? You know, you do not make less money. You are not, you know, that is a myth. It is a total firfy. It costs more to freight those products in than it does the other products. You refrigerate white wine, you do not refrigerate port, so there is all sorts of expenses that are incurred to having white wine products. We were not going to gain more money or lose money. You know, at the end of the day when you even it all out, you probably come out with the same. You know, you go through the ups and downs, but at the end of the day it probably comes out at the same net profit, because that is what you are in business to do. But to be told that you do not know what you are talking about; that you are just doing it purely for money, that you are totally there for that and nothing else, is really offensive and that is why you will not get consensus from the industry, because I was a part of the ERG which I am very grateful I was a part of because you get to see a process that you would not normally get to see, and do you know what the main question that everybody wanted to know? How much the pub sold. How much money did I make? What were my profits? Can I have a look at your figures? No, you can not! Do you want to know? Buy a pub! It is easy. You know, why is it what I turn over or what they turn over. They (referring to Woolworths) are a public company. That is a matter of record. They just released their gross profit figures several weeks ago, same as Coles. It is a matter of public record for all the large corporates. You can go to anywhere and get their information and it will tell you exactly how much money they made out of liquor sales, how many liquor sales, it is there. Open slather. No, they are not interested. I need to speak to you, you know, you are the licensee here, I need to know what you are taking. You know, all sorts of comments came up. 'Well, what if we could reimburse you money that you were going to lose if we take these hours off you and do all these sorts of things'. You can not! I mean, where does that money come from for goodness sake! Who pays for all of that? It is just there is just this total mind set that if we recompense that licensee they are going to be happy little vegemites and we will solve the problems in the community. Well, if you shut take away outlets, you are going to put people on premise where they are going to spend more money on alcohol, because it costs more to drink there. There is going to be more problems in the community because the more vulnerable people will constantly be bashed and threatened to hand over their dole cheques for that person with the problem to sit on premise and consume it and then we will take away the problems of them wandering around the streets at 2 o'clock in the afternoon. I mean, we will be turfing them out on the streets at 7 or 8 o'clock at night and that is going to be an even more horrendous situation, than some people face now. And you have a bigger problem when there is a lot of people on premise, if somebody just looks at the dollar value. I mean, I read with great interest the first report that you sent out.

I have got the second one, I can not find the first one but some of the recommendations, you know that licences only be granted for a certain period of time. I mean after that period of time well you can not have that license any more. If that were to be a recommendation, you would be inviting cowboys and only cowboys because they would be happy to buy a license at x amount of dollars, work it, milk it, break the law if that is what it took to get their dollar value over a 3 or 4 year period and then they would be gone. Then you would get the next lot of people come in to do exactly the same thing. You do not promote longevity if you even talk about those sorts of things. All of us make investments to our businesses and so we all make investments to our community. We invest by employment, we invest by taxation, we invest by donations to community groups, sporting clubs, all those sorts of things. And we all do it. If you say to someone, well you can work in that industry, but you can only be there for like 3 years and after that well, why would anybody spend anything on that business. Why would anybody want to be innovative or change it or put something back to their community. They would be looking at it and saying you beauty, 3 years I will bust my gut, I will work 70, 80 hours a week. I will rip everybody off and I will retire. And who is going to buy the license at the end of that 3 or 4 year period? The government? What, the government is going buy all

these licences back and then resell them? You know, I mean it is just they are not practical thoughts. They really are not. And again, it is just dollars at a problem.

Dr LIM: There is only one interim report. So you would not find the second report there.

Ms LOECHEL: Well, I have got one here, but the first one that came out was some years and it was from this group and there was all sorts of different suggestions in there.

Dr LIM: Oh no, that came from the Eric Poole mob. That was 1989...

Ms LOECHEL: And that was the first one that we got with the first letters. And there was a number of suggestions in there and I just sat there and thought 'Oh, my God!'

Dr LIM: Yes, that was quite a while ago. 1991. Yes. That is right. 1991. There is an interim report that we will take some copies and

Dr LIM: That's 1991. There is an interim report

Ms LOECHEL: Yes.

Dr LIM: Pat will have some copies, and just give you a copy of that anyway, interim report on the table there.

Ms LOECHEL: When I read that I just thought goodness you're really not encouraging stability or longevity or people who want to contribute to the community, you really are just inviting you know the cowboys in and that would be really terrible.

Mr CHAIRMAN: Di can we just thank you for your very open and candid and honest assessment of what occurs. Thank you very much, and feel free to join in at a later stage, we're going to have an open, what is now being described as a round table, where people essentially can interact in terms of issues impacting on either their business or indeed the community. So feel free to stick around for that Diane if you've got the time and also I'd like to welcome Mr Bill Ferguson.

Bill is the licensee/nominee/manager of Tyeweretye Club. Most people will be aware that Bill's had a long history in respect to the Tyeweretye Club and indeed indigenous matters in Alice Springs and throughout the Northern Territory. So welcome Bill. I know that you've submitted a written submission. Would you like to speak to that if you might and then perhaps we could ask questions if that's okay.

Mr FERGUSON: I guess on opening the submission and a bit of history on how things happen, like to start getting things out. First we've got to look at alternatives and what can you put in place to offset what's happening now. Maybe you should have more places that can accommodate recreation for the younger type of people certainly because here in town here there's not much of that sort of facilities available to the general young population here.

Where as you look on the other side of it the older population there are plenty of venues, nightclubs, etc, etc, which they can utilise. But the other alternatives is back in the history a bit, I mean particularly during the era of the Tangentyere Liquor Committee. The problems associated there with it's own council etc, there was virtually no income whatsoever going into that younger generation so what was happening was that the elder people are more or less funding the associated problems with the alcohol, in relation to the alcohol, by supplying their sorts of revenue that they had towards it. The other occasions were people were being left

behind and going out and leaving the older people with all the kids and that in the camps and coming back and the whole sad history anyway.

But our view, we've always recognised in regards to what I see anyway, what churches see as the whole role of alcohol abuse as the takeaway issue. We are not saying ban the takeaways, you've got to get it down to a more controllable level, maybe regulate the hours more in regards to the takeaway and try and encourage drinkers to drink on licensed premises where they're regulated and social behaviour it all comes into them factors you know. I think if you control it along them lines then there's a good chance that you can turn the problem around. I'd say in the last 20 years in my experience over the last 20 years as the Tangentyere Liquor Committee and Tyeweretye Club have been able to turn it around in an area. But we can't take it much further because we don't have the capacity to do that.

Ms CARTER: Excuse me Bill what do you mean by that, you've been able to turn it around? Where have you done that and how has it changed?

Mr FERGUSON: The change has come within the people itself. You've given them, we've got an alternative, the Club is an alternative to the way they were drinking, and trying to get regulation. People are regulated and enjoy an environment where they can socialise.

Ms CARTER: As opposed to say drinking in a camp.

Mr FERGUSON: And the cost of taking volumes back to the camps or wherever, you know, and the creeks and the parks, wherever. So we were able to turn that around in that respect and here in the club, the whole nature of people utilising the club now, has changed dramatically to what it was say eight years ago. When the club was first built, we had to go three years without a licence.

Ms CARTER: Why was that?

Mr FERGUSON: We were refused by the Liquor Commission.

Ms CARTER: Why was that?

Mr FERGUSON: I do not know why, they refused it. But I think the big reason was that it was due to a political era. I think it was an election period and during that period, the social club application for a liquor licence happened to be slap bang in the middle of it. And so the government of the day, whatever, they bussed all the women in from the bush and they had all these anti-grog marches here.

Ms CARTER: I remember that, yep.

Mr FERGUSON: Even in the funding bodies that were putting the money up to fund the club, to build the club, they even backed out of it. So we were left with a resort built and virtually nothing else. And then the stigma of the women marches and the anti-grog protest, that held the club's licence up for another three years. We had to take the Liquor Commission to the Supreme Court. The court overruled the Commission decision. The Commission had erred in law.

Mr CHAIRMAN: Bill, can I just ask a question? I can recall when Terweretye operated without a licence for that period of time. Have you got any figures in terms of say when you

first traded as a club, in terms of the numbers? As to what they are today? Has there been an increase, has there been a decrease?

Mr FERGUSON: There has been a decrease.

Mr CHAIRMAN: So there's been a decrease in people frequenting Terweretye Club?

Mr FERGUSON: Yes, particularly in the last 12 months, yeah.

Mr CHAIRMAN: Is there a reason for that?

Mr FERGUSON: Well, I think it is the restrictions. The restrictions in regard to the people who used to come in the club at eight o'clock in the morning and have a feed or whatever and just sit around until ten o'clock and then they were able to get what they wanted, if they were capable of getting it. That changed, now people don't come in the club until after half-past-eleven. So, then they might stay until half-past-one or two o'clock, by two o'clock everybody is out the door. Once the takeaway is on, everybody has gone. They just do not stop. But what gets me is this, I see a lot of people coming to the club, they are refused entry to the club because they are too drunk to be able to get into the place, you know. We have to stop them coming in and the history there is the drinking all night on takeaway. I mean, I am not saying ban the takeaway, gotta be there but I think, if you regulated the hours further on takeaway, say from four o'clock to eight o'clock on common days and then maybe go off on your public holidays. Then you see the sort of contradiction in the liquor laws because during common days, you can only get grog between half-past-eleven till nine o'clock in the evening, forever you know that is for grog and takeaway. You cannot get takeaway until two o'clock in the afternoon, but that goes through until nine o'clock of a night. So, you have got seven hours of takeaway. Do you really need seven hours of takeaway?

Now the other thing, I think the whole thing contradicts itself when it comes back to weekends. Saturdays and public holidays and Sundays. You have got a situation where on Saturday, the bottle shops open at twelve o'clock so therefore you are not going to get any trading if you are on licensed premise. So, everybody has gone for the takeaway and off they go. Then, you have got the takeaway open on a public holidays and Saturday that may be open 12 hours a day. On Sunday, in particular, you have got trading from 12 o'clock to nine o'clock, that is only at hotels and clubs. The Tyeweretye Club doesn't have a takeaway licence. Commercially it is a disaster.

Dr LIM: Would takeaway licence help the Tyeweretye Club?

Mr FERGUSON: Beg your pardon?

Dr LIM: Would the takeaway licence help the Tyeweretye Club?

Mr FERGUSON: It would help because we would be able to provide more turnover to implement more recreational programs there.

Dr LIM: What sort of hours would you want to open the take away then for the Tyeweretye Club?

Mr FERGUSON: The Tyeweretye Club would like a limited take away, say from 2 o'clock till 4 o'clock in the afternoon. And we would have people staying at the club longer, to be relaxed longer. There is very little drunkenness at the club. There is virtually no drunkenness

at the club. You know your customers and then most people that are there they would be able to have access to what they want, they might want a carton of beer, half a carton of beer or whatever to take home. That could utilise them coming into the CBD just for the purpose for buying alcohol. And at the moment Tyeweretye Club is starved for money. Because the only revenue Tyeweretye gets is what comes through its trade. And your trade is virtually down to about 1½ , 2 hours a day. That is the limit. It could improve and the whole social thing could improve too. And the other thing with the club is that there is a good potential there to have a licensed transient camp there. You know like, you have got a chance to stop a lot of public drunkenness or whatever. Work on the same principals as pubs and other places that they have got licences, they have also got accommodation. I think this will probably be one of the best or good answers in addressing the transient problem is to be able to you know, have two types of accommodation. You get your sporting complex developed, you could have a swag situation where people come in with a swag, Teams come in with a swag they can throw their swag down for the night and your other types of accommodation could be donga type accommodation.

Dr LIM: If your take away license if you had a take away license you are open between 2 till 4. After 4 o'clock when supplies are no longer available, as a take away would you patrons not go elsewhere any way?

Mr FERGUSON: Well, they would.

Dr LIM: And so your club would then be open for only 4 hours a day instead of the 2 hours a day at the moment.

Mr FERGUSON: Not necessarily. people have got what they want, if they want more they go somewhere else.

Mr CHAIRMAN: Sorry Bill, but what is your trading hours now?

Mr FERGUSON: My trading hours? Monday till Friday is 10 till 10, and Saturday is 10 till 10, Sundays is 12 – 6, and we also have Show Days and other days we had the license taken off us for Show Day and we never even traded on Show Days. With respect to the community we said well, we will not put the club in the situation where it is in conflict with its big flow of traffic there, but the Commissions inspector take the license off the club on Show Days, but it did not take the license off all the other take aways on Show days. I think, there has got to be some respect somewhere you know.

Mr CHAIRMAN: What numbers do you get down there. Could you give me an idea, say, do you have more on a weekend than a week day?

Mr FERGUSON: Well, public holidays and weekends it is not worth the club opening. Because of the bottle shop situation. See, there is a price to factor there too. Like, you can go to a bottle shop and get a can of beer for say \$1.40 or something, you go to a club or pub or wherever, and you are paying \$4 plus maybe for a 375 ml drink. So, you see people do not utilise the club on public holidays and bottle shop opening days.

Mr CHAIRMAN: What about Monday, Tuesday, Wednesday, Thursday?

Mr FERGUSON: Yes, Monday, Tuesday, Wednesday Thursday, yeah, the people come and so there is probably any one day at the club you could may have 50 people, 20 people, or you could have 150 people or sometimes 200 people, but you have only got a small

percentage of them people that are actually got disposable cash to spend at the club. So you know, if you have got one in five, or one in six, or one in eight, that one in eight will be buying a drink for the group with no money see, so it is very you know disposable, because there is not really a lot of disposable cash there.

Dr LIM: How are your bush band nights? Are you still running that?

Mr FERGUSON: No, when the board took a position as to cut back on them since they had that....There was a bit of a sad predicament out there. One fella got killed out there so the club did not want to be responsible for that any more you know.

Dr LIM: You used to do a body search and all that on everybody so what somebody slipped a knife in somewhere did they?

Mr FERGUSON: No it was after a concert there. A group of people were walking out and some people outside I believe and apparently this guy got stabbed in the back.

Dr LIM: So it did not happen inside the premises.

Mr FERGUSON: No.

Dr LIM: It was outside.

Mr FERGUSON: But they ran back in, and he was lying on his back, we didn't know it, because at the time we're trying to get him up and we thought he was just knocked out, but when we rolled him over we could see a knife wound, there was no blood but the knife had gone done his back and bleeding internally and we got an ambulance. But the ambulance and police by the time they got there it was one hour after we called it and virtually the if we had three minutes of the ambulance getting there that bloke was alive. If we had of had a prompter time, response time we probably could have saved him.

Dr LIM: So the bush band nights are no longer running. I remember I went there quite a few times and all that and they were working well then. Are your clients not going there now because there is a lot more competition for you and other premises are dragging your patrons away.

Mr FERGUSON: Yeah but the club is not competitive with the other places. Since there's been a change and I wont say the name of the place but there's been a change in ownership and the tourist's dollar's gone down and resorts are looking for ways of raising money so these places are getting a lot of Tyeweretye Club clients now, they're going to get to operate a back bar and now the whole hotel is opened up which is good, I mean it's good to see people using these places. But a lot of people say to me what's this guy doing that you're not doing. I say to them what's this guy got that I haven't got. It's not a level playing field. We're entirely a commercial business, no funding whatsoever.

Mr CHAIRMAN: So you do not receive any outside funding at all. It's purely your expenditures generated from your income.

Mr FERGUSON: Not one brass razoo of funding. You could turn it around a lot more and increase your revenue and have it developed. They've got 8.5 hectares up there and there's about 4 point something hectares not being used. It could be developed into a multi-purpose sporting facility and transit areas, there's big potential out there for the community. We've

had very little support from any sector. Actually no support from any sector after this Tyeweretye Club we've had more derogatory remarks in media, across media and everything you know. But we've survived and we're still surviving but I don't know how long we're going to survive at this rate. I reckon the numbers at the club, if taken on a weekly basis, you'd probably be in the vicinity of about 500 people a week.

Dr LIM: When did Tyeweretye open.

Mr FERGUSON: 1990.

Dr LIM: 1990. And when did the liquor license commence?

Mr FERGUSON: 1993. March 1993.

Ms CARTER: Bill I just want to thank you for your submission. I thought it was really well written and very interesting. Thank you.

Mr CHAIRMAN: Thanks very much Bill. As I understand it there's one other. As I said previously we propose to have a round table discussion. Is there anyone from the industry now that wishes to specifically address the committee in respect to any matter. I think Woolworths indicated that they wish to and Kim, do wish to speak? No, just participate in the discussion later. If you would just state your full names for the Hansard record please.

Mr HARDY: Peter Hardy from Woolworths.

Mr KIDMAN: Robert Kidman from Woolworths.

Mr HARDY: Once again thank you very much for the opportunity to speak to you today. I'd just like to reiterate a couple of things that were said at the first opportunity to talk to you. And that is that alcoholic abuse is very much a complex issue but we shouldn't lose track of the fact that it is a minority of people that do abuse alcohol and the attention should be focussed on the minority of abusers and the majority of responsible consumers shouldn't be penalised as a result.

Alcohol abuse though must be addressed and the adverse effects of alcohol abuse must be addressed. But we're reiterating again that the only long term solution that we see to alcohol abuse is to focus on the consumption of those that do abuse. We really do want to emphasise that we believe the only real solution is to take a holistic approach at addressing alcohol abuse and that you simply cannot address it through amendments to the *Liquor Act* or changing the licensing regulations. The approach must include government at all levels, the police, health, community groups and industry. Without a coordinated approach I don't think you will really achieve much. Education is very much a big part of that and we really do believe that to properly address it it will be a generation away. The focus will need to be kept on whatever programs are put in place throughout that time.

Since the last opportunity to talk to you I do have some material that I would like to submit. There was a question on the previous wholesales sales tax regime that applied up until the 5th of August 1997. I'd just like to submit a summary of that change and also the wholesale sales tax rates that were applying in every state and territory in Australia at the time.

And also in our previous submission I referred to a very indepth review of liquor in Victoria, at the time called the 'Nyuenhousen Report.' It was probably the most indepth review that I

am aware of. There were two chapters in that report, one on alcohol misuse and reducing alcohol misuse. And I'd just like to submit those two chapters for you, you might find them interesting in addressing the issues before the committee presently. Then maybe if I can just mention a couple of things that have now come to the fore today that I'd just like to comment on.

Diane in an earlier comment made reference to the Licensees Association in Alice Springs. Woolworths does not participate in the licensing association. We are very conscious of the implications of the *Trade Practices Act* and the implications it has for groups of competitors getting together and talking about issues. While certainly the focus of social issues does not breach the *Act* in any way, any discussion on price, on what is available, when it is available, or what products are sold, certainly does touch on the influence of the *Trade Practices Act* and we cannot allow our people to be involved in any such discussion. So while the intent might be applaudable certainly we have to be very careful not to breach the legal restrictions on us in those areas.

Dr LIM: A little gun shy since the last one. I mean I think when the group gets together to talk about the social impact of alcohol I'm sure the ACCC will recognise that as the intention and as long as prices are not raised at the meeting, people should feel fairly safe I'm sure.

Mr HARDY: Look I agree that the intention is certainly right but we just can't put ourselves in a position where it may be misinterpreted. We've got to remove any chance of any misinterpretation of what the purpose of the meeting is. So that is one area.

The other area I would also like to comment. Diane made a comment about Woolworths taking on the Liquor Commission. That is certainly how we see it. We strongly believe that we should be working with the Liquor Commission, that the Liquor Commission has a statutory role. It has a very difficult task, especially on matters like this and when we look at the restrictions that were being proposed for Alice Springs, we were also one of the licensees that did not object to the restrictions, and did not participate in those discussions. That was not because someone in Sydney thought it was inappropriate; it was simply that we recognise the role that the Commission has to take in analysing whether or not restrictions should be put in place. Its statutory duty is to reflect the needs and wishes of the community in looking at those restrictions. Woolworths is a part of the community. In fact, we believe our supermarkets are really privately owned community facilities. Our staff are part of the community. Our customers are the community. We understand that in Alice Springs there was an element of the community that was very pro-restrictions. We also believe that the majority did not want those restrictions. But we felt it was best though to sit back and allow the Liquor Commission to properly review whether or not restrictions should be imposed without us taking a contrary position. So, I would just like to emphasise that is the reasons that we were not part of that industry group.

You spoke about a common industry position. We would be happy to see an industry code of practice introduced in relation to these matters. We think it would be very appropriate and also believe that should be done with consultation with the Commission as well.

You have also touched on the trading hours of off premises or take away liquor. We really do believe that the customer should have their choice on when they can purchase liquor from our stores and a number of customers want to purchase liquor at the same time as they purchase their groceries. They do so out of convenience. It is their choice to do so. We provide a very much an ambience and décor that does not encourage alcohol abuse and we believe that the customer should have the choice when they are buying the groceries so at

the times our supermarkets are open to also purchase liquor. We are mindful though, that the Commission does has a role to play in determining what restrictions should be in place. But we believe we can sell liquor responsibly in the same hours that supermarkets trade in an environment that is well suited to the harm minimisation principals, and we also believe that our supermarkets and liquor stores are very much female friendly in that regard. We have a number of customers that would prefer to buy take away liquor from our supermarket outlets because they prefer not to go to on-premise venues. I would also like to emphasise that that is one reason why we believe Sunday trading should also be opened up to our supermarkets, supermarket liquor.

Dr LIM: Peter, may I ask you the comment that the outlets hours should be the same as for the supermarket. There is comment that purchase of food should not be associated with the purchase of alcohol. The alcohol is a separate issue all together. In fact, that the two premises should not have a connecting door. How do you feel about that comment?

Mr HARDY: Look, I think on harm minimisation grounds it should be totally the opposite premise put forward. Simply because if a family is going to buy their grocery shopping for the week, and they pick up their alcohol together it is very convenient. It is done so in the one shop and it provides for consumption at home in an environment where it's unlikely to be abused. By separating them it really does make no difference to the person who is out there and intends to abuse alcohol. They will look for their alcohol supplies in any place that they can get and to suit their means. But in trying to separate them you're taking away the convenience for the majority of people who do want to shop for both at once.

Mr WOOD: Does Woolies throughout Australia sell alcohol as part of their stores, or are they separate in some states.

Mr HARDY: The legislation varies differently by state. In Victoria it's very much a deregulated environment as is the ACT and the vast majority of our supermarkets are licensed. When I say licensed I'm talking about discreet liquor stores adjacent to supermarkets or within a supermarket. So a separately defined licensed area with senior staff staffing the store and the liquor sales taking place on a separate cash register within the liquor store.

It is the same in South Australia albeit the licensing environment is not as deregulated, it's the same in Western Australia. In Queensland there is a separate licensing regime that limits the ownership of bottle shops to hotel owners. Because of that legislation in Queensland, Woolworths has entered a joint venture with two renowned hoteliers to joint venture the purchase of hotels where we operate the bottle shops.

Mr WOOD: I suppose I ask this question because I think it's been maybe part of the question about Sunday trading. On the other side of things you wouldn't obviously agree that hotels are the only place that should sell alcohol and supermarkets should only supply food. I mean in the area where I come from, Howard Springs, I have a supermarket right up against a tavern. The hotel believes that it can't sell food, it doesn't sell groceries, why should the grocery people sell alcohol.

Mr HARDY: Well they are not selling groceries by choice. Certainly the way the whole world is evolving is that grocery stores have added fresh produce on, they've now add fresh meat on, liquor is seen as a part of complementary to that and supermarkets have grown to encompass basically the whole of the household needs in that area. Certainly if a hotel wants to sell groceries we have no objection to that.

Mr CHAIRMAN: Peter I just have one question. I was rather pleased to hear that I guess you were saying that, made reference that Woolies would be prepared to be part of an industry response. We don't know what that response is going to be obviously. And I think that's, I guess from a personal point of view I'm very heartened by that to begin with. And it sort of raises another point in respect to large corporate bodies like yourself and Coles maybe, and some of the other larger retailers, wholesalers.

I'll just give an example and I hope Kim doesn't mind me saying this, but obviously you've got a Central Australian Football League here in Alice Springs which has its ups and downs, and it's have some immense difficulties in respect to the impact on alcohol in certain circumstances, but they're working through it. Would large corporate bodies like yourself, as part of a response ie talk to the CAFL in respect to sponsorship. What I'm saying is, you sell food as well so there's that nutritional value just like the stuff happening in the Fred Hollows, so it's a good mix is what I'm saying is that you're going to provide that corporate sponsorship to a very creditable sporting organisation ie the CAFL in terms of sponsorship. What I am saying is that the big corporate bodies have to show some leadership. I don't think it's a matter of the big fellow sitting back and saying it is an open playing field and we are going to kick your head in. Unfortunately under certain circumstances that is the way it occurs. So all that I am saying is would Woolies give consideration to some form of similar type of approach to the Fred Hollows Foundation with the CAFL or with other community bodies out there where you know, sponsoring but you are also being corporately responsible. Maybe I am not saying it correctly, but I think you know where I am coming from, because Coles, you know, I think they should go down that track too.

Dr LIM: Could I add to that question, because I was coming to the same track. Private restrictions, many of the licensees in Alice Springs were involved in the discussions which I guess we were in as well, and they want the move for the licensee that they should contribute to the complementary measures. One of the things that was quite clear to me was that the big corporate bodies were not part of that discussion. The question I would add to what Elliott is asking is why aren't the big corporations part of the community effort to deal with alcohol issues in places like Alice Springs and sponsoring any form of measures; whether they be through CAFL or other complementary measures.

Mr HARDY: Yes, I understand your question. Can I just say that Woolworths is quite conscious in this area. Every store is allocated and mount across Australia that the local store manager has a discretion with to use within the community. On top of that, Woolworths does actively support all of the major hospitals as a primary cause in all of the capital cities in which it operates, which is all throughout Australia. Being a company of Woolworths size, we get thousands of requests annually for support of various different types and you simply can not contribute to all. So you therefore have to have a means of selecting a few that you can more meaningfully support. We do have those type of programs in place; mainly through the children's hospitals. In Darwin it is the emergency section.

Mr KIDMAN: The last 4 years the staff of Woolworths in the Northern Territory have given the Royal Darwin Hospital in excess of \$40,000. This year, our intention is to give the hospital in excess of \$30,000 this year alone. That is purely and simply because of the special year this year is in relation to the RDH Emergency Department moving in to new premises and I think we all can not forget the role the RDH played this time last year with the evacuation and treatment of the Bali victims. Just after that, the Woolworths organisation in Darwin put together a thank you barbecue for all the essential services in Darwin. Doctors, nurses, defence, police, fire the whole lot were there.

In Katherine, if I just touch on the Katherine example for a moment, we sponsor through the Fred Hollows Foundation for the benefit of all here today, we have actually placed a manager, a store manager from Mildura in Victoria in the Jayowon community about 100 kms out of Katherine. He has been there now for some 6 months. And that is to teach the community how to operate the local store. And that is set up, the local store, and the benefit from a company point of view, an organisational point of view is not one where we actually supply that store. He actually has gone in there and taught the community skills for life. Skills that they will be able to work with for many, many years to come. There is actually 3 community stores that he is actually working with. The life blood I suppose that Woolworths have supplied that community is not only supplied the manager, but from time to time have supplied fixtures and fittings and point of sale and ticketing that the extra drawings of food are through a wholesaler not associated with Woolworths. So it was not seen as a money making profiteering sort of exercise; it was to show what can be done in a local community with training and education. As we sit here today, that manager is still there, with his wife Colleen and his two kids. They have been there now for some 6 months. That is a huge success story.

Mr HARDY: So maybe we do not choose the high profile and enough item.

Dr LIM: No, no, it is not so much that. I think as a very parochial Central Australian, I understand also that Woolworths have a major outlet in Central Australia that some of the benefits or the profits it makes out of the community that has come back to this particular community is more my personal interest.

Mr KIDMAN: Excuse me Richard, if I could just answer that again. I think what happens, we have got 700 stores across the country. I think the personality identity of the local store manager plays a significant part in being out there. We have just, in recent times, appointed a new store manager into the local Alice Springs store, his name is Geoff Bell. He personally lobbed on the doorstep the same day we started the refurbishment. Geoff has worked in Katherine, Gove, the middle of Arnhem Land and also he recently opened the Coolalinga store which is in the rural part of Darwin.

He is now down here as the store manager and we are mindful of what personalities are placed in what location and I think Geoff will drive the business into the future, both as being, well certainly as an integral major part of the community. I know that Geoff has got his hands full at the moment with the refurbishment as you would appreciate. The work that he did at Coolalinga in driving charitable, social events at Coolalinga and also in Gove, were outstanding and he was one of the stand-out store managers, not only in the area group but also in the nation in community involvement. So, I think that the presence will be there in a major way. I know he has already donated to the Alice Springs Rotary Club with the Henley on Todd, just recently he gave them \$1200, as a matter of fact.

Mr CHAIRMAN: Could I just come back to this corporate responses and again, and I will move onto another part in a minute. I guess the point I am trying to make is that Woolies is a well renowned name. AFL footy is something which the majority of Territorians are involved in, in some capacity, either through parents or through children or some other capacity. I just think it is an ideal opportunity, through football, to have a big corporate name sponsoring, in terms of, you know, moderate drinking and it comes back as community education. I guess what I am saying is that there is always this expectation that governments seem to cough up the dollars in terms of, you know, certain components of whatever the response might be and I just think it is a great opportunity for the corporate sector to get out there to promote

themselves in a very constructive way, that is what it is all about. I hope you guys take it on board in some way because it is not only in Alice Springs but it is right across the Territory and footy is the most important thing - kids I am talking about.

Mr HARDY: We understand what you are saying. As long as we are mindful that there is a lot of competing interests that are put before us but we are happy to put it before the appropriate person within the company.

Mr CHAIRMAN: The other thing that I was going to just ask, if I might, perhaps it is premature on my part, in how do you see that you are prepared to be involved in some sort of industry response? Perhaps I am springing it on you but do you have any idea in terms of how that might roll out? What I am coming back to is that industry has a role to play and I think it has got to be co-ordinated. The bottom line is in the best interests of the Territory, equally as does the indigenous community and the organisations, government has that same responsibility and as does other forms of government. When I say industry, I am talking about hotels, clubs, the whole lot. So, do you have any idea in terms of how that might ...

Mr HARDY: We agree with what you are saying because, you know, we said at the previous meeting that a holistic approach needs to be put together. We strongly support that, I do not know specifically what we should do as an industry but it should be part of that holistic approach, where we analyse what each component can do and how they can work together and it should develop from there. But to sit here today and say: 'This is what we should do.', I think is too difficult because the whole problem has to be analysed and it has to be brought together by each area that we have nominated and we have to address it together and then individually from there. So, I just cannot give you an answer today.

Mr WOOD: Following on from that. You said that you weren't part of the groups in Alice Springs.

Mr HARDY: Yes.

Mr WOOD: How would you then get down, sit together, to produce an industry response, you're going to have to call yourself something else.

Mr HARDY: No. No, the answer to that is very, very simple. We are happy to be part of a group that addresses these issues with a very strict terms of reference. But if the terms of reference start to touch on those issues that might breach the *Trade Practices Act* then we can't be part of it.

Mr WOOD: How would you thenpricing.

Mr HARDY: Pricing or what product is or isn't available and the hours of availability.

Mr WOOD: Isn't that part of some of the discussions that have occurred in Alice Springs. For instance, the price of alcohol, in pure alcohol, whether the product would be less likely to be drunk if it had a higher price and the availability of product.

Mr HARDY: And that is why we have not participated in the group.

Mr WOOD: Would that make your response perhaps limited.

Mr HARDY: No because we believe that it's the impact of the abuse that all the attention has to be directed at. We believe that the licensing restrictions are by far a minute part and they should be addressed separately by the Commission.

Ms LOECHEL: Could I just comment there please. That issue wasn't raised by the licensees that was actually raised by a group of concerned people by the name of PATHS I think they are. An action group that wanted products limited by the amount of alcohol by volume. So that wasn't anything that was raised by licensees and it certainly wasn't anything raised at any meetings of licensees. That was put forward at the ERG and that was something that was presented to the Liquor Commission.

Dr LIM: That's a single organisation position.

Mr WOOD: That's true but as it had been raised it could be an issue that your group could obviously respond to but that would be limited because Woolworths wouldn't want to discuss that particular issue. It is out there on the agenda whether you agree with it or not. I imagine if the licensing groups got together they want to have a response to it.

Mr HARDY: We would be happy to come back to this committee or whatever government coordinator is appointed with a position, but we would not reach a position in cooperation with any other licensee.

Ms CARTER: Back to a more mundane day to day question. Do licensees, say like Woolies who sell a huge range of product, do you make more profit from alcohol items sold than you do on others. Is it a particularly profitable area of the business per item sort of thing.

Mr HARDY: That is very difficult to answer because you just can't say that the rest of the supermarket range is consistent either. Every product or group of products has certain gross profit levels.

Ms CARTER: How do you determine that?

Mr HARDY: How do we determine that? We have a level of gross profit that we expect out of every department in the supermarket, including liquor, and we set our prices according to that. Also mindful of what other prices competitors are at within the industry. So if we set a price and we may be above someone else then we'll look at reducing it down so that we are more competitive.

Dr LIM: And lost figures and all that as well.

Mr HARDY: Yes that tends to happen more in setting specials than it does in setting the more day to day.

Mr COTTER: Mick Cotter from Independent Grocers. We have a wide range of things the same as Woolworths, we're a wholesaler. Cigarettes are our lowest profit margin.

Ms CARTER: Per item.

Mr COTTER: Yes. Alcohol next then our food.

Ms CARTER: But I guess it's the volume that you sell that helps you.

Mr WOOD: Did you say cigarettes were the lowest margin.

Mr COTTER: Yes.

Mr WOOD: I thought perhaps a reversal of that, the other way around might be better.

Mr COTTER: That's what it is. That's what we make the lowest margin on.

Mr CHAIRMAN: Thank you very much Peter and Robert. What I suggest we do now is perhaps take a ten minute break and then we will come back to our round tables for the set up and we will re structure

Dr LIM: Actually, I would have loved to hear from Kim about what you are addressing, how your are addressing

Mr CHAIRMAN: As I understand it, the format in Darwin in regards to the round table discussion was for free change of ideas and views. So as I say, feel free to raise any issue that you wish to, and of course, where possible if you can identify yourselves for Hansard purposes and I suspect that we will go for about an hour. Is that right? So, please feel free to speak.

Dr LIM: If I can just start off by asking you know, if Kim would just talk to us something about what CAFL is doing and how you are addressing it from terms of the organisation itself and also for the spectators.

Mr IRELAND: I guess from my point of view I have only been there for 6 months, and arrived right at the start of the football season. I think it has been a reasonably successful year as far as crowd behaviour and on-field behaviour from what I have heard from past experience. I guess we are coming under a bit of pressure now as we do our season review looking at changes for next year from the teams that participate in the community competition so that is teams based from the communities, have asked us to investigate alcohol free days for their football. I guess that we are a bit concerned about that and perhaps from a segregation issue where if we have one day that is alcohol free and the other day it is not. I think the Board's position, we will probably confirm at our next meeting is that we are more looking at being responsible, or more responsible, looking at light beer, mixed drink sales in the outer, which I think you will find in most sporting venues around the country. There is not too many that you can buy a heavy beer and go and sit and watch the footy or the cricket. It is probably more a light or a mid strength. I guess we are very mindful of the public perception of what a football league is like. There is a perception at the moment that it is not family friendly, that it is not a safe environment. From my experience is not true, but somehow we need to turn that public perception around to get people back to the football. I do not think alcohol free is going to solve all the problems, but I think we need to be responsible to look at educating people that yes, it is great. Come along to the footy, barrack, have a beer, enjoy the day. The frustrating thing from my point of view has been seeing people arrive at the football already intoxicated at 10 or 11 o'clock in the morning and security have to deal with these people and not allow them to come in. The minority of people that come to the football to drink and get drunk. And that is the most frustrating. We need to address that somehow, and I guess in an outside venue where it is harder to control, there is larger spaces, we look at perhaps a smaller area for consumption of alcohol. As I said if we go to light and mid strength it is probably be going to be a bit easier for us to control. So I guess as far as alcohol, that is what we are looking at for next year. I mean, that is the

Mr CHAIRMAN: That is for the communities competition, or is that for the CAFL?

Mr IRELAND: I think what ever rules were put in place for next year will be across the board for all football competitions. I think that is the only fair way to do it. We do not want to be seen favouring one competition against the other. I do not think we need to do that. If we do go alcohol free, it will be across the board. And I think that is the only way to approach it.

Mr McINTYRE: Just one thing on that. How would that effect your viability to running the competition?

Mr IRELAND: It is going to have a huge impact. I guess in making the decision, or to help us make the decision we need to look at funding from other areas. Football is one of the few sports left I think, where participants do not contribute a lot to the running of the game. From my experience here in Alice Springs, what the players and the clubs actually contribute to the running of the game would be least of anywhere that I have seen. I think in the early stages, certainly will have a huge impact on the running of our competition until we can create that environment again that we can attract more people back through the gate. We ran a very successful family day this year, where we doubled our average crowd, and on that day we only sold light beer in the outer, and our canteen sales were the highest for the whole year. So I think eventually there is the potential that we can attract more people back to the game and become self funding again, but initially we are going to need a huge amount of support I think, to remain viable.

Dr LIM: I mean, there is a common trait in Alice Springs where it is a law of low alcohol or no alcohol function that many people do turn up with the stomach as a container of the alcohol. They load themselves up half an hour before you get to the venue and through the evening, the alcohol gets absorbed from their internal container and that is how they get intoxicated in an alcohol free or light alcohol function. I mean the Tyeweretye Club is a classical example. I mean, I actually went there on quite a few separate Friday night bush band nights and everybody was body-searched before they came in. Some people would have cans hidden under their clothes or strapped to their leg, whatever and once you take them all out, that people, you can watch people through the night, drinking a few cans only but getting severely drunk through the night. You can assume that those people have had a big swig before they came in and then get intoxicated. So, you will come across that sort of thing.

Mr IRELAND: That would be a huge issue of people bringing into the venue. We had that problem. It was interesting at the family day, which was a light beer only day, security actually removed people from the premises drinking heavy beer because they did not realise it was a light beer only day. So it is coming in and I guess by putting a few of these restriction on ourselves, we are going to be able to control this a little bit better. But, as I said, I have not been here very long but, I have a feeling that it has to be an educational process. It has to be responsibility on our behalf and it also has to be some responsibility on the people that are attending the football and the clubs and their peers that attend the football with them.

Mr KIDMAN: Whilst you are talking about self imposing restrictions on yourself, what onus is going back on the football clubs themselves, to look after their own people, their own supporters in relation to code of conduct. Is that something that has been looked at as well?

Mr IRELAND: Definitely. In the past, the onus has been put wholly and solely on the Central Australian Football League to deal with all the problems. We are actually going through now, new constitution by-laws and affiliation agreements, where we will put some

more responsibilities back on the clubs. Once again, that is the education process, where we need to be responsible. the clubs do and the individuals as well, the spectators and players, officials, everybody, just has to take more responsibility for their own actions.

Mr ALLEN: If I might, I just remembered that perhaps some football teams, quite large ones are sponsored by, I think it was the Quit Smoking Campaign and I am not suggesting people need quit drinking though I might be suggesting they quit smoking. However, that is my complex value system. But I know there are other teams sponsored in the AFL by the Transport Accident Commission, so there you have got government agencies or agencies set up by government and they are distributing funds for sports. When you come to liquor, there are significant taxes raised on the sale of liquor and perhaps the industry might be forgiven for thinking they are already contributing through those taxes but those taxes, in earlier days, as I have indicated to the committee, went to the Territory and states and now go to the Commonwealth. When the Territory had a Living With Alcohol program, which was funded by that or if we still have such a program, I guess I would be arguing if that program would be a source of some funds, a la the Quit Smoking, a la the Transport Accident Commission, Wipe Off zero .05, I forget the name of the team.

Mr KIDMAN: Collingwood.

Mr ALLEN: Wipe Off .05 and we have seen that that sort of funding source might well assist this type of situation. Now, I appreciate that is possibly beyond the committee, it may well be on the Territory government but surely the committee, the government is in a position to lobby the Commonwealth in relation to the need for that sort of fund because there are models. That is, it is a long bow but it would seem to me to be reasonable ask.

Dr LIM: The revenue raised by, correct me if I am wrong there Peter but the revenue raised by the Commonwealth on alcohol excise is returned to states and territories in a discreet form or is it just to a lump sum, do you know?

Mr ALLEN: I have to say Richard, I am sort of a one man cause to find out if that is really being returned.

Dr LIM: Yeah, or whether the returning in a larger distribution from GST and all of that.

Mr ALLEN: Yeah, and the frank answer is, I do not know. We are told that GST is returned, every ten dollars raised is given straight to the Territory. I think we could be reasonably comfortable as tax payers that that is occurring. But this other one, particularly when liquor figures are no longer being collected from states and territories in the way that they were collected by and the way that they were, I do not think that states and territories have the mechanisms available to them to measure whether the Commonwealth is giving them the money that it takes out of the industry. I guess I am fascinated but don't seem to be getting Treasury to perhaps pay attention to this because I think it is something that they should be vitally interested in, to make sure that we are getting our share, which might then be a matter that the Northern Territory government could follow the Quit Smoking and the Drive Safely models of sponsorship to a group like this.

Dr LIM: Well, while the Commission is no longer, while the Commission continues to receive alcohol sales within licensees under your responsibility, obviously people purchasing alcohol privately or from interstate sources will not be caught up in your data collection. Is there a way of estimating what level is coming in outside the system?

Mr ALLEN: I believe there would be, I could not give an example of how it might work now but I know that I am not able to be personally satisfied that the data collected by the Territory is accurate and I know that other jurisdictions, except for Queensland and Western Australia, do not collect it at all. Therefore the challenge of verifying whether the Commonwealth pays back to the states and territories the taxes raised by Woolworths in Alice Springs is something that we are not able to ascertain.

Mr McINTYRE: The figures, that the Territory collect, the wholesale figures that are given to the Territory by the registered wholesalers in the Territory – now Diane raised the issue earlier of wine clubs and things like that. Now we are not privy to what actually is coming in through those if they are audited so...

Dr LIM: I am asking this question more from the point of view of whether there is, we all reckon that the value of the Living With Alcohol program. Through various reasons, the funding was removed or the program disappeared rightly or wrongly. I would like to see the program, personally, re-introduced. If there was a way of calculating, using the figures that currently the Commission can obtain, factor that as to what else comes into the Territory, using that factor combining with the wholesale figures, you could actually work out approximately how much would be taken up as liquor excise. That money could then be say look, dedicated to a Living With Alcohol program number two.

Mr ALLEN: In the paper that Woolworths handed up, I think before, it had the tax rates that applied up to a date in 1997 on the second page of that and under the Northern Territory column, it actually has the percentage of the total taxes raised that went to the Living With Alcohol Program. Perhaps to go more directly to your question, I am aware that some ministers in some other jurisdictions are keen to see the data collected. Perhaps not the Treasurers, but they can be influenced but the ministers who are responsible for liquor are keen to see the data collected and so that, not just for the purposes I interrupted the discussion on the football funding here but also for the purposes of measuring harm minimisation and the value or the deleterious effects of particular products. It also is a basis for research. I think the committee is hearing from Professor Tim Stockwell at a later date. All the work he does, being a scientist, is based on good data. If he does not have good data, his ability to do proper research is in jeopardy, in my view. Probably flogging these figures to death a bit for you but I will try not to do it. I think I have made my point though, that those data is so vital and it is across a range of uses, even one which might assist the Football League.

Dr LIM: In fact, even if we were just, forget about the wholesale figures altogether, you could probably work out on average, the last three or five years of the Living With Alcohol Program what funding went into that. Then factor in the CPI, you could get a reasonably good figure as to what needs to go in today to a Living With Alcohol Program. Yeah, we could do that.

Mr WOOD: Can I ask Kym a footy question?

Dr LIM: Did you watch the Grand Final?

Mr WOOD: The Umpires Carnival is on this weekend. There has been a concern, I suppose, with alcohol and sport are very closely interrelated in a number of Aboriginal communities. You can see out to a number of Aboriginal communities an alcohol sign plastered very close to the football grounds. Sometimes the club is next to the football

ground. In Darwin there is certainly some sponsorships from the alcohol companies. Do you have a sponsorship relationship with any of these alcohol companies.

Mr IRELAND: Yes we have a minor sponsorship with CUB.

Mr WOOD: And do they come on board to help you say with your program for say only selling light.

Mr IRELAND: Yes they've been very supportive about this year actually.

Mr WOOD: That's good if that's the case because I think there's been a tendency in some places to sell heavies and if the football umpiresgenerally that doesn't help you umpiring either.

Dr LIM Well stop drinking then.

Mr WOOD: But I mean they're the sort of problems that keep people away and actually keep people from umpiring and so it's interesting to hear that you've gone over to light and I'd be interested to see what perhaps the NT AFL do this year as well.

I don't know whether you're perhaps if we ever meet again, if you could report on how it goes this year I'd just be interest to see what reaction you get from people, whether you get better crowds and even for the people that are umpiring whether they find there is less abuse.

Dr LIM: From the licensees right here perhaps is there any value in giving the Tyeweretye Club a takeaway license. Steering away from the competition aspect, looking at a social value in Alice Springs is there any value in that?

Mr COTTER: Not that I can think of.

Dr LIM: Okay not that you can see.

Ms LOECHEL: I don't know because I've never been there so I really can't comment.

Mr HARDY: We don't have an opinion.

Mr ALLEN: I have to be careful how I say this because one day I may be sitting in judgement. The Tyeweretye Club has applied more than once to have a takeaway license. It sadly forgot to read it's constitution which forbids it from applying in the first place. Chris who is the Deputy Director of Licensing tells me that that has been rectified. There is no power in the *Act* for a special grant of the license directly by the Minister. In New South Wales that's called the governor's license would you believe and so that the normal process of the *Liquor Act* would apply. The process of the *Act* as recently amended would allow people who are residents of the neighbourhood, or work in the neighbourhood, or have an interest in property in the neighbourhood, to object, and not anyone else.

But you are aware, or nearly all of you are aware of the geography of the Tyeweretye and I can see you thinking through who those residents and neighbours would be and their sole grounds of objection would be that the amenity of the neighbourhood will or may be adversely affected. Frankly, I'd think it's difficult for me while I haven't applied and therefore no-one's objected yet, I'd think it's predictable that there would be substantial objections. The police have a statutory right to object, they don't have to live or work in the neighbourhood, but

although they haven't worked it out yet, the only grounds of objection they have available to them is on the basis of amenity of the neighbourhood. There's also I think a caravan park there. I don't know whether the RSPCA is still next door. There's the showgrounds. Without wishing the Tyeweretye Club any ill-will whatsoever, but if there is a concern that to help them to assist self-determination I suspect that their application would be unlikely to succeed and there is no capacity in the *Act* for a Minister to unilaterally grant one. And even then well that would be a choice for Minister of the day that's likely to be perhaps made politically anyway. So I think that's the sad fact of where Tyeweretye Club sits.

Mr McINTYRE: Just on that too, what Bill Ferguson was saying earlier, they do lose a majority of their people when takeaway hours do open at 2 o'clock. However they certainly don't attract the number of people pre 2 o'clock that some of the other venues do attract because they actually put facilities on. Obviously people go there because there is so much action.

Dr LIM: I mean I sympathise with the Tyeweretye Club and I supported them very, very strongly when they first applied back when I was on the town council. It started off with quite a large following but has decreased over the years and I'm trying to exercise my mind as to how we can promote the institution without causing any deleterious harm to the people who frequent it.

Mr McINTYRE: Bill also said it's sort of years ago they used to, they had a good turnover of stock, ie groceries, toiletries, so forth. Now the people have dropped off and honestly that's suffering because they're not selling those too.

Mr WOOD: Following up on from the discussion we had outside there. I might ask Peter and the next question we were asked in Darwin but the idea of the police doing a breath test in a hotel or outside a hotel, regardless of whether that person can be accused of being drunk or even that figure or not, can the figure that they get be used as an overall piece of evidence against the licensee.

Mr ALLEN: The short answer to that is no and the more qualified answer is that the blood alcohol level could only be used, or would only be taken notice of by the Commission if it was part of a package of evidence. The other part of that evidence would have to show and prove that the person was exhibiting signs of intoxication such that the person was, the police had reasonable cause to believe they may be intoxicated, they were stuttering, staggering, spilling their drink etc, etc. Then the breath test would be part of that package of evidence. Even then the blood and alcohol analysis only has immediate legitimacy under the *Road Traffic Act* so the person who took the blood analysis would actually have to appear before the Commission, bring a certificate saying that the machine had been recently tested, give evidence to the fact that they were the officer conducting the test and give evidence of how it was conducted. Because in a court dealing with a traffic matter the machine is deemed under the *Road Traffic Act* to be correct. There's no such deeming under the *Liquor Act* so they have to bring the evidence of the machine's correctness, have that evidence tested on cross examination and the only way they can get that up is to actually have the officer that did the testing. Whereas in a magistrate's court on a traffic offence simply the production of the certificate referred to in the *Road Traffic Act* deems the person to have had the blood alcohol content shown on that certificate. It's a long bow I think for the police to get this up.

Dr LIM: And maybe Gerry you never, what I said last week too that a person, a diabetic, an insulin-dependent diabetic who has run short of sugar, could display pretty much the same signs.

Mr WOOD: I'm not arguing with the Commission, what I'm basically saying is it could be used as part of

Mr ALLEN: As part of.

Mr WOOD: That's all I'm saying. It can't be used on it's own.

Mr ALLEN: No. It would be unlikely, I couldn't see it would succeed, it could not succeed in the Commission on it's own. It has been used in the Commission but only as part of a package of other evidence.

Mr WOOD: It's been used before?

Mr ALLEN: Before the Commission.

Mr WOOD: Before this has all happened.

Mr ALLEN: Yes it has.

Mr WOOD: Some years gone by.

Mr ALLEN: Yes probably six times from memory. The lowest blood alcohol reading that we've had presented to us though, which has resulted in a license suspension or a caution or whatever has been 0.176. Normally the reading presented to us are 0.253 and 0.308 and the highest we have had was into the 0.350s. Now, quite frankly, when I talk about a package of evidence, if somebody comes in, if the police were to be able to give a satisfactory evidence that they had blown, say 0.250 or 0.300, we would be likely on balance to find that a person of such a blood alcohol content would have been showing other signs and those signs should have been noticed by the licensee. So that blood alcohol content would have course take on a more significant evidentiary effect. But the one in Darwin at 0.095 the evidence, you probably be able to hear this one then. The evidence about the other indicators there would have to be quite persuasive. Because many of us, if not all of us in this room at 0.090 would be unlikely to be showing signs of intoxication that were immediately visible to those around us. We might know ourselves; or should know ourselves that we should not now drive, but most of us would not be fumbling for our change for the next drink at 0.090.

Mr CHAIRMAN: Can I just raise one, and it is purely a suggestion. A fool on my part. And I do not think it would be you know it would not be one person in this room that would not be aware of the impact that alcohol has on us as a society in the Northern Territory. There is no doubt about that, and anyone is sort of, I mean that is very clear. I know that like for instance Peter you have viewed the Tennant Creek situation in isolation and in the context of Tennant you have also done Katherine. You have done Alice Springs, you have done a lot of the other remote communities.

Mr ALLEN: Nhulunbuy, Pine Creek.

Mr CHAIRMAN: And as I say, they are normally isolated responses to a specific set of problems due to the anti social behaviour arising from excessive alcohol abuse gets quite violent. Diane pointed out this morning about the Territory being at a standstill, the potential to be at a standstill, unless we address these sort of issues. And I am talking about – really, the bottom line is not this quality of life. That is all we are talking about. When you think about it.

Everyone has the right to make a profit. Everyone has the right to operate their industry in a responsible and a reasonable manner. Equally members of the community including Indigenous people, have also certain responsibilities in terms of how we respond. I guess what I am saying Peter, is we do think these things in isolation, you know. It becomes a bit of a bun fight in some circumstances. But is there any capacity for a grog summit?

Mr ALLEN: Yes.

Mr CHAIRMAN: It would take a lot of organising and planning, but given where we are heading, you know we talk, given where we are heading, isn't it a serious enough issue to for at least someone to try and facilitate some sort of outcome? If it means a bit of pain for some gain, wouldn't it be worth it? What I am saying is, is there any room for a grog summit, so people can you know, you have to pick different industry, clothes, hotel, the tourism and that sort of stuff, you know, sporting, the whole lot. But to say listen, this is really hitting us, and it is about time we came down to some sort of understanding which give the government some understanding to where they might want to make changes. I am talking about you know, not prohibition orders but a form of compulsory rehabilitation. I am talking about you know, certain protocols being developed across different industries. Is there any benefit?

Mr ALLEN: The New South Wales one, what took me by surprise was that I would have welcome and people from all over Australia went, including your own executive officer. There was a good deal of information went from my office to that to the staff there. And it seems to be at least in focussing the issue most successful and we all look forward to what comes from that. To go straight from what appears to have been a very large and detailed summit straight to Tennant Creek, there was one Elliott I think you would be aware of and certainly before my time, in John Maley's time during 1995 where there was a grog symposium in Tennant.

Mr CHAIRMAN: In Tennant? 1993.

Mr ALLEN: 1993. That appeared to have been on its face on the day very successful and it led to a lot of discussion and it led inevitably to the Tennant Creek restrictions. Now that not suggesting that is an immediately desirable outcome, but was an appropriate outcome in those circumstances. Indeed, at the time, I was actually chief of staff to the then Minister for Education and I heard your predecessor the local member often talk about liquor issues in the Assembly, and just as somebody who was not involved in them then, but as perhaps as a person who lived in Tennant, it was obvious to me that something needed to be done just as a spectator and indeed they were done and ended up having a role in them myself. So there was an outcome there that directly related to the issues there. Now if we go out from the Territory wide basis, I have a concern that I was probably saving for next Friday, but I will say it now, is that there are many people working on the grog issues, and I am wondering if each of them know, I think I know who they are, but I wonder if they know who they are?

There is this committee, a select committee of the Parliament, and my group is quite honoured that we are actually getting dedicated time and we see that as a very serious opportunity. There is the Minister for Racing Gaming and Licensing department, which is Treasury, not the Commission; I will talk about that on Friday which is working very hard. But whether you know what they are doing, or they know what you are doing, I am not so convinced of. There is the health department which are working on it. There is an itinerant strategy, whether you see those papers or not, I do not know, but I have got them. The police have their views. It is concern to me, and I perhaps I am just perhaps it is my neat and tidy personal psychology but to me it looks ragged that there are so many organisations

composed of serious minded and competent people who appear in our very small jurisdiction to be working in isolation.

There is also the Commission. But we think we know who else is working on this, a symposium, Pat is groaning and perhaps I am groaning because I have got a fair idea who the organisers will be, Pat. Your office and mine, basically if the minister goes along with this. But a symposium in New South Wales seemed to me to be much more than a talkfest. The symposium in Tennant Creek was more than a talkfest. I have some concerns that the government of the day which really is a problem for them, not for me, but might never the less go off and launch its liquor strategy, thinking it has consulted, I am not convinced it has. My advice if it were mine to give would be that if you consulted, the people who you consulted with do not remember it. In that it was historic, perhaps done in the time of the previous government, so I think any bold plan put out before the public might well surprise them. I saw something the other day that talked about take away hours going back to 12 till 6, which had me falling off my chair. If there are people drilling into that level of detail in the absence of public consultation, well that is not a threat to me, but it is a threat perhaps to elected decision makers that I believe they ought to think through. Probably stepping well outside my brief here, but you asked me to speak my mind, and I usually do.

Dr LIM: I do not mean this dishonourably that I am politicking, but I think for a select committee appointed by, for a committee to be selected by parliament, and to have other peripheral committees doing the same sort of work disappoints me greatly. I think all the work that has been done on the alcohol issue should be fed into this committee for it to be under one umbrella. The way it is at the moment it's just absolutely crazy.

Mr ALLEN: Well it certainly needs if I may Richard is coordination. Now a symposium is a form of public consultation, where to me all of the issues are put up, depends on how it's managed. I'd almost volunteer to do this but I'd like to be experience in Katherine and here.

But if it's well organised in it being an open truly consultative thing and it's well documented, it has the danger of perhaps of replicating all of the work you've done, but it does put it out before the public. Now you've tried to do that by having public hearings. The Commission's been relatively successful at that over the years. We had a couple of hundred people to a meeting in Tennant Creek. I think the whole process may yet – everybody is conscientiously working on it, may yet flounder in the court of public opinion if the public aren't more involved. I should probably earlier put a full stop there otherwise I just get quite impassioned about it.

Ms LOECHEL: I think if we look at the Northern Territory as a whole and we're promoting the Northern Territory as a package, where we fall down is that you can come in from Darwin, if you fly in internationally or you're on a cruise liner and you get there and all your services are there for you. You can go in, you can have a drink, you can have what you want, do whatever. Three hours out of Darwin you're in Katherine, hello different thing altogether there, you can't do this, you can't do that. You go down another 900 kms you hit Tennant Creek, well now better not get there on a Thursday. We have all these different rules, regulations, regulations for every single area in the Northern Territory. Not only is that confusing for the people who live there but it's also confusing for people that come into the Northern Territory.

You then go away with this wonderful impression of what Ayers Rock looks like and Kakadu National Park and the Katherine Gorge, but they don't remember those things when they leave the Northern Territory, they remember what they couldn't do while they were in the

Northern Territory and we don't have any uniform standards anywhere. You come to Alice Springs we have different rules, different regulations. You go down to the border and you're free to do whatever you want. Once you hit South Australia you can get what you want when you want where you want and there's very little regulation unless you're going into traditional lands and then you must sign clauses at any roadside stop to stay you're not taking anything into the Pitlands or Pitjantjatjara or those sorts of things.

If these things are going to work and be truly successful and we're all Territorians then it should be the same rules for everybody. We look at all the regional areas but we never ever look at Darwin. Darwin doesn't have a problem with itinerants. Darwin doesn't have a problem with people drinking. Darwin doesn't have a problem with anti-social behaviour. Every time you pick up the Territory News there's more stories about problems about itinerants, anti-social behaviour, what do we do up there? We pay \$500 to send somebody back to their traditional lands. And that comes off of their payments and all these other things but it doesn't stop problem because they keep coming back and then the next time they come back they want another \$500 to go home.

You can't keep looking at the regional areas and say those are the places that have the problems but we don't because we're in Darwin. And you're not going to get support by the people in the regional areas all the time they think Darwin's untouchable, and it is, and it's seen to be.

Mr WOOD: Who's the we?

Ms LOECHEL: Us. We.

Mr WOOD: What I'm saying, I'm not saying there's not value in your argument but I would imagine that the issue in Tennant Creek or even the issue in a little place like Elliott which has some pretty tight restrictions on alcohol, didn't come from us, it came from those people living in that community.

Ms LOECHEL: But you have people living in Darwin who have legitimate concerns about the long-grassers, I mean now they're not long-grassers they're the itinerants, they have their own association. You know people are suddenly becoming politically motivated aren't they. It's good to have an association for itinerants. Well how can an itinerant have an association if they don't have somewhere to live. But they do. They have people who are prepared to get on a bandwagon and represent them and suddenly they have all these rights and rules and regulations, were all put in place for them, and the normal people in the community who are the people paying the taxes, working their butts off, contributing to the community – their needs and wishes quite often are just put by the by because we have to look at this group of 200 or 300 people. Well let's look at this group of 200 or 300 people. If we're going to have a grog summit, let's not look at how we can restrict trade in the Northern Territory or how we can stop business from growing or how we can stop attracting people in. Let's look at the 300 or 400 people in each of those regions and look at strategies that can help those people. You're tackling the thin end of the wedge to get larger acceptance.

Mr WOOD: That may be true but then when we look at the figures lets say from the police that 70 – 80% of all crime is alcohol related you're not talking of 200 or 300 people. You're dealing with a larger number. 200 or 300 might be alcoholics.

Ms LOECHEL: But you're talking about repeat offenders.

Mr WOOD: But there's a group of people in our society who may not be in the alcoholic bracket but they do abuse alcohol and they are something that we have to take into account as well. What I'm saying is, it's all very well to talk about the tourist industry, most important. But people who live here have also got issues that they have to deal with because they live here 24 hours a day. Tourists to some extent have got to accept that they are coming to a foreign place and there will be different rules. You might say it should apply all over the Territory, might be the case, but I would say that the people in Elliott perhaps would say the future of our lives in our town were more important than whether the tourists were happy. They got together, they brought in some rules for their pub, I reckon Elliot is a far better place than it used to be ten years ago. It's a community that's got a lot more pride in it. So I don't think you can just sort of say alright we just have rules all over the Territory the same because I think we deal with people who have self-determination. You spoke about that yourself before. People in Elliot have self-determination. It's much harder in a bigger city to have self-determination because in Howard Springs we don't have itinerants, or if we do we have very few of them we don't have a problem that way. It's certainly in Palmerston next door they have a problem. Trying to get that sort of community base to have some change is probably much harder with a big population. Much easier in a place like Tennant Creek, small population and Elliot, but I just don't see all things for all men can always work.

Ms LOECHEL: But you look at Tennant Creek they have longer trading hours in their takeaway than we do in Alice Springs. Tennant Creek has a population of 3000, we have a population of 28000. There's more tourists come here than there are in Tennant Creek but we have less trading hours than they do. Mataranka Homestead has more tourists per head of population than any other place in the Northern Territory.

Mr WOOD: I am not sure that that's a great figure because there may be only be two people in Mataranka.

Ms LOECHEL: But what I am saying is you're looking at a larger proportion of people being affected by something because in our community and if we don't take Elliot and Katherine and all these other places, we have a very small proportion of our community that have real problems with alcohol. As I stated earlier everything is for when somebody is already drunk there is nothing that prevents someone from getting there to get drunk. Absolutely nothing. You know we take takeaway hours away so they go to the supermarkets they buy vanilla essence or they buy lemon essence or they buy any other essence they can get and they tip it into coke bottles and we decant coke into this that and the other so that they can buy their cask and tip it in to do all these other things. We don't look at Coca Cola and say excuse me you're part of the problem because they're actually using your coke bottles or take the plastic of the market. You know. We don't do those sorts of things but we look at the takeaway. But if we didn't have 600 ml or litre bottle plastics that they could do these things with they wouldn't do it would they? It's a whole range of issues that affect what we do.

Let's go one step further. We talk about longer trading hours. Saturday we trade from 10 until 9. It's the longest day of the week we trade. It's the least amount of money we take. Anybody come up with a reason for that?

Mr WOOD: Had a good Friday night.

Ms LOECHEL: No, because the banks are closed and the people that have the money to spend can't access it because they can't get in the bank to get someone to get the money out for them.

Mr WOOD: I agree that I mean we've been around a lot of communities and I don't like to push the community barrow all the time because there are alcohol issues in Darwin and Alice Springs but I think there needs to be more work done on, for instance full employment. We've seen people sitting down doing nothing all day it's never going to help. And until you get people actually up doing something worthwhile, then maybe going around footy training at the end of the day, you're more likely to get a better approach to drinking because one it's, although they probably drink when they're thirsty in this case, and they've had a day's work, and they're probably going to be tired and go home and go to bed. But the way it is at the moment you've got the whole day, you can sort of spend drinking if need be.

Ms LOECHEL: Don't you think we have to look at the infrastructure in the communities. I mean what encourages people to stay there, that's it, there is nothing there for people to stay. There is nothing there for people to take pride in. There is no real infrastructure that gives people the basic needs and wishes that they need in their communities.

Mr WOOD: But the people that are leaving those communities aren't necessarily leaving because they haven't got pride. The people that are leaving

Ms LOECHEL: The young people are leaving because there is nothing to do and that's going to be a continual problem and in my opinion for what it's worth, in the next ten years we are going to have the biggest tracts of land that belong to people and no-one is going to be living there and that problem is going to continue to come into the urban areas and we will be sitting here in ten years time, having the same discussions about the very same issues and we have done for the last 20 years and we probably will continue to do so. You know, it takes something out of the square, for something to make something happen. And it means taking hard steps, it means putting ourselves on the line and saying: 'These things are not acceptable, they are not acceptable where you live, they are not acceptable where we live, this is our community.' You know, and that does not happen. We constantly make excuses.

Mr CHAIRMAN: Can I just say something because I just want to make it clear that when I talk about a summit I am not suggesting any way that I would restrict or inhibit the private sector or development. I am pretty clear about that because I am realistic enough to know that you cannot have one without the other. But the point I am trying to make is that and Peter's point I think is valid to a certain extent, we do have a range of responses. I do not believe that we are tackling the bigger issue and the bigger issue is, how do you grow the Territory. There is a quality of life issue here, because we could be here in 50 years time saying the same thing. So there is a culture change that needs to occur across the Territory, probably right throughout remote Australia and how do you kick start that change?

Ms LOECHEL: By making people responsible for their own actions.

Mr CHAIRMAN: Exactly.

Ms LOECHEL: So that there is a punishment to fit the crime and if that means, you know, like New South Wales have just had a big Liquor Summit and a lot of people were invited to attend that, from a lot of different walks of life and they are trying to trial people who commit crime that is alcohol related being put in through compulsory rehabilitation things. So, they are identified at the beginning of their career, not towards the end of their career. Now that is a big step. It is something that needs to be done because we do have repeat offenders who are continually picked up for breaking a window when they are half cut or doing something.

Now regardless to whether you are black, white or you know purple, it does not matter. If you get picked up coming out of a late premise here in town or somewhere in Darwin or whatever, you are going to get taken to the police station in a cage car, regardless. If you are picked up one or two times or three times, hello, you have got a problem, we need to identify that, you need to be channelled into something else, other than what you are doing. Why are you going there every Friday night getting to that extent where you end up in a cage car and back at the police station. Those are the times that people need to be identified. But that does not happen. You know, we constantly make excuses.

There are so many agencies working for so many people that they are all replicating what they are doing and then the people end up not having anything done. If somebody is constantly picked up, regardless of whether it is outside my venue, your venue, it does not matter, if they have got so many strikes against them and they go before the magistrate, instead of somebody getting up and saying: 'Oh, yes, but it is because my client has had a abhorrent childhood and they are doing all ...'. I mean, it is wonderful but it does not help the person, so they just continue to do it and someone always makes an excuse, so we spend money defending them in court, doing all these other things when at the end of the day, if there was a punishment to fit the crime, they might think twice about doing it. You know, we had mandatory sentencing and whether people said that was good, bad, it did not matter because it applied to all of us. Now, if I did something wrong, my three strikes, I was out, simple as that, I did time. There was no question about that, regardless of my childhood. We need to look at the same sorts of things for people who, it is far better to get juvenile offenders out of the penal system before they get to that age, than it is to let them get to 18 and lock them up. We do not have those interventions. With restriction in our area, we have seen an increase in displaced youth because it is not safe for them at home any more. They cannot go home at night because the problem goes back to their home and it is going later, so we now have youths walking the streets who are as young as eight years old, younger and they are still walking the streets till two, three in the morning because they cannot go home. We need to look at other things to take those children out of those situations, change school hours, change something but let us start something so that they can do something.

Mr CHAIRMAN: I do not disagree with you and I do not have anything further to say than this point. What I am saying is that, I mean, what you have just said, I have heard in Katherine, I have heard in Ngukurr, I have heard it in other places. So, you know, some of the views are very similar. But again we will be in isolation in a lot of cases. And all I am trying to say is how do you get it out there to say: 'Eh listen, these are some of the –these are the issues, these are some of the responses.'

I am not suggesting that it would work, but you need, I just have a view that you need something to break a culture. I will give you a good example, and I think the hotel industry to be admired to a certain degree. Because in a lot of places in the bush, people know that, they were there to make dollars. And their conditions and the service and the irresponsible manner in which they retailed was atrocious. Now, you have seen a change over that – well I have certainly seen a changes over the last 10 years in respect to how they respond to community criticism and pressure. The community says that that is not good enough. You have got to change. Well, what I am saying is that isn't it time that the rest of the Territory say: 'Hey listen, this idea of you continually re-offending because you have got an alcohol problem, sorry, that is not good enough.' Are we coming at it from little pockets? I am not saying that it will work, but the debate needs to be had out there. The Territory, -I mean, you talk about New South Wales summit that is totally separate to the Territory. You know, Sydney population of what, 4 million people, but in the Territory, I think we have got a bit of a chance to address some of those issues by this approach. But there, I will say no more.

Mr ALLEN: It is, if I might say, it is quite significant to see people at the premier level in Queensland and New South Wales taking these issues on personally, which I think is a very brave call on their part, because they have to succeed; if the Premier takes something he has to succeed, does he not? He or she has to succeed and that may well be a trend that moves across Australia. It is not something that the Territory, I would think would want to get left behind on.

Mr WOOD: I agree with what Elliott said Diane and the issue raised was raised here at a meeting of this Substance Abuse Committee earlier this year. There was a reaction from some people there and an absolute look, you know, 'no way.' But I did not agree, and I said quite forcibly that I did not agree with what their response was. So it is an issue that certainly would take a lot of thought before it came into being. I mean, I like the idea of not so much putting people into detention as such, because I think that once you say that, you are going to have a lot of reaction against it. I am talking about a place where you have to have some requirement to stay there. But it could have a small vegetable garden. Some skills could be learnt there. There could be some basic education. So it could be a whole range of things and where the family could visit perhaps on the weekend or the evening or something. So there was a carrot and stick type facility that should be reasonably close to communities like Tennant Creek and Katherine and that. I think that has got possibilities, but I would throw it in with issues like I have said many times that I do not think we should have an employment system where you can take the choice of whether you sit down or whether you work for CDEP. Especially in small communities in the Territory, and maybe I am not sure whether how else it would be regarded as small, the Commonwealth should supply enough funds for people that want employment to get employment and they do not have a choice. But if they do not want to get it they have a choice, if they do not want to go and find some work, they just do not get paid. But here we will give you 8 hours work and be it CDEP programs or I mean in America in the 30's in the Depression the government went out and made programs for people. Maybe that is not applicable today, but at least people were working. And I think far better to go down those paths and at least try, than to have a whole generation of people who are just basically become people who are waiting for welfare. I think there is a whole range of things that need to be put into place. And I think there is merit, and I would be worried about a talkfest, but there may be merit in the long run. That if a group of people in the Territory said: 'We want the Commonwealth to do this so that there is full employment. We want the Territory government to bring in some places where people are continually re-offending or habitual drunks or that can go, or can be forced to go to some extent by a magistrate, but a whole range of issues I think would be good. But it is a big ask, that is the problem and I suppose that is the reason we are on this, to hopefully come up with something but I do not think we have got the magical elixir at the moment.

Ms LOETHEL: But I mean, I think if you take it that next step down, neither do we. But it comes back to us as being the people that are always held responsible for everything that occurs in the community, whether it be a bloke getting his window broken, well it is your fault because you sold him the alcohol and you know, I have made the point many, many times, we live in the community just the same as everybody else. We are not immune to the things that happen. We do not all fly out in our Lear jets and come back tomorrow. We live here as well, we are all part of it, so we do see the affects of it and it gets very frustrating when you are constantly berated all the time, it is your fault, it is your fault, it is your fault, we need to change.....and that is the thing that we have got to try and get away from is the point and blame at and looking at the much bigger picture and say, well

Mr CHAIRMAN: It is part of the culture of them and us.

Ms LOETHEL: Mmm. It is.

Mr CHAIRMAN: That is being actively driven and someone has to say, it has got to stop. I cannot do it. I cannot do it and this committee cannot do it and if you get, I mean Peter Beattie did it in Queensland and I think there are some significant results coming out of Queensland in terms of how people are dealing with it in indigenous communities. It is serious enough for that to be addressed at the highest level in the Northern Territory, that is what I am saying. But where you start I do not know, maybe that is something that hopefully this committee might want to recommend to the Chief Minister. Say, listen boss this is pretty serious out there, you have to act on it, I do not know ...

Dr LIM: I think the first thing this committee can do to facilitate all this is to get on with a report done.

Mr CHAIRMAN: That is what I am saying.

Ms CARTER: Hear, hear.

Dr LIM: If we did a report it would make a big difference.

Mr CHAIRMAN: A what report?

Dr LIM: A report, we have not done a report yet.

Mr CHAIRMAN: We have done an interim report.

Dr LIM: Yes, but we need to get...

Mr CHAIRMAN: What I am saying is that it could well be that the committee might want to say: 'Chief Minister, it is serious enough, let us go down this track, you must take the lead.' Regardless of who the Chief Minister is at the time. Is there any other comments?

Dr LIM: Thank you everybody much appreciate your time and all that..

Ms CARTER: Thank you.

Mr CHAIRMAN: Can I just officially on behalf of the committee, thank you all for your attendance here this afternoon and as we mentioned earlier, all that we have said is on Hansard and if anyone needs a copy, can you contact Pat and we would be happy to provide a copy and I hope that the meeting has been useful and may it serve as a bit of inspiration in terms of what we might do in the future. I must say how I am very personally gratified though on how the industry has matured over the years and in fact, I would dare say that the liquor industry, in a lot of circumstances, is probably leading the way in terms of coming to grip with some of the issues and over time it has certainly matured. There is a long way to go but I see the industry as playing a very important role in facilitating the change. Thanks.

TRANSCRIPT NO. 16

DARWIN – BRIEFING NORTHERN TERRITORY TREASURY

8 October 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Len Kiely, MLA
Dr Richard Lim, MLA
Mr Elliot McAdam, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Dr Ian Crundall, Director Racing, Gaming and Licensing
(Policy)
Mr Gary Moriarty, Director Licensing
Mr Gordon Renouf, Project Director, Alcohol Framework Task
Force

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: I welcome Dr Ian Crundall, Director of Racing Gaming and Licensing, Mr Gary Moriarty, the Director of Licensing and Mr Gordon Renouf, Project Director of the Alcohol Framework Project. I am not sure what was proposed, Pat, I missed the last meeting. Was it just going to be an open forum with the Committee or was there going to be a presentation in terms of going through the framework ...

Dr LIM: I believe that because we are looking at the alcohol issue, in particular ...

Mdm CHAIR: Yes, I know we are looking at the alcohol issue what I was wanting...

Dr LIM: What I am trying to say, Mdm Chairman, is that we had planned to talk to the Licensing Commission, we had planned to talk to licensees and we thought it would be good to talk to the officers in the unit to see their point of view versus what the Licensing Commission might have to say.

Mdm CHAIR: All right. Thank you, Dr Lim, for that bit of information.

Dr LIM: All right.

Mdm CHAIR: That answers part of my question and the other part is that we have ... yes we do want to talk to Peter from the Licensing Commission and it would be good to go over

some of those issues. There is also the new review team which I think, Gordon, you have part of it, so I think we need to bear in mind that we keep the two separate. Are all members fine with that?

Mr WOOD: What is separate?

Mdm CHAIR: Well, we have members from the Licensing Division, all right? There are issues that we, as members, may want to ask them. There is also the new review team that has been set up which is looking at the review into the *Liquor Act* and other things. All of us were given a copy of the terms of reference for developing an alcohol framework, and I just thought that we should keep those two ...

Mr WOOD: I wouldn't necessarily agree with that.

Mdm CHAIR: Anyway, let's not get ...

Mr WOOD: I think we were here first to put it bluntly.

Dr LIM: Yes, well we have got to talk about that, Mdm Chairman.

Mdm CHAIR: Let's keep the two separate, that is all I'm saying, all right?

Mr WOOD: I don't think we can keep it separate.

Mdm CHAIR: I'm sure Dr Lim is ...

Dr LIM: No, I think I am about to agree with the Member for Nelson, it is not separate.

Mdm CHAIR: Yes, all right, he has got his own line, he can say anything.

Dr LIM: It is not separate.

Mdm CHAIR: It is not up to us to have a debate in front of our visitors, so I ...

Dr LIM: Why not? I mean, I think Gordon should know how I feel about this new committee that is coming up.

Mr KIELY: As much as I like the fellowship that is going on here, can we get on with business?

Dr LIM: No, no. I think this is getting on with business. I think as a committee ...

Mdm CHAIR: Come on, let's start.

Dr LIM: No, as a committee, I think we should be making a statement on what we think of the Alcohol Framework Project.

Mdm CHAIR: Richard, that's fine. This committee can discuss that in a deliberative meeting of the committee, not in front of our invited visitors. So if you want to discuss whether this committee puts out a statement in relation to that, that is for discussion in a deliberative meeting of the committee and can be dealt with at a different time when the committee meets again.

Dr LIM: All right Mdm Chair.

Mdm CHAIR: Is that okay?

Mr MORIATY: Thank you Mdm Chair. Perhaps could I offer an introductory structure?

Mdm CHAIR: Thank you Gary.

Mr MORIATY: Dr Crundall and I are here on behalf of the Racing Gaming Licensing Division. We are officers of that division, respective directors with different responsibilities within that division and we are confident to talk about our activities and responsibilities. Mr Renouf is here as the Project Director of the Alcohol Framework. He has no direct relationship with us other than as stakeholders in that project, as members here also are and as the community is. So perhaps in terms of the structure I could outline my responsibilities within the Racing Gaming Licensing Division, let you know some of the difficulties and issues that I deal with on a day to day basis and that may generate some issues for you to pursue and I would suggest that Dr Crundall could do the same.

Mdm CHAIR: There are some issues that might have come – we did receive the organisational chart. I hope you all read it.

Mr MORIATY: I was just going to add – and I think the other – to use this time constructively is just to let Gordon talk a little bit more about this project, about developing a framework and how it fits with the work of this committee.

Mr RENOUF: Okay, so as I understand it, the Minister for Racing Gaming and Licensing issued a 5-point plan in May in relation to alcohol and indicated that in September that he was establishing a project to develop an alcohol framework and each of those terms of reference he appointed former minister Daryl Manzie and Donna Ah Chee, the Deputy Director of Congress Aboriginal Medical Service to be the project leaders on a part-time basis and appointed me as the Project Director.

As currently planned there will be one other staff person and I gather there may be some possibility of getting other resources if we think that is necessary. The terms of reference of that project seem to be fairly broad ranging, however the minister, as I understand it and certainly I am, very conscious of the fact that the Select Committee has undertaken work in the area of alcohol and it would be foolish to duplicate that work. So it seems to me a priority that we, the Framework Project and the Select Committee come to an understanding of how best we can work together cooperatively to produce the results that are beneficial to the community and desired by government.

I guess I would imagine that will probably require a certain amount of liaison between this project and the committee over the next month or two, to work that out and I am certainly inclined to stress to my project the importance of having a cooperative relationship with the committee and not duplicating resources and very much the need for an ongoing alcohol framework for the Territory to have bipartisan support and to involve the community and the industry as well as the government agencies.

So as a foundational statement I am aware of the possible concerns some members of the committee may have with the way in which the – perhaps the issue really is one of ordering. One possible way of looking at this might have been, in an ideal world, some would say, I

gather, that it might be better for this committee to have finished its work and then some sort of framework project at a more detailed level to come along.

I guess we are going to need information about what your plans are in terms of time-lines and overview and vision and that sort of stuff and we need to collectively figure out a way to work that into the framework I think. In terms of that issue aside, if that issue was not there perhaps, the way that the project team are inclined to think that we should do our work is as follows: we acknowledge that many organisations have made contributions to the alcohol issue over the last 15 years, particularly in the Territory but also elsewhere that are relevant to our concerns and they have made submissions both to this process and to the 1989 etc, sessional committee and to some other inquiries. So, our first task is to get ourselves across all the work that has been done; all the submissions that have been made, all the evidence that has been given to this inquiry and others and to then work out what an alcohol framework looks like. What does it mean? What is involved? What are the structures and processes that it should or could include and to publish a interim report in the nature of a discussion paper really. Our brief is to do that by Christmas time. But I would not think that any, apart from perhaps from adopting *Harm Minimisation* as an overall goal, which I think everybody seems to think is appropriate. Apart from that, nothing there may be little that is actually decided. This is what we are thinking, is a framework, this is what we think is on the options within that and then to allow people to comment on that over the next few months and finish our report by May. That is the timetable that the minister has given us. As I said that was the process, you know, that is really all subject to working out how we work in with the work in this committee I think. I think there is some detail work to be done in terms of that. That is probably the sort of introduction I would like to make, but it is probably useful to take questions and to hear your views about that.

Dr LIM: Please do not take it as attacking you, but I went through the terms of reference and the looked that, and I said, look, what I am going to do I am going to tick off those that we are currently addressing, and those that we are not looking at. Number 1, number 2, number 4, number 5, number 6, number 7, number 8, number 10, number 12 are all the things we are currently doing. Number 9 is the probably the exception that stood out: Examine the use of accords which recognise the to need for coordinated effort in reducing alcohol related problems etc etc. Maybe it might have been in the minds of members of the committee, but I have been on this committee from the very beginning and it had never entered my mind that this would be ?. I think it is. I think it is a good term of reference, but the others are been done by us already. The piles of stuff that we have received from all around the Territory, through all the visiting we have done in the Territory, if the \$0.25m that has been given to this committee were to be dropped into the Legislative Assembly and say: Look here you are guys, go do it and employ the services of Mr Renouf as well to help along with it. Man, we could produce a gold covered plated project report that would you know, be for everybody to worship. I believe strongly that is just a duplication of what the committee is doing. Whether other members agree with me or not, this is the view I have and I am going to continue to express that view.

Mr KIELY: Following on from that view Richard, and I take your point that you might consider that there are areas of duplication but then again, you know, I would rather look in these areas that complement each other, and these are the areas that you have identified that we could work closer with Mr Renouf, but if we have got the information, his framework project is on a rather tight timeline, then more so. What are those numbers of the terms of reference that you rattled off that you reckon we have got

Mr McADAM: Right up to 9.

Mr KIELY: Well we should make sure that we make this material available to him so that will give him a bit of flying start I would imagine.

Dr LIM: In response to that Len, the fact that the minister says it must be done in an instant report by December 2003 in a parliamentary report by May 2004. The minister is saying to this committee: 'You guys are not doing your work, you guys can not come together with a valuable report that we need, that is why we need to have a second committee to get things together.' I mean, I think this is a real reflection on this parliamentary committee.

Mr McADAM: No, not at all.

Mr KIELY: Not at all.

Mdm CHAIR: I do not think so.

Mr KIELY: I do not see the Framework team as in competition with us. I mean, you know, we are not here to see him pump out the prettiest report, we are here to try and get the problems sorted. If the *Alcohol Framework Project* can assist us, or can assist the community, then I am right behind it and any and all information we have gathered it will be of assistance to them then I think we should give it to them.

Mr McADAM: I just want to just make one point, because I do not think it is appropriate to enter into this sort of debate in respect of this particular exercise. Richard, if you are alluding to the fact that right up to 8, and including 8...

Dr LIM: 10 and 12.

Mr McADAM: Well okay. But particularly in respect to 9 and 11, 9 and 10. So what I am saying is that I just think it is an ideal opportunity to work in absolute cooperation with the process committed to by the minister in terms of all of the information that we have gathered and you may recall that some time back we had this debate in regards to how do we put all this information together and present it in a very precise way. I honestly believe that this is the vehicle to do so. In the interests of the committee, my view is that I don't think we really should go down the track of agreeing or disagreeing with the framework, at least as the committee proposed by the minister. I think we should be, where possible, being very cooperative and provide the information. What we do will clearly play an important role, or it will be the basis upon which information will be provided to your committee in terms of some of the recommendations. There is no doubt about that.

Mr KIELY: I think some consideration might be also given as to whether a member of the project team comes in with observer status.

Mr McADAM: And again, I have raised that before too.

Mdm CHAIR: I mean, that is an option, but I bring us back to what I was saying at the start, we have invited guests, there are issues that have to be discussed and we are on a time line. I mean, we have all got limited time here today. I take on board your points Richard and I think that there has to be discussion amongst committee members about how we move forward with this. I think that there could be a number of advantages between this committee and the project team. I suppose duplication could happen but it is up to us to sit down and work out how we can work cooperatively, as Elliot said, together, to try and address this issue

which I think no one has been brave enough in the past to make some hard decisions in relation to the issues of alcohol and I think the framework and what could potentially come out of that, and with this committee, could be some groundbreaking stuff for the Northern Territory and a move to the future.

But just picking up quickly on what Elliot was saying is where may be the project team in some of the visits, whether they are part of visitations to a number of the communities, there is the issue of information that has been given to the committee, apart from, and that is something that we will need to check, evidence that has been given in-camera. Information that has been made public, that we have made public, should be able to go to the project team. We will need to have a discussion about the in-camera disclosures. But I really would like to move on this and have some substantial and constructive discussions. Gerry?

Mr WOOD: Yes, I am happy to talk about it in a deliberative meeting anyway, so I will leave my comments to that. One thing that does concern me is because we have these two committees, or two groups going, and the mention that the minister makes a statement that their role will be to canvass the views of the community and key stakeholders such as AHA, clubs, NT Liquor Licensing, police, local government bodies Aboriginal organisations, community groups, educators and health workers about their issues of concern related to alcohol.

I know you have said you will go and locate all the reports and things like that and you mentioned a 15 year span of when all of this started, with some Senate reports or House of Representatives report, and also the one that Bernie Kilgariff was on many years ago. I have a concern and we can probably debate in a deliberative meeting, but my concern is that we have just been down and talked to some of these people who have probably been spoken to before, you pop up and talk to them again. If I was an Aboriginal bloke on a community I would say, you know, what's it all about? That is one of the dangers that I see.

Mr RENOUF: We have been conscious of that and as I was trying to say before that is precisely why we have decided to rely on the work of others, despite the minister's statement, in the first instance so that we would not be expecting people to give us a submission or go and meet with us to talk about alcohol generally. We would be willing to say here are some fairly concrete proposals for ongoing policy development arrangements or what sort of statistics you would monitor to know whether strategies are being useful or here is the broad group of strategies and we think it might be worth looking at that kind of thing. We would want to be having fairly specific things that we want people to respond to. So I think, exactly the point you made, we said this is going to be stupid for us to sort of say here is the terms of reference, tell us what you think, or, we are going out to Lajamanu and whatever and want to meet people, because we know you have been there a year ago or a year and a half ago, it would be exactly what you said, people would be going well when are these people going to do anything?

So I think in some ways – I mean that is probably your role, it is probably better suited to your role and our role is to probably be a little bit more practically oriented within the umbrella of the general direction that you are going. I think that is perhaps the way we need to work things together is to take account of the views that you are forming based on your extensive consultations which we have not been able to undertake – and come up with ideas which we – bounce around a number of people, but obviously including you in terms of perhaps the next level of detail, about what happens.

Mr WOOD: Through you, Mdm Chair. I suppose then because you are focusing more than we are, we understand, will we have an opportunity to put our submissions to you?

Mr RENOUF: Of course. I mean of course you would. I guess that perhaps we might need to liaise a little bit more closely. We may need to come back to you a few times and say this is the general drift of what we are thinking in this area what is your opinion and have a proper discussion with you about – based on your considerations and your networks as well as the evidence that is before you.

Mr WOOD: Yes because one of the reasons I suppose I am on this is because I have a concern for especially Aboriginal communities, but not only, with alcohol abuse. I hate to sort of see time spent here, all of a sudden being, not hijacked, that is not the right word but that bit that we were concentrating on is taken over by another group. So it would be great, regardless about the policy and how it was developed, it would be great that we were working parallel and could combine our thoughts on a lot of these things.

Mr RENOUF: I think it would be stupid to do anything else. I think we will have to be more engaged with you than probably any other sector that we need to engage with because you do have the benefit of hearing all that evidence from a wide range of people and getting submissions from a wide range of organisations. Now we can read the submissions but we cannot really get a sense of the evidence that you heard and we cannot get a sense of the communities that you have served in the way that you can, etc, etc.

So I think that a lot of what we do will need to come back to you and we could almost treat you as a second committee that we are working to, in a way. I mean obviously formerly we are working to Donna and Daryl but in terms of getting input into our thinking and testing our ideas against a sounding board, I mean you are the perfect place to do that.

Ms CARTER: Gordon, what is the end result? Is it purely – is it draft legislation or is it recommendations on legislation with regard to the *Liquor Act* or is it much broader than that?

Mr RENOUF: I do not think that I am in a position to answer that definitively. My thinking would be though, that it would include recommendations about how legislation might change and may not go as far as having time to do the drafting of the legislation, but I think it might be more than that. One of the questions I think that we – and here I mean all of us – I think collectively to look at is once a project on ours go or even a select committee like yours goes, what is the framework for managing whole of government response to this issue. Do the administrative structures need to change. So one of the outcomes might be a recommendation – I am not saying this would be the case, but recommendation of some sort of structure, council, bureau or whatever to overcome some of the evident lack of coordination between government departments in relation to alcohol.

I mean obviously I am thinking particular of Health, Police, Justice and RGL and not always pulling in the same directions. Not always monitoring the same statistics, not even having access to the sorts of statistics and measures that you might need to judge whether a particular policy is working or not. So the current thinking in my head – and probably no further than that – is that we need to look at a way to coordinate that on an ongoing basis. So another outcome might not just be changes to the *Liquor Act* or other legislation but changes in administrative arrangements, looking at ways for the community of having put into policy development, that sort of thing.

That is very off the cuff. I would not want to be bound to that, but just to give you an idea of perhaps what the scope might be. That is very much the kind of thing, very much the kind of thing that I think we would need to have a dialogue with this committee before we formed a final view about whether it is a good idea or not.

Mr McADAM: I was just going to ask – you said you report to the minister by December, what sort of report what it?

Mr RENOUF: The first one is – well the terms of reference require an interim report by Christmas. My view and I think this is acceptable to the minister, is that the interim report is really in the nature of a discussion paper. That is really essentially saying these are the kinds of things that a framework could involve and these are the kind of options within that first level. These are the kinds of things a framework could involve and these are the kind of options you have got for each of those things. So very much it is something to guide responses from the community and industry and other government agencies to – including this one – to our thinking.

So the interim report – it is called interim report but it is very much – it is probably not going to have much in the way of final conclusions, it is going to be open, but the May report is when we have to make up our mind on what we think.

Dr LIM: Did the committee, after all its deliberations in the last two years plus, decide that it would do another interim report? Our first interim report is yet to be completed in parliament. If another interim report would come down between now and Christmas, how is that going to impact on your interim report on alcohol?

Mr RENOUF: Well in the light of the discussion that I have just been having I would assume that if we were both writing interim reports we would be actually meeting with each other from time to time to check what we are saying and so that they could be consistent, complimentary – the word was used over here – and not duplicated in terms of writing the same thing.

Dr LIM: In other words, one report would be enough then. There is no point in two reports saying the same thing. So who wants to write a report? You should do what we do. You see the difficulties I am having to grasp the parallel objectives and the parallel processes of these two committees. That is my difficulty. I would love to have you and your financial resources given to this committee. This committee has about, what, \$100 000 or less for a year to run and you have got \$250 000 between the six months. We would love to have that in here to do it with us without having Donna Ah Chee and Daryl Manzie and whoever else.

Mr McADAM: He is your mate.

Dr LIM: I do not care if he is my mate or not. I do not think it is the right way to do it. It is the wrong way to do business.

Mr McADAM: And Donna Quong. ...

Dr LIM: Well, I have known Donna Quong for as long as you have. It is just not the right way to do business. I am asking, when are we going to get our report in. Are we or are we not? If we are, how is that going to effect the report that Gordon is going to do? What are we going to write, the same words. We can plagiarise each other's ... report.

Mdm CHAIR: Let's get off the issue of plagiarising. Look, I think maybe it might have been a bit premature to have our visitors here and I feel quite embarrassed that we have invited them in and we were discussing something that I think that the committee should have gone into a deliberative stage first and worked through some of these issues amongst ourselves.

Mr WOOD: Mdm Chair, could I ask Gary some questions?

Mdm CHAIR: Yes.

Mr WOOD: Just in some general questions. I do not know much about your department but I know Peter Allen is the Licensing Commissioner. How do the two operate?

Mr MORIATY: That is quite an astute question. I think there is a fair bit of confusion in the community about how the different arms of licenses operate. Peter Allen, as you mentioned, is the Chairman of the Northern Territory Licensing Commission which is an independent statutory authority. I am the Director of the Licensing. I am one of the two directors of the Racing Gaming and Licensing Division of Northern Territory Treasury. Both Dr Crundall and I report to Deputy Under Treasurer, Andrew Smith. This circumstance arose as a result of reorganisations that occurred recently where the Racing Gaming and Licensing Division was attached to the Northern Territory Treasury and some recognition was given to the fact that Racing Gaming and Licensing needed to develop substantial resources in the area of policy and planning.

You are probably familiar with the role of David Rice, who is the previous director of Licensing. David was responsible for both operational compliance and enforcement and policy and planning. That role has been split between Dr Crundall and myself. My function is to manage the operations branch of the Racing Gaming and Licensing division and as such I am responsible for gaming, wagering, liquor, tobacco, kava, private security and escort agencies.

Mr WOOD: Could I just ask for clarification?. Is it similar to like the Planning Authority? You have a development and consent authority, and a planning authority. The Development and Consent Authority is a statutory authority and makes decisions, but it does not police things. Are you the same, or in the case of Peter Allen do the policing?

Mr MORIATY: No, we are the enforcement and compliance arm of the Licensing Commission. So, the commission has the statutory power to direct me in some of my activities.

Mr WOOD: All right. So you are the people that go into the pubs.

Mr MORIATY: We are the inspectors that go out on to the premises, work with Police, and work with Health.

Mr WOOD: You not working for Peter Allen.

Mr MORIATY: No, we do not work for Peter Allen. Although historically that was once the case and we are now officers of the Northern Territory Treasury, and subject to the departmental controls that exist in Treasury.'

Ms CARTER: Gary, if I have a constituent complaining about a licensed premises, who they believe is behaving in a way contrary to their license, who do they put their complaint to? You or Peter Allen?

Mr MORIATY: Either. Or the police, I should say. Send it through the normal channels of complaint and I guess.....

Ms CARTER: So it would not be a problem if it went to Peter Allen.

Mr MORIATY: Not at all. In fact, Peter would direct me to investigate the complaint, and the end result would be a complaint brief to the Commission and it would have exactly the same content, whether the complaint was directed to the Commission or to my office.

Ms CARTER: Thank you.

Mr KIELY: Now, your officers do not have power of arrest or anything of that nature?

Mr MORIATY: In the context of liquor, we do not have power to arrest, seize or detain, no. In other aspects our authority should be there. Perhaps for clarity, I should say that I am also a statutory officer appointed by the minister so I am subject to essentially three channels of direction on occasion. Direction from the Minister, direction from the Commission, and direction from within my own department.

Mr WOOD: It is not quite in the rounds of our brief, but one of the issues that have come up with a many communities is the issue of gambling. Is that anything that your department has looked at?

Mr MORIATY: Well, our major focus is on the activities of licensed operations. So and I guess you are talking about the common Aboriginal game of Tic around or that sort of cards. Those do not fall within our jurisdiction. If there was a complaint in relation to those it would probably have to be made to Northern Territory Police.

Mr WOOD: As a policy, I am probably looking at, and we had some, I am not saying we, some concerns have been said to this committee about you know, the amount of money that sometimes disappears into those games. Has the government had a look at it from a policy point of view?

Mr MORIATY: That is probably more a question for Dr Crundall but in terms of previous history I should say both Dr Crundall and I are relatively new appointees in this area. My background has been in gaming regulation so I can probably answer some of that question for you. I was appointed in May as the Director of Licensing. We have looked at some of the research done on Aboriginal gambling but it is not really within our jurisdiction to take any action over that. There are associated issues of liquor consumption, particularly around the Darwin area. Itinerancy, depending on the location in which some of the games are played. Litter. We have looked at all of those things in the past but only more from a sort of a peripheral interest rather than have any direct role in dealing with those issues.

Dr CRUNDALL: Just to add to that, I was appointed in May too, and it seems to me that there is a swag of legislation and regulation that governs RGL's activities because of its breadth of content and I think part of the exercise in setting up a policy dedicated unit is to review the legislation that has not been touched for a while and actually come up with some

frameworks that may establish that sort of view of what we think of card playing on Aboriginal communities etc. So it is on our agenda to be pursuing that, but it is only early days.

Mr WOOD: While on the topic of breath testing in hotels. Can your department do breath testing or is that purely the ability of the police or the police have the ability only to do that?

Mr MORIARTY: We have no role in breath testing people on licensed premises. That was an entirely independent operation by the Northern Territory Police.

Mr WOOD: Do you liaise with the police over licensing issues? Not only that, but just general licensing issues?

Mr MORIARTY: We do, in fact we have recently instituted ... police, licensees and ourselves have recently instituted a weekly meeting where largely the things that occurred on the previous weekend are discussed and any matters that might impact on the next weekend are discussed. There has been quite a range of developments in terms of cooperation between the operations division, Northern Territory Police and Northern Territory Health recently. For example, while I am the statutory office who makes decisions in relation to special licences and temporary licence variations, and that is a summary decision on my part, I have recently involved Health and Police in those processes so that whenever I get an application of that nature I seek advice from Health and Police on the sorts of issues that may be within their corporate knowledge that I should take into account and it has had the affect of allowing me to tailor conditions on those license applications and also schedule staff visits and inspections to make sure that we are not contributing to community harm.

Mr WOOD: Can I just get this clear? When you apply for a liquor licence you go to Peter Allen is that right? Or do you go to you?

Mr MORIARTY: No, I full liquor licenses are dealt with entirely through the Northern Territory Licensing Commission. The *Liquor Act* really only makes provision for two sorts of licenses, a full licence or a special licence. Full licenses incur the full range of licensing consideration, including advertising, objections from members of the community and all of that is done before the commission. My role in that process is simply to investigate the application and provide any information to commission members. But from time to time members of the community might want to run a special event such as a school fund raiser or a community fete where liquor is sold as a fund raising activity. In order to do so, they obtain a special licence from my office. I am delegated by the Commission to issue those licences and those licences are issued subject to those conditions that I think are appropriate. In formulating those conditions I consult with both Police and Health.

Dr LIM: While we are on breathalysers in pubs then, can you just take me through the whole process of the inspection unit in a licensed premises? You send an inspector in and from the on what happens?

Mr MORIARTY: It does not quite work that way. My operations branch runs on the basis of scheduled inspections in terms of routine visits to premises and we look for a range of matters to do with compliance with licence conditions and the style of operation for the venue, the diligence and competence of staff. We also observe or we monitor for potential offences such as serving an intoxicated client or serving a minor. I guess you could divide our areas of operation into two. One is our routine premises inspections to make sure that the premises are clean, neat and tidy and the staff are competent in correct practices and records are being kept. The other is compliance inspections where we go out largely at night, to observe the

actions of the licensee and staff to ensure they are compliant with the conditions of their licence.

The first part of that is our routine inspections that are schedule probably once, twice perhaps three times a year depending on the nature of the premises. The other activities are largely done outside of operating hours and we try and target particular hot spots or activities that are of concern. Most recently, the sorts of issues that we have been looking at are serving intoxicated persons and the closing procedures of licensees, to monitor what happens when they actually close their premises and people are leaving the premises and dispersing onto the street.

Dr LIM: The subsequent question to that is what is the percentage then is schedule and what percentage is on the spot or intermittent or or compliance type inspections?

Mr MORIATY: To give you a precise answer I would have to look at my records, but compliance type inspections are done on overtime and the frequency at the moment is roughly – I would not say every weekend, certainly every second weekend we have inspectors out, but those inspectors may well be looking at either the city area or rural areas or spread out around the Territory community.

Dr LIM: I just wondered whether that was one of the provocations of why the police need to do the things they need to do in the pubs after hours, that perhaps there was not enough after hours inspections of compliance regulation in the pubs and clubs.

Mr MORIATY: I do not believe that to be the case, Dr Lim. All police are licensing inspectors in any event and we try and compliment each others activities. We tend to have slightly different foci. The operations division tends to look at the behaviour of the licensees themselves and the manner in which the premises are operating. Whereas police tend to look for breaches and offences. That is not to say either of us ignore those other aspects but we do tend to look for things within our particular area of expertise.

Dr LIM: If the information is available or if the data is available we would like to have a look at what sort of percentage between schedule and compliance.

Mr MORIATY: I can certainly obtain that data for the committee if you like.

Mdm CHAIR: That would be good. Are you finished? I would like to ask – you were talking about routine inspections and you are doing your inspections outside operating hours. In terms of remote areas and with the number of pubs and clubs or social clubs in our remote Aboriginal communities, what is the routine inspections that are carried out in terms of those clubs and what is the criteria reporting back in terms of those clubs?

Mr MORIATY: We try to get to all licensed premises at least once per year but we target our inspections to try and visit more frequently those premises that are the subject of complaint or where we believe that problems may exist. There are particular difficulties in some of our remote areas, particularly the island communities.

Mdm CHAIR: What are those difficulties, Gary?

Mr MORIATY: Access and accommodation, particularly overnight. Quite often it is possible for me to get an inspector into say Milikapiti at 8.00 am in the morning but they have to leave by about 3.00pm or 4.00pm which does not give us a good chance to look at the club

operation. So we have to spend the night there. The whole community knows that we are there so covert inspections are not a possibility. We tend to work more closely with community members in those sorts of situations. We sit down with the council, with the local health workers and with the club we try and work through any problems.

Mdm CHAIR: In a number of these remote communities if you were to put that in the context of urban centres, in remote communities where you have a lot of – I mean at the impact there is a number of restrictions. Does the Licensing Commission ever receive or have they received submissions which look at maybe placing restrictions in urban centres where you have got areas where violence and anti-social behaviour occurs and it is not just Aboriginal anti-social behaviour. We could look down Mitchell Street some nights, particularly on weekends, where the licensed premises all along the area and the anti-social behaviour associated there. Does that go to the Licensing Commission whether that goes before the Commission in terms of restrictions there or...

Mr MORIATY: In terms of looking at particular areas, the Commission has certainly heard submissions about a particular premises and where the community and premises have come to an agreement on what should occur, those sorts of restrictions are often put to the Commission for consideration. None sort of leap to mind where I can speak authoritatively but there have been occasions, particularly in a remote location, a particular licensee has come to an agreement with the local communities not to serve people who are resident in that area, and that requires particular action.

Mdm CHAIR: I'm not talking about serving. I'm talking more about the imposition of restrictions.

Mr MORIATY: Like the restricted area provisions? The dry community provisions?

Mdm CHAIR: No. Let's look Nguiu, Bathurst Island which has been quite a little hot spot in recent times. Most remote Aboriginal communities who have got clubs, have restricted trading, I mean they can't trade on Sundays. You come to town, there are premises that can trade on Sundays. I'm not advocating that they trade on Sundays either in communities. But if there is certain disruptions happening, Nguiu also has an extra restriction day of Wednesday placed them.

Mr MORIATY: Was that voluntary? I thought, certainly some of the conditions...

Mdm CHAIR: No, no it was a hearing before the Commission and I think on their licensed conditions there was an extra day that was put on their license conditions.

Mr MORIATY: Certainly that is done on occasion. Sometimes it is done on the basis of complaint about the licensee's activity. Sometimes it is done to reinforce an agreement between the licensee in the community where the licensee has voluntarily accepted some restrictions. They do come to the Commission from time to time for consideration and it is open to any person to raise issues with the Commission, to have them dealt with with the licensee.

Mr McADAM: I would like to go back to Gordon if I can. Will you be trawling through all the information gathered by this committee and the previous committee.

Mr RENOUF: I think subject to resources and probably looking for guidance from your staff as to what was the stuff that would be our priority to look at. I haven't got a sense of how much that is. We are going to have to go the parliament for the other things though.

Mdm CHAIR: We have in our last interim report some of the recommendations from the previous alcohol committee.

Mr RENOUF: Yes. I guess if we are saying to people you don't need to make submissions right to us first up because you have already make them in the places like you, then we need to do a fair job of going through that stuff and getting a sense of what people are saying. I think subject to resources and time the answer is yes.

Mr McADAM: I am only suggesting that particularly in respect to those remote communities, either indigenous or non-indigenous.

Mr RENOUF: This would be evidence they gave to you in hearings?

Mr McADAM: I think it is very important for you guys to get an understanding in terms of what are some of the concerns raised since I've been involved certainly over the last two years. But before that period as well and I think that's a big task. But I just think it is critical that you are resourced adequately to ensure that that happens. I come back to my original point, I'm absolutely certain that locked away amongst all the evidence that has been given to this committee and the previous committee there is a whole host of information and it comes back to our resources. We just don't have it in terms of being able to do it justice. That is why I'm saying if necessary it may well be the case of you going back to the minister and saying we need these extra resources. This is a critical exercise and we need the resources to trawl back through it because otherwise you are going to repeat it. A lot of this is very recent. I just want to ensure that if you want to do that and you don't have the resources then go back to the minister and say listen we need it. Because I think you are doing justice to those people who have given evidence, but more importantly is you are galvanising some of the information for this committee. Do you know what I mean?

Dr LIM: This is not mean to be facetious but their budget is three times what we've got.

Mr McADAM: I don't have a problem with that either. All I am saying is we can't do it. We know that we can't do it, we've said that all along. So what I am saying is here is an opportunity for this independent body to access the information that we have, trawl through it and if it is relevant let it go out.

Dr LIM: I know I am labouring a point here Elliot. If the resources of the committee of the framework project group were to be put to this committee it would be huge boost to what we can do in a timely fashion as well.

Mdm CHAIR: Has anyone got any further questions? Sue. One more because we will have to shut off in a minute.

Ms CARTER: Actually I have got three but hopefully they are quick ones. Garry, what does a full license cost?

Mr MORIATY: In terms of an application fee there is no fee but there is no formal value attached to the license as such. Obviously it has a commercial value. The costs are

embodied in the legal advice and preparation needed in order to have a full application put to the Commission.

Ms CARTER: So say a nightclub in Mitchell Street, what would it – do you extract any charge from them for their license? Does it cost them anything or is it purely in their mounting a case that it costs them money?

Mr MORIATY: They obviously pay their GST on sales, so revenue comes back to the Territory.

Ms CARTER: I just know there is, for example, you can get a tobacco license and that costs – it used to cost \$10, I do not know what it costs now.

Mr MORIATY: I am trying to think of whether there is an application fee for a liquor license.

Ms CARTER: No that is all right. I thought there might be like a cost of \$3000 or something like that.

Mr MORIATY: No. As far as I am aware there is not but I would need to go back and check on that. It is not on the top of my mind.

Ms CARTER: How do you consider licensees generally in the urban areas are going? Do they conform reasonably well or do you have major problems?

Mr MORIATY: I think it is fair to say we do not have major problems with licensees but as a group they are a very responsible body. They are very willing to listen to us and to police and they proactively work with police and with us when problems become apparent. Sometimes it is difficult to nail down exactly where the problem is in terms of liquor as to whether it is a licensee responsibility or whether it is something that has occurred off premises or whether it is a mix of the two.

The licensees are strongly cooperative with us and with the Licensing Commission and I would have to say I have very few complaints about the way that they interact with us.

Ms CARTER: How many inspectors are there in the Northern Territory?

Mr MORIATY: When we talk about inspectors it is important to be clear on this because my inspectors are not liquor inspectors, they are licensing inspectors and they have responsibilities across the full range of portfolios that I mentioned. Again, I did not come prepared with that information but I think I have four in the Alice Springs region, four in the southern region and seven in the northern region, total.

Dr LIM: If I may ask the question of Ian? Being in the policy section, how do you feel about sunset clauses in liquor licenses?

Dr CRUNDALL: How do I feel personally?

Dr LIM: Or within the unit ... - any way you would like to respond to it – whatever way you would like to respond to that.

Dr CRUNDALL: I think from my background I think they are a useful tool. Whether they are appropriate to the Territory now I think is the sort of thing that will come out of what you people are hearing and the work of Gordon.

Dr LIM: ... current existing licenses – existing licenses say a sunset clause is 25 to 20 years – 25 years, which is long enough for any business to initiate and then put up for sale. For instance, so that it is not five years without a trader – never trade out of a fee that you would pay – or purchase price that you would have paid - if you give them 20, 25 years, which is nearly a generation. Would that be a reasonable, workable and also equitable type of sunset clause?

Dr CRUNDALL: Sounds reasonable.

Mr McADAM: I have just got one question and I just wanted to know whether Ian in respect to – and I will refer to this trawling through this information. You have been around a long time and you have developed an excellent expertise in respect to the alcohol area. How do you see your role in terms of say linking in with Gordon as part of this exercise or indeed this committee in the future.

Dr CRUNDALL: In terms of Gordon the Racing Gaming Licensing Division itself is providing administrative support and we are also prepared to offer some strategic advice and support where required and to that degree it would be making sure that there are pieces of information that come to the attention of the project group. Because a lot of those bits of information get locked away or you do not know about them, so we just make sure they are at least aware of those things. In terms of this committee, look which ever way you want to use me I am quite happy to oblige.

Mr McADAM: The Chairperson is back now. I was only acting for a very short period. But what I am ... through the chair and again, this is an example, I hope I get this right, on 9 October there is a presentation by Professor Tim Stockwell to this committee. It is an open session, as I understand it ...

Mdm CHAIRMAN: It is on the 10th.

Mr McADAM: Is the 10th a deliberative is it?

Ms CARTER: Let's just keep that in mind. He is on later on in the program. He is at the end. It starts off with a deliberative session at 8 o'clock and then he is on right at the end.

Mdm CHAIRMAN: He is on after.

Mr McADAM: And he is ... but Dr Tim ...

Mdm CHAIR: I mean that session could be if the committee so agrees to have other observers.

Mr McADAM: Well I mean, the alcohol related harm and its prevention in the Northern Territory in Australia as a whole. I would have thought that would have been very appropriate for Mr Renouf to be invited to that meeting.

Mr RENOUF: I should say that I have arranged a meeting with Tim the previous evening, but it is not the same as watching your interaction with him which may well be more informative.

Mr McADAM: It was just a thought on my part.

Ms CARTER: Well you would be very welcome as far as I am concerned.

Mdm CHAIR: Come into the meeting. I have no problem with that. Ian, it would be could to have you in there as a member of the Policy Unit.

Mr McADAM: Because I think that is what is needed.

Dr LIM: I think there should be a formal motion of this committee. I believe that participants of that, initially considered to be private hearing, should be ...?... on with the delegates whether it be the Licensing Commissioner himself and his colleagues as well as Professor Stockwell. I think that should be the process.

Mr McADAM: So would you like to move a motion about that.

Dr LIM: No, no. I am happy for you to move it Elliot. I am just ...

Mr McADAM: Well you have confused me.

Dr LIM: Well, I don't know why you should be confused. I think we should be asking the participants and there should be a resolution of this committee.

Mr McADAM: Do you support the invitation being extended to Mr Renouf and a representative from the Director and Dr Crundall to be invited to attend the meeting if they see fit?

Ms CARTER: I will second.

Mr RENOUF: Do you want that extended to Mr Manzie as well?

Mr McADAM: Absolutely.

Mdm CHAIR: Thank you for coming and no doubt we will have many more sessions.

Witnesses withdrew.

TRANSCRIPT NO. 17

**DARWIN – BRIEFING, NT LIQUOR COMMISSION & NATIONAL DRUG RESEARCH
INSTITUTE**
10 October 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Len Kiely, MLA
Dr Richard Lim, MLA
Mr Elliot McAdam, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Mr Peter Allen, Chairman
John Withnall, Legal Member
Jill Huck, Member
Paul Costigan, Member
Alan Clough, Member
Craig Spencer, Member
Barbara Vos, Member
Robyn Power, Executive Officer
Rose Hussell, Executive Personal Assistant

Professor Tim Stockwell, Phd, Director, National Drug
Research Institute (NDRD) Curtin University, WA

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mdm CHAIR: Good morning. On behalf of the committee I welcome you all, and I declare open this meeting of the Select Committee on Substance Abuse in the Community, and thank all participants appearing before the committee today to brief it on its terms of reference.

As we all know, and we have gone through all these official jargons all the time, a transcript will be produced and eventually tabled in the Legislative Assembly. Please advise if you would wish any part of your evidence to be *in camera*. The decision regarding this will be at the discretion of the committee. You are reminded that evidence given to the committee is protected by parliamentary privilege, and for the purposes of the *Hansard* record, I ask that you state your full name and the capacity in which you appear today the first time that you speak and stress that all comments should be directed through the Chair. Welcome Peter Allen, Chairman of the Licensing Commission, Miss Jill Huck, member of the Licensing Commission and Mr Allen Clough, member of the Licensing Commission. We are also joined

by other members of the Commission. I know one name out the back and if those names can be recorded, we can record them officially, unless you want to introduce the other members, Peter.

Mr ALLEN: I certainly will if I may, Mdm Chair. Thank you for your welcome and members thank you for your welcome also. The members of the commission that are here today: Barbara Voss, Craig Spencer, Paul Costigan who is probably known to some of you. John Withnall and the commissions two staff members, Rose Hussell and Robyn Power, who will be assisting us today. If I may start then Mdm Chair, thank you again very much for the welcome. This opportunity is something that the Commission takes particularly seriously as you will see by the preparation, and we hope to give good effect to this time made available. It is very impressive to us that on a particular day I got quite a little bee in my bonnet which I will come to in a moment with an exhibit about the need to put some material before you and my secretary in a fact rang yours, and before you know, we have got the opportunity for a meeting. Quite frankly, I do not think would happen anywhere else in the Westminster Parliamentary system, perhaps indicates the virtues of a small jurisdiction in which we all know each other. We intend to do our best to assist you, and to make best use of the time available. The commission consists at the moment of some seven people and just the background material Robyn is passing out a brief CV of the members and I emphasise the background material. But it is in law, a specialist tribunal and a form of expert commission and the commission is very and its Chair particularly, are very fortunate to have the people who currently comprise that commission. Mr Withnall has lengthy and extensive legal experience in the Territory over many years and at a senior level. Barbara Voss has been a member of the commission for some four years. She is its gaming expert, and Barbara is also spent considerable time along with John and the former member, Shirley McErrow, working on the kava legislation and licensing.

Craig Spencer is a new member of the Commission with some 24 years in the South Australian Police, a senior investigator for the National Crime Authority, a member of the South Australian Police Racing, Gaming, Licensing and Liquor Squad, has a Master of Business Administration and spent the last six years running alcohol centres in Katherine and so on and also does some training courses for security guards and crowd controllers.

Paul Costigan, who you may well know is the manager of the Roma Bar, in fact is a liquor licensee of some 25 years experience, both in several licenses in Melbourne and in London and has done a good deal of social work over the years.

My colleague, Jill Huck, is well known to many of you, is a very experienced member of many tribunals, a lecturer and a professional social worker and very well qualified. On my right, Alan Clough, the practising and professional scientist who specialises in epidemiology and has a range of serious professional qualifications.

So although all of the former members over the six years in which I have been in the Commission have all worked hard, very hard - well beyond the call of duty in many instances, as in deed members of this committee do in your own work. The current membership of the Commission, I would submit, has got considerable expertise that is specifically relevant to its duties.

Dr LIM: I would like to make a note at this point Mdm Chair, that I notice that there is nobody from Alice Springs, considering – and I am saying this for the record – considering the extent of issues with alcohol that there is not a single person south of Berrimah. I think that is

a pity that Central Australia and that includes Barkly and Stuart and all that – they are not represented at all in the ...

Mdm CHAIR: Centralian representatives, yes.

Dr LIM: That is right.

Mr KIELY: I would like to think that we are non parochial Richard.

Dr LIM: No, it is not that, it is that you are bringing in the expertise from the relevant areas and I note there is none there.

Mdm CHAIR: Your comments are noted and I think that it is valid.

Mr ALLEN: If I may take that as a question, Ms Annette Smith who is resident of the Alice Springs community and considerable long standing interest in liquor matters and I think a staff member of the Department of Health and Community Service will become a member of the Commission from Wednesday of next week.

Dr LIM: You mean Alderman Annette Smith.

Mr ALLEN: Alderman Annette Smith.

Dr LIM: Good.

Mdm CHAIR: I think he must have known he just wanted to get himself on the record.

Mr ALLEN: In the two previous sessions I have been fortunate to be invited to attend there has been a lot of discussions about the Commission's role and before I move onto the main theme I would just like to explain very quickly where the Commission sits in the scheme of things, that is in the bureaucratic scheme of things, because while I am quite touched and indeed humbled on behalf of the Commission as to the extensive powers influence and responsibilities and obligations that many of you think we have and indeed your high expectations of us, of which we are not afraid, is nevertheless a power of position that I think you see us as having which in my view we may have had but we do not now have.

The Org Chart is current as of this month and you may yet see it in a tabled annual report of Treasury. You will notice on the left hand side of that chart, if I may point out, the Under Treasurer, Jennifer Prince, above her name is a dotted line and if you follow that dotted line around you come to Chairman of the Licensing Commission and then there is a line from myself over to the right hand page which is the Commission itself.

So the Commission is attached by a dotted line to Treasury and I do not formerly report to the Under Treasurer because we are an independent statutory authority. But the important point that I want to make from this chart, particularly as many of you believe, quite conscientiously that we direct inspectors; that we deal first hand with complaints; that we liaise first hand with the industry and so on. That is something that we once did, but in fact if you go again to Jennifer Prince's name slightly to the right and then upwards you will come to Deputy Under-Treasurer Revenue and Licensing Commissioner of Taxes Andrew Smith, and if you follow the three lines that go from him, or the three or four boxes from him, the bottom

of those boxes is Director, Racing Gaming and Licensing or Director of Licensing and Director of Licensing Policy and in fact Andrew Smith directs the activities of the licensing inspectors.

Dr LIM: Does that mean that the commission can not direct inspectors at all?

Mr ALLEN: In law we can, but there are day to day practical differences in that, and to be fair to the staff in that section two bosses is perhaps unfair on them, and one can sense the conflicts that they face in trying to serve both of us. They give their best efforts to us, and they are quite respectful and prepared to work on behalf of the commission, but they are basically directed as staff members of Treasury.

Dr LIM: Has there been a conscious effort on behalf of the commission not to direct the inspectorate?

Mr ALLEN: I probably make that effort not to make their day even more difficult than it already is, but there are times when I must make it difficult because there are things we need to know and to do. Obviously, the commission of course has some concerns that what the former Liquor Commission did and did well, and the *Hansard* said we did, it is not just my own view and others said that we did; that is, ensure compliance of licensed premises, get out there and do the hard yards at 3 am. We do not believe that that is happening; and indeed I have got some statistics to that effect.

Ms CARTER: Are you, sorry, through the Chair, are you physically located near this group?

Mr ALLEN: Yes, we are in the same building. That is the building that was once the building of the former Liquor Commission and our two staff and are the extent of the Commission's actual resources.

Ms CARTER: Which building is it?

Mr ALLEN: Enterprise House, corner of Woods and Knuckey Street, Darwin. The co-location has its benefits but it also has its dis-benefits. If I just then in the same vane just ideally quickly provide and information paper to the Committee on the Commission's role. The Commission's annual report was tabled or deemed to be tabled in the Assembly yesterday, and the first page of that Commission's Annual Report is a summary of this three or four pages and then of course that annual report of which I have got individual copies for members here details the commission activity. The first page just handed out gives the history of the commission as the former Liquor Commission and then in turn that Commission took over a number of other bodies in the *Planning for Growth* phase which from memory was in 1998. We were initially associated with the Department of Industries and Business, and indeed I was that department's acting CEO for quite a period of time and then we were shifted to Treasury, and perhaps the clear division between the Commission and the inspectorate and the department has come into effect during our time with Treasury. The membership of the Commission is mentioned at the bottom of that page, but page 2 I talk about the increased responsibilities of the Commission. I touch on the work undertaken by our two staff members, I promise not to emphasise the word two (as only) again. This is not a budget sitting. I list and I think it is very important that this committee become aware please; I list the legislation for which we are responsible. I point out I am the only full time officer of the Commission, the others merely work full time. But you will see there that our responsibilities are tobacco, which is the last *Act*, we are simply an appeal body. We are also the Racing Commission, as

you will see from that and we have significant responsibilities for gaming and I have many moments when I wish you were the select committee for gaming as well as the Select Committee for Substance Abuse because, as an aside, I see gaming as a sleeping concern. Liquor happens in the streets, we all worry about it, I think it is time somebody thought about gaming as well. I know that is not your commission but indeed there is a role for some attention in that area.

The functions and powers of the Commission are contained in the following page, it is a commission of large, it is a specialist tribunal and decisions can be overturned by a Supreme Court but only on matters of law, they do not re-hear the evidence. Simply, decisions may be subject to judicial review on matters of law. The bottom of the third page and the fourth page, simply describes our work, from your point of view, along with the information about the number of *Acts* to deal with, perhaps the third and fourth page are the most useful, as they basically explain our daily work. The Commissioner, as you would be aware, does travel throughout the Territory and I take some pride in the fact, I guess I am somewhere along the line I am a member of the public service and I go to Neramba and Timber Creek and Borroloola and Elliott and Warrabri, Ali Curung and my colleagues go to places like that and I am not sure that the rest of the public sector gets there. We do take that part of our role quite seriously, in visiting those outback communities.

In the life of the former Liquor Commission, as an aside, our inspectorial role extended into Western Australia and South Australia by arrangements with those departments. As you would be aware that the Northern Territory Police have powers of pursuit and have appointed special constables in those other bordering jurisdictions. In terms of inspections, I am aware that you are interested in the number of inspections that are conducted and although it is not our role, I was able, Robyn was able, on our behalf, to obtain this information from the staff of the Director. The activities described on this sheet are simply since the first of January 2003. For the purposes of this sheet, an inspection can be described as a single visit, or a visit to a premises. So, I am not going to read the whole sheet, other than by way of explanation. So, there were 487 inspections or that is visits to premises. I need to define night inspections: when myself and the former Director, David Rice, started in the commission in late 1996, 1997, that past practice of the Commission, a former Chair, a former senior police officer was to leave inspections in the hands of the police and there were in fact only two night time inspectors in the commission's 22 staff. The then minister Mr Burke, asked me could we do inspections and David Rice and I took on that task with a certain enthusiasm. We believe, and others have said, in support of us that that was very effective, that direct compliance premises. Night inspections, at that time, were not done. The inspections were day-time compliance inspections, do your fridge seals work, is your accommodation clean and do you have enough tea and coffee available and are your statutory signs up? The night inspections are when you actually go to front bars at 2 am and so on. You can see there, the number of inspections conducted, in various locations and you can see the number of complaints lodged by inspectors, that is, by licensing inspectors. Police officers are also inspectors but these are the complaints lodged by departmental inspectors. In my view and in the view of my commission colleagues, this works particularly well down in Alice Springs by the Deputy Director there.

Dr LIM: Can you please elaborate on that. Why is there such a significant difference between Alice Springs, Tennant Creek and the rest of the Territory.

Mr ALLEN: I am certainly happy to answer your question. I think since the Commission directly controlled the inspectors, and I doubt that that situation will ever go back to that, the

inspectorate has become more bureaucratized, departmentalised and perhaps like any other department it is simply there to advise structure, advice for the minister and so on.

Its role as a law enforcement agency has dissipated and when all of those other departments came together to form the Racing, Gaming and Licensing division of DIB it also took in of course the gaming inspectors, it acquired responsibility for the *Prostitution Regulation Act* and so on. So it is not just as you can see from these complaints lodged, a matter of liquor inspections. It is a matter of going to a licensed premises, seeing that the security guards at the door are licensed; see that the gaming records are straight; to see that excessive cash payments aren't being made; to see that responsible gaming notices are in place; and to see that the Liquor Act is being adhered to, as well as having a quick check to see that the toilets are clean and so on. The Commission probably made this point fairly firmly by now. The Commission shares my concerns that that compliance, and concerns may even exceed my own, but that compliance is not being attended to.

Dr LIM: So if I look at the data on this page there are more day time inspectorial type functions being carried out in Darwin, Palmerston, Darwin rural areas and Katherine. And in Alice Springs it is more the pub, the front bar inspections that are occurring in Alice Springs and less of the day time hygiene inspection type things.

Mr ALLEN: Yes. I mean as you are doing, this is not our data I asked for it, so we are asking ourselves those questions and interpreting ourselves. Perceptibly there is an imbalance in that data and perhaps later data will be able to explain that, but on the basis of my request of a week ago, this is the information I have received directly from the staff.

Dr LIM: Mdm Chair if I may then ask through the committee whether the Commission will be prepared to provide us with an analysis of the data once he receives the analysis himself.

Mr KIELY: It looks to me that Alice and Tennant have got a better record than Darwin.

Dr LIM: Depends on what you are talking about. They could have the most unhygienic premises around.

Mr KIELY: As far as complaints lodged.

Dr LIM: But is it possible to receive the analysis of the data once you receive it yourself.

Mr ALLEN: I am not sure that I haven't got all I am able to get. A lot of what the Commission obtains from the department is done as a matter of goodwill by staff in the department who I am concerned not to compromise.

Dr LIM: On that basis is the Committee able to agree to receive and analysis of the data directly from the Director or the Deputy Under Treasurer Andrew Smith, or whoever is the right person.

Mr ALLEN: The Director of Licensing would be in control of the data.

Dr LIM: Gary Moriarty. Is it possible to get an analysis of this data from Gary Moriarty. I think it is important because it is a huge imbalance of the separate regions and we need to know or understand why.

Mdm CHAIR: It is not only just the regions, there is also the remote figures, the rural.

Mr WOOD: Are you saying that you don't believe there is enough inspections.

Mr ALLEN: Certainly that is my view and I am inwardly surprised that there were that many inspections and outwardly very concerned that there is only one complaint being lodged since 1 January regarding licensed premises Darwin and Palmerston. That complaint itself is about the behaviour of the crowd controller. Mdm Chair said something along the lines you can go to any previous meeting that I attended didn't go to any front bar. I was busy nodding while she said that and we all were, I believe. I am not suggesting the inspector's role is to ping people and I am not suggesting that we go back to a prior management structure, I am merely emphasising the fact and inspections need to be done and I don't one needs to set out to ping people. I think the pure weight of numbers of the premises and the people in those premises and the less than satisfactory training that I am going to come to later, or supervision, would naturally lead to the lodging of a number of complaints, as has happened in Alice.

The fact that they are not being lodged in Darwin I believe indicates that people are not getting out there and getting into premises.

Mr WOOD: Through you, Mdm Chair, the police also do inspections. Now, would you have a list of what numbers of premises they have inspected, or is that available?

Mr ALLEN: I don't have a list. I know that they do, they are appointed as liquor inspectors, pursuant to the *Liquor Act* and I know that they are very active and conduct what I would regard as very well organised operations in Alice Springs. I do not have the same insights ... they may well be that organised in Darwin, I simply do not know.

Mr WOOD: I was just wondering, through you, Mdm Chair, whether we could ask the police, because we have only got one set of statistics here. Perhaps we need the whole picture before we can comment.

Mdm CHAIR: Well, we could follow up that because in remote communities I suppose, Peter, that is where the police would take the role as a licensing inspector in remote communities.

Mr ALLEN: They certainly do, Mdm Chair. They also take an active role in lodging complaints and those complaints that are lodged either in centres outside Darwin or in remote and Aboriginal communities can become pretty much direct to the Commission and not be filtered away somewhere. The police on the Tiwi Islands have given several complaints in the last 12 months which had a combined total of, say, 120 individual items needing attention and all of those items would be serious and one could reasonably infer from that that the police are reporting the tip of the ice-berg. I mean, we take those complaints seriously and many of them, I call them bush police, are pretty well informed on how to prepare stuff for the Commission because the Commission is in effect, if I may say, a licensing court, and there needs to be a sufficient body of evidence and burden of proof so that the commission can find that the license has been breached or the act has been breached and many of the solo operator police officers, or those operating in ones and twos in communities are particularly adept ...

Mdm CHAIR: When that does occur ... sorry, Peter, if I can just go on from what you were just saying, with the police. You were saying the police have the same powers as the commission under the *Liquor Act* ...

Mr ALLEN: Same powers as the inspectors.

Mdm CHAIR: Or as the inspectors, sorry, under the *Liquor Act* for enforcement. So if they were enforcing their powers under the act, let's say the Tiwi Islands, or we could pick any area where there is a club, they then have the powers to close? They don't have to report back to the commission to get a closure, or a restriction?

Mr ALLEN: The answer to that is a bit yes and no. The police often, over history, no matter where we are, have asked licensees to close their bar and licensees whether we are here, in England or New Zealand or anywhere, a wise licensee would be inclined to follow that suggestion. Above and beyond that I have got, on behalf of the Commission, emergency powers to suspend licenses and have done so probably now 20 times in six years. That is usually occasioned by floods, fires and civil disturbance in or around clubs. I have probably done this seven times on either Bathurst or Melville Islands, particularly Melville Island, and have done so often, in Katherine.

Mdm CHAIR: Why don't we apply ... I asked this question not long ago, why don't we apply that same ruling in Darwin?

Mr ALLEN: If the police asked me to suspend it in an emergency, there is one or two questions under the act that need to be asked but certainly the power is there and they can ask for the licensee to be suspended pending the investigation of a complaint. In practical terms this means if the police went to a premises, let's say any nightclub style premises in the CBD – and saw what they believed to be a range of breaches of the act and they say underage, say intoxication, say perhaps some drug dealing by a security guards and were asked for that license to be suspended immediately while those complaints were investigated, witness statements taken and so on, I would honour that request and would suspend the license immediately and it would stay suspended until either investigations were complete or for seven days.

I am never asked – even in terms of facilitating being asked, both I and the staff have very good mobile phone systems and yes we get calls on Sunday morning to suspend licenses and we do, but not in Darwin.

Mr KIELY: Peter I was just going to ask about these number of complaints. The quality of evidence, like what is your hit rate, if complaints are made do they generally get up or do you find – and I guess at the back of my mind is the police requirement to bring in the breathalysers as an evidentiary to help substantiate their case. Historically now do you find that there is enough evidence gathered that if a complaint is made that the quality of information gathered is generally enough to get that complaint over the line?

Mr ALLEN: If I may say that is a very good question. Although we are a specialist tribunal and thus in my own lay words, allowed to have an attitude – and I clearly have. At the end of the day your decisions have to be based on the quality of the evidence and that varies. I am certainly not prepared to say the quality of the police evidence is poor. Normally it is good and certainly there have been some learning experiences there. The quality of the inspector's evidence when they work directly with the Commission was also very good, but it

has to be almost as good as the evidence that would go to a court, where beyond reasonable doubt lies.

We are able to determine matters on the balance of probability, the lower standard, but having said that, if we are going to close a major Darwin premises for seven days, that is going to be a significant penalty measured in thousands, if not tens of thousands, if not a hundred or more thousands of dollars. So the standard of evidence that we get has to justify the penalty of such significance.

Mr KIELY: do you still have, even though you do not enforce it – you have control over inspectors?

Mr ALLEN: In law yes but in daily practice no.

Mr KIELY: That is a choice that you have made of the organisational structure is it?

Mr ALLEN: No, it is not our choice, no.

Mr KIELY: I was just wondering about the conflict that your inspectors are going out and collecting evidence that you are hearing. Is this any sort of conflict?

Mr ALLEN: It might appear to be on its face but the people who wrote the *Liquor Act* in 1978 did - speaking plainly a damn good job and while there have been Supreme Court cases to test your concern, the Commission has always come out of those cases with its powers untouched. It is safe to do providing it is properly done and carefully considered. It is safe to do what you are saying.

Mr KIELY: I have one more along this line. The inspectors – and I use that to include police officers, when they have information, they then lodge the complaint straight to the Commission or is the complaint and the evidence gathered up and then lodged with like a DPP type person and then they go through and tick off and see whether it has got substance and all before it goes to the Commission.

Mr ALLEN: There are two processes. A complaint by a licensing inspector would come to the Commission full stop. To go to your question, the police have two choices. They can either refer the complaint against the server, the person serving the liquor to a local court, where that person can be fined up to \$500 for a first offence, or they can prepare a complaint for the Commission. The complaint they prepare for the Commission will be against the Licensee, not against the server. The Commission deals very rarely, and has very limited powers if any, to deal with individual bar staff. It is the Licensee that would face us where their staff served an intoxicated person. Now again, the act is written extremely well in 1978, and the case law that has flowed from that says that the licensee is always responsible for the actions of their staff. If the staff serve an intoxicated person or allow a minor to enter the premises, serve a minor and so on, we can then suspend the license.

Mr KIELY: Yes. I am sorry, I did not make myself clear on how long but what I was getting at is that your inspectors identifying the problem, gathering the evidence, but then they give it to like a Crown Solicitor.

Mr ALLEN: No, they do not, it would go to the Director. They would lodge their complaint with the Director, who ideally would conduct some further investigation of that complaint and

prepare a brief for the Commission. But I do not want to indicate in any way that that brief would meet in any way the same standards as the DPP would expect.

Ms CARTER: Peter, I have got a couple of questions. First of all, is the seven days a standard period of time for a license suspension?

Mr ALLEN: The seven days I referred to is the seven days under the Commission's emergency powers and the MCP review of the act, which incorporates a number of other items actually suggests that be increased to 14 days in an emergency. The Katherine floods found it needed to be longer than seven and that is a good idea. In general terms, it is a matter of have the punishment fit the crime and for a first breach by an otherwise conscientious licensee where somebody simply slipped under their guard. Conscientious in that they have got good door security, a good training program and a clean slate, may well only get a warning from the Commission. But a licensee who does not have a clean record, whose training program is non-existent, and whose good measures to make their premises run well have all happened since the event, would be looking at two days in the first instance, which is in fact quite a lot of money. There is not statutory, we can set whatever we like but we must make it fit the circumstances. Perhaps a lot longer, where there would be some premises that, if there was a further complaint against them would be looking at 14 or perhaps 21 days suspension. Along with that, an investigation as to whether they should have a license at all.

Ms CARTER: Peter you have made a couple of comments this morning and quite frankly, reading this paper here and looking at the org chart seems all very confusing as to who is who, and what is what and where you should do things. What would be your ideal situation for a structure? How do you think it would work better for Territorians.

Mr ALLEN: My colleagues are laughing, because they have got a view, and of course I have not so much got a foot in both camps, but I am straddling the ravine. The ever widening, yes, very perceptive, the ever widening ravine. My colleagues, and indeed me would want to directly control the inspectors. They have simply become bureaucratised. It is not to say that you could not have the policy and the legislation and the ministerial advice and secretariat sections still part of a functioning Treasury or some other department. But the inspectors headed up by a senior inspector of some sort could simply report directly to the Commission through the Chair of the Commission as it once was. In those days we were a very small department and I in fact carried the appointment of the CEO under the *Public Sector Employment and Management Act* and appointed as Chair of the Commission under the *Liquor Act*. I was also the Chief Executive of the Racing Gaming Authority and controlled their inspectors directly.

Ms CARTER: Why do you think it changed.

Mr ALLEN: There was some economic rationalism. I think as Territorians we were all happy to trim budgets to build a railway. I certainly was, and that has been achieved. I perhaps saw planning for growth as helping build the railway and I'm swallowing a ministerial blurb there that is my view as a Territorian. We were swallowed up by the Department of Industries and Business which was an unfortunate home because they were about promoting business and we were about regulating it. Not unkindly unless it deserved it. We've never really recovered from that ground.

But any rate to answer your questions the Commission is competent to simply manage the inspectors directly and perhaps with ideally I could simply suggest on the basis on my own experience a staff of 10 people is hardly a big ask.

Mr WOOD: Peter could I just ask a couple of questions. In relation to police closing a club down, it came to my knowledge recently that the club was closed down until the perpetrator of removing of a police vehicle was found. Would one regard that is a legitimate reason to close the club down and would the same thing have occurred in you might say non-indigenous areas of the Territory.

Mr ALLEN: It is not an incident I am aware of. I am not about to tread in to what police can reasonably negotiate for themselves and local environment but it is something had come to the Commission and the evidence was there we may have well closed the club. The Commission can actually set any conditions in a licence, which is a power we are keen to keep, and we can issue directions and as bizarre as it may seem we could of in fact issued that direction as a result of a hearing. For example that a club remain closed or a premises remain closed until certain property was returned or something like that.

Mr WOOD: You would have to have a connection with the club and the offence.

Mr ALLEN: That would need to be part of the evidence and it would need to be shown that somehow the licensee had failed to exert control such that that incident had been permitted to arise.

Mr WOOD: The other question I have got is when you close the license, that doesn't mean say the tavern can't still operate its poker machines and restaurants.

Mr ALLEN: Yes it does. Closed is closed is closed. The suspension of a licence means it shall have the of no further effect and the gaming machines wink out, as in turned off, at the time of the licence suspension.

Mr WOOD: Total shut down.

Mr ALLEN: Total shut down. It's a significant penalty in that the licensee will still have their mortgage, permanent staff obligations, casual staff sometimes 20 or 30 in number will be short in their pay packet that week. That doesn't stop us from making the decision but it indicates the environment in which we make them.

Mr KIELY: Do you have the ability to impose financial penalties, like you are imposing one?

Mr ALLEN: We are imposing one.

Mr KIELY: But do you fine as well as

Mr ALLEN: Under some of our legislation we do, but under the *Liquor Act* no, but nor would we seek it. We are occasionally a little bit breathless ourselves in that, if police take a person to court under the *Liquor Act* they may be fined \$500 where we might suspend the licence for the same matter for two days which may be real penalty of \$20 000. Our powers are not in dollar terms but they certainly have a dollar effect.

Mr McADAM: Thanks Chair I was just going to ask Peter, is this information here relates to a report or data that has gone through the process. Do you have any information in respect to where there may be arrangements between ie the local police or the community and the licensee in respect to mutually agreed outcomes?

Mr ALLEN: Yes.

Mr McADAM: So, you have data to that effect?

Mr ALLEN: Not so much data, as knowledge. There, I would call them loosely accords or community agreements. There are community agreements, some of which end up in licence conditions. In Pine Creek, in Elliott there were trial restrictions there initiated by the police and other groups, in Borrooloola. There have been local agreements made from time to time; in Timber Creek, and frankly, I think those locally negotiated agreements, the Commission either does not know about or knows only about peripherally, tend to work very well because they are agreed between the people themselves. Sometimes, when we are called in, we have to then force agreement which is not true agreement is it? So, I think some of those, Pine Creek one I think is a stand-out success. We never read it out in the newspapers, it works too well. Now, there would be also agreements made, we do not know about. We can put them in licence conditions and quite frankly, the licensee is better protected if they are in licence conditions because then they are not so readily touched by other agencies such as the ACCC or Anti-Discrimination Commission and so on. If people themselves agree to be on lesser limits, as in Pine Creek, they agree to being in certain licence conditions, that is the end of it, it seems to work well.

Mr McADAM: If I may, can I just continue just a second? I guess I am just referring to Borrooloola, where, I can think of two instances where there are, well certainly one refers to an incident which occurred the night before, whereby the community wanted to have a meeting and discuss the issue and the police, I should say the hotelier then closed the pub for the duration of that period or chose not to open and outcomes were basically negotiated. The other incident occurred during the floods where my understanding is that they could trade until one o'clock in the morning and they ceased trading at nine o'clock. That was a community based outcome. There are also circumstances where there are funerals on a Saturday and they say, well, we will not open the pub, this is an outcome between the community and the police and I think negotiated by, sorry the community and the hotelier, but negotiated by the police. Instead of opening at ten, they say they will open after the funeral, say at three o'clock or something like that.

So, there is no real record. Police would not keep records, in terms of those sorts of things, because they know your inspectors in effect at the local levels.

Mr ALLEN: The police are, they are not likely to keep detailed records in any scientific or evidentiary sense. They would have their notebook and their reports, beyond that very likely to have very little. In terms of Borrooloola, there is a hearing on 29 October regarding a breach, an alleged breach by the hotel and on 30 October, three members of the Commission, will be chaired by Jill, Jill, Craig and Alan are conducting community consultation in Borrooloola, something that we do when we visit isolated communities and we have written, Robin on my behalf, on behalf of the Commission has written to all of the community organisations that we can find and invited them to meet with Jill and Craig and Alan. The focus of that consultation will be the very restrictions that you are talking about, which we understand have lapsed or are no longer agreed within the community. It would be

dangerous of me to predict the outcome of that consultation I think. I would prefer not to, if I may.

Dr LIM: In regards to police being licensing inspectors as well, is it under their own act or is it in licensing act?

Mr ALLEN: It is in the *Liquor Act*.

Dr LIM: It is in the *Liquor Act*.

Mr ALLEN: I think they are also dog inspectors and parking inspectors and so on.

Dr LIM: Yes, but are in the licensing act, not police.

Mr ALLEN: No, they tip out drinks and so on, move on itinerants pursuant of section 45d and the *Summary Offences Act*, which they do as police officers. They take people into protective custody, the Sobering Up Shelter, under a section of the *Police Administration Act*.

Dr LIM: In the instance where police enter a licensed premises, the police officer would enter that under what condition, for this act or the *Licensing Act*?

Mr ALLEN: They would be entering as a police officer, in my view and I am looking at John and more expert people as I say that – but once they start collecting evidences, they are really pursuing the role of liquor inspectors.

Dr LIM: That leads me to the question then that when a police officer who walks into a licensed premises, he does what he or she does as a police officer and then conducts whatever measures he or she chooses to do, at that point in time the role then changes to becoming a licensing inspector under your act?

Mr ALLEN: I subscribe to the view that a police officer is always a police officer, that they would be carrying out duties under the *Liquor Act* and their powers to do so are to an extent unchallenged because they are inspectors under the *Liquor Act* and the *Liquor Act* sets out the things inspectors can do, eg. Can seize records, can direct that people be removed, eg. intoxicated persons and they would be using their powers as inspectors under the *Liquor Act* because if they move outside of what the *Liquor Act* says inspectors can do it then becomes arguable as to whether they are police officers or liquor inspectors abusing their powers.

Dr LIM: That gets me fairly confused. In the recent instance where police have entered licensed premises, where does the police officer stand in terms of asking people to vacate premises?

Mr ALLEN: A liquor inspector can direct that a licensee direct somebody to leave the premises and seize records and so, I have said, but an inspector under the *Liquor Act* cannot detain persons. The licensing inspectors have multiple act powers – it is a multiple act Commission – and under Gaming can in fact detain persons, but not under the *Liquor Act*, can detain licensed persons but not under the *Liquor Act*.

Dr LIM: Looking at your Org Chart now and where you stand in terms of the inspectoral unit. There will be direction given by say Garry Moriarty to the police . say look we need you to be in bed with inspectors etc, etc.

Mr ALLEN: I understand that Gary and the police are having discussions about joint inspections and I need to say joint operations were once a feature of how this work was done. I am pleased it is being revisited. In Alice Springs it is again well done, perhaps the highlight was a well coordinated police operation on the same night as a well coordinated liquor operation. The fact that neither knew the other was operating is a useful coincidence, it is not a conflict.

Mr KIELY: I was just interested in a comment that you made about powers to detain. Do your inspectors...

Mr ALLEN: The inspectors, yes. The licensing inspectors as inspectors under the *Gaming Act* have some powers to detain certain persons but from my memory of the reading of the act, they will be persons who are licensed persons under that act, eg. All of the staff of the Casino are licensed persons under the *Gaming Control Act*.

Mr KIELY: You say detain, is that arrest?

Mr ALLEN: No, I would have to look to John a bit, but simply it is not – certainly not an arrest.

Mr WITHNALL: No, they can prevent them from doing certain things.

Mr ALLEN: Yes, it is a wait here and do not go away. Obviously if a person who is an inspector under the *Gaming Act* has the power to request to wait here, I need to talk to you, shoots through, well their license is not looking all that strong is it, their future employment is a bit challenged. But if you are playing the gaming machines Len and they ask you to come with them, they do not have that power.

Mr KIELY: Not while I am playing the pokies.

Mr ALLEN: Mdm Chair, there is two things I wanted to actually highlight in my talk and I haven't got there yet. If I may go on now what I wanted to discuss were, the main points of my own presentation would be drinker education and licensee education. Now I emphasise these two points particularly because I have read your own report very thoroughly. I have read the 1991 report very thoroughly and also the Alcohol Framework and in neither of those documents, nor in any documents that I have seen is the concepts of education the drinking public and educating and training licensees directly addressed.

And in fact there is possibly the opportunity, should you wish to do so, for this committee to make some stunning recommendations in that regard. I would just refresh our memories on what drinker education in its best form can be and I will just show a quick, a very quick video. A matter of seconds in fact.

Mdm CHAIR: Peter, sorry. Before you commence that I was just going to ask, our other visitor, Professor Tim Stockwell has just arrived. Do you mind if he joins the session?

Mr ALLEN: No, he is welcome to join. You have seen this before. Just while we are sorting this out I will just ask Rose to pass out copies of our Annual Report which is just further information and I don't intend to comment on anything in that Report, it is purely for information. I think it was tabled yesterday.

Mdm Chair, these are well known to you.

VIDEO PLAYING

Mr ALLEN: I understand this had many inquiries from 12 year old boys as to whether they should ever drink.

Mr ALLEN: Thank you for that. The point I want to make there is to indicate drinker education. In my own view – and I think it is a common sense view – if people are expected to obey the law they have to have some reasonable understanding of what that law is and that law's expectations and they need to see the benefits of it.

In my own view the Living With Alcohol Program was an absolute highlight and during its height and up to its eventual demise the former Liquor Commission which had all 22 staff, two of those staff were outposted to work under my direction. They were outposted from the Department of Health and worked under my direction and their job was licensee education which I will come to a little later – but they also contributed to that.

Annually liquor licensing authorities across AustralAsia, which includes Papua New Guinea, New Zealand, all the Australian states and territories and occasionally South Africa, meet together and at each annual meeting I would show the latest Living With Alcohol tapes. They were a great hit. We no longer produce, in my view, anything like that. There were decisions made by past governments of the time that are none of my business to comment on the economic rationality, I am simply saying that there was much admired drinker education, admired by my professional peers and colleagues and the colleagues and peers of my members in other jurisdictions and at that time this jurisdiction was the national leader, both in the Health Department Living With Alcohol sense and as a Commission involved in the regulation of liquor. It was the Living With Alcohol Program plus the things we are talking about a moment ago that gave us that status.

Mdm CHAIR: Peter I was just going to ask you – and look I have commented before and we have had Dr Ian Crundall in Alice Springs about the Living With Alcohol and having come from the health sector, do we have figures to show the benefits. The concern I have is in terms of indigenous communities - and yes, we have seen those adds and stuff like that. Was there, during the life of the Living With Alcohol Program – because we have all seen the statistics getting worse and worse in terms of remote communities – what were the statistical – I mean alcohol related incidences in remote communities at the time of the Living With Alcohol compared to now. I mean does the Commission have access to that.

Mr ALLEN: No. Look I know the Living With Alcohol Program was evaluated but it is a while since I have seen that evaluation and the type of statistics of which you are talking are police departments, health departments, health agencies, collect statistics, but they tend to do so for their own immediate and local purposes and the Commission's attempts over the years to assemble those into the sort of thing you are looking for has proven very difficult.

Mdm CHAIR: But you were saying just before at the time you had Health – there were people seconded from the Department of – well Territory Health as it was known then or whatever the tag was.

Mr ALLEN: I do not think we collected statistics of the sort. Health may have but we did not.

Dr LIM: Why aren't these videos still being used. They are not dated.

Mr ALLEN: I do not think they are in any way dated, but when I show the next tape, which is particularly important to the Commission to show. I agree with you Richard. I do not think they are dated, and I think they are of such value that we should not be fussing about who produced them, when they were produced, under which government produced them or anything of that nature. I think that they are so intrinsically valuable in their own right, that we should just damn well do it. Which point I will make a little bit later about another tape which in fact none of you have ever seen. Because it has never been shown in the Territory. Just perhaps to move quickly in that vane, one of the problems as a liquor licensing jurisdiction we are facing at the moment is in past times we were a national leader and others in terms of that sort of thing and the *Living with Alcohol* staff made other contributions in their work. Such as the ones that are now done in other jurisdictions. This is a collection I am going to leave with the committee, of notices that you see in licensed premises from around Australia. New South Wales: If you are under 18, you should not be here. Queensland: If you have had too much to drink, do not ask for more. It is against the law to supply minors. Victoria: Our staff are trained in responsible service. Now, I may have gone through those and highlighted some of those, they are collections from around Australia. There are none there from the Northern Territory, because there are not any to put in that book. The staff that collected that designed them no longer exist. The Commission no longer has a role in directing their activities, and there is no such work done by the department. There is a focus there on policy, there is no effort made to education. Nor are the various documents to which I referred, and I do refer respectfully please to your own document, nor have you yet focussed on training on the way I am putting it here and recommending equally respectfully that you do so.

Mr KIELY: So Peter, you see your organisational structure now, if you had your way, of having a director of Licensing, a Director of Racing Gaming, and Policies or as a Director of Education.

Mr ALLEN: There needs to be somebody in there focussed on this task.

Mr KIELY: With the Commission then hanging off – I am just trying to get a feel on a structure that is all.

Mr ALLEN: Yes. The Health Department were the lead agency in this, and I certainly do not seek to take credit for what they did, but in all of these other jurisdictions the work is being done by 'the department', and not by its licensing court. So there is a –there are two systems in place all around Australia, we are just as been indicated earlier, we have a leg either side of the ravine. Moving quickly then to licensee education. Each jurisdiction other than our own, produces a range – I wonder if I may stand I might show this. Old habits die hard and it is easier for me. Each jurisdiction other than our own produces from its department some form of monthly magazine or handout that emphasises – a very high, well produced and I intend to leave these here with you also. South Australia: fake ID project.

Mdm CHAIR: That comes out of where? - The licensing commission?

Mr ALLEN: Yes. Office of the Licensing Commission, Liquor and Gaming Commissioner Bill Prior. Very good relationship with this commission. We worked very closely together across the South Australian border. Two pages on identifying a false or altered ID. No such material exist in the Territory. And notice other decisions that the licensing court. In the internet in Victoria, sent out to licensees over the internet, an article by the manager, Harm Minimisation Education and Training. RSA which I am not seeing in any of the documents, but it is liquor licensing jargon and it stands for responsible service of alcohol and is part of the national language of liquor licensing both from the licensees point of view, a training point of view, and a licensing authority's point of view. This is from Tasmania, and good friend and colleague Peter Ko is the Commissioner for Licensing in that state, and his responsibility and that of his colleagues parallels the responsibility of this Commission. Liquor licensing bulletin from Western Australia, the Department of Racing, Gaming and Liquor, again, provision of water at licensed premises. It goes on and talks in like vane. Queensland, a discussion paper talks about a range of items: permits for major events, availability of water. New South Wales is probably the stand out one. Three hundred recommendations from the Alcohol Summit. 'Minister orders review of vodka flavoured jelly'. I learnt something from this when I was reading it yesterday. Porkies does not have a liquor licence but then some of you won't know where Porkies is. A Kings Cross premises of ill repute. 'Minister bans Moo Juice' which we ourselves get here under our own powers. 'Hotelier disqualified for two years: Hospital for young woman after five hour hotel binge'.

Now this contains informative items for licensees. It contains information about just what happened last week to their colleague licensees the Licensing Court and importantly, it tells licensees where they can go to get help from the licensing jurisdiction and the department, with staff training, RSA and notices to erect in their premises to educate their clients. Also training standards, if I haven't said so, are referred to, because I am doing this somewhat quickly. Again, this time from South Australia 'Alcohol and your health. Joint task force monitoring of licensed premises.' Every licensee gets a copy of this. 'Licensees responsibilities in relation to drink spiking in licensed premises.' In Western Australia the AHA actually put out that material. In South Australia, our jurisdictional colleagues there are doing it. No such material is distributed in the Northern Territory.

Two to go. 'ID checking guide.' This is compiled for all jurisdictions by Queensland and my worry and concern is that because we are no longer contributors, and we were once leaders, we are now getting stuff from other people but we are not giving. So how long will people be prepared to do this for us out of their budgets, I'm not sure.

Mr KIELY: Peter, did all this fall when the GST came in? You know, when we lost the ability to fund Living with Alcohol?

Mr ALLEN: These other jurisdictions which were tax collectors, just as we once were, when the taxation was then collected by the Commonwealth, their work was no where near as good as the former Living With Alcohol Program. They have no taken up this sort of work with a vengeance and they are still managing to fund it and we are not, is my point.

Dr LIM: What I hear is that the Licensing Commission would like to take up such tasks if it is adequately resourced.

Mr ALLEN: Well, yes but I think the other departments, for example, Health, which together with the police and the Commission could do this well.

Mdm CHAIR: That's right. There should be a number of agencies involved in that.

Mr ALLEN: Yes. Marion, we had a magazine produced by one of the two people I referred to, and in a smaller jurisdiction, it was not as flash as these, but it was good.

Mdm CHAIR: How about the industry as well, Peter? You were saying somebody there, I mean, it is all well and good to say government and government agencies, you know, should resource this. After all the revenue that is generated by the industry and given that, you know, their contribution ...

Ms CARTER: But they pay tax anyway.

Mdm CHAIR: Yes, but their contribution to tax. I mean, if you have a look at ... I mean the wholesalers, when we got that information of \$160m per year, one percent tax on what that revenue was, I mean, one percent is a drop in the ocean in terms of that. With their contribution, I think the industry needs to be accountable.

Ms CARTER: But the AHA here, not that I'm saying that ... I mean that is obviously the ideal, but at the moment the AHA here put out a magazine that picks up on some of those things from time to time.

Mr ALLEN: The sad part about this, at the risk of rubbing salt into our collective wounds, that is, as all Territorians this Australian IV checking guide – which is the latest edition – is the Northern Territory's idea thing called the pub card, put out by the AHA, which is no longer legal in the Northern Territory, you need a driver's license or an 18+ card for the Motor Vehicle Registry.

This next document, No More Risky Business, was the catalyst that really garnered up my personal enthusiasm to want to be here today. In other words I got quite angry about it and the fact that we do nothing like this. A guide prepared by the Liquor Licensing Division – that is of the Queensland government, Department of Tourism, Racing and Fair Trading and Liquor Licensing. It is a check list to assist licensees in reviewing their safety and compliance procedures and I intend to leave this here – but there is nothing – reading it there is nothing in this that is not relevant to here. There might be some differences in legislation and historically Queensland have allowed us to photocopy documents of this without talking about copyright.

Mdm CHAIR: Just touching on that, if somebody applies for a liquor license that would go before who – the Director of Licensing would then process that?

Mr ALLEN: If someone sought – sadly not, I have to say not now. A little while ago, perhaps two or three years ago I would have been confident that an inspector would have taken the licensee or the organiser of the public event through a guide of this nature and made sure that they understood their obligations. I am not able to say that is still the practice.

Mdm CHAIR: And you are saying that two or three years ago that that stopped. Why was that?

Mr ALLEN: When we were part of the Department of Industries and Business compliance became unfashionable.

Mdm CHAIR: The same as Work Health.

Mr ALLEN: Yes. I will not even start now. I think we all know stuff we are going to have to die with there. It was frightening.

Mr McADAM: I was just going to say Peter, I think what you were saying is evidently sensible in terms of community education and hotels. So is there anything going on which – talked about addressing this issue right now.

Mr ALLEN: I have read the various reports.

Mr McADAM: Does the Liquor Commission take it up with anyone, the Hoteliers Association or ...

Mdm CHAIR: With government?

Mr ALLEN: We can set license conditions but that is being resisted by the department who prefer the alternative strategy of putting into legislation. Now we are not against these things being in legislation but our powers to have licensees comply with this tends to be shrinking. I think we are being – I did not really come here to bag anybody or everybody, but we are being marginalised and our role is really being restricted to that of a licensing court. Where in my view, the expertise of these people and I have to make up for that with just enthusiasm, but the expertise and the enthusiasm of these people, I believe, can do much more than be a licensing court.

Mr McADAM: Well actually I absolutely agree with you and that is why I am asking. I don't have a degree of your expertise but surely other members would certainly be consideration in terms of how do ensure these sort of things are being taken up at a government level. I do not know. Maybe some of the other people might like ...

Mr ALLEN: We could, Elliot, if I may – it is a matter of budget and the proper administrative arrangements being made. Managing a staff of 20 is pretty much a piece of cake stuff. If we had 10 and that was our inspectorate we would manage quite well. If we were given or able to obtain grants as distinct from staff to prepare this sort of work and direct consultants, the Commission would be able to manage the work of those consultants.

I just thought of that as I spoke but it would seem to be a reasonable way of doing it whereas the department is focused more on the bureaucratic rather than the innovative process.

Dr LIM: The premises that licensees are not observing the terms of their licence and that is what we need to have a stronger inspectorate unit. Anecdotal evidence, are the licensees behaving themselves out there in the Territory.

Mr ALLEN: I think many of them are doing quite well but implicit in everything I have said is that these other jurisdictions are supporting those licensees. If you have read my CV my history is as an educator, I'm from the carrot and stick era of education, though I know to call it stimulus response. This is stimulus response stuff. It assists, it trains licensees and at the same time you get your name in this saying you are shut for a week and fined \$10 000. Stick, stick, carrot and stick. Stimulus response. It worked very well for us in former days and I think these licensees have a very good relationship with their department as many licensees here have of this Commission because they are inclined to be responsible but they are

supported in real terms by the licensing authority, the same people that will punish them if they do the wrong thing.

Mr McADAM: I am interested in your response. I think there is real opportunity for you people to enter in to arrangements, into some sort of agreements with some of the regions, community-based organisations and regions. Apply for grants, and get out there and start this sort of stuff. Governments are not going to do it for you and maybe there has to be this very proactive, I'm not bagging you by the way. I am saying that is how it is, that is how it should be. You are a statutory body, you have the authority, you have responsibility to do so. To develop these partnerships out there with the hoteliers associations, with some community based organisations, there are lots of alcohol rehab type organisations there if you want to go down this track.

Dr LIM: I applaud that suggestion. I am just wondering how the Commission a statutory body such as the Licensing Commission could actually go out there and seek grants. I'm not sure I'm just asking.

Mr ALLEN: I only just dreamed it up as I answered Elliot's question Richard but we are as statutory body, we are a corporate entity, we can own property, we can be sued if we don't pay our bills. We would have in my view (just looking for John here as I speak), the power to seek grants and others could safely give them to us.

Mr McADAM: You could work in with universities.

Mr ALLEN: This particular document I can't share with you, it is on its very draft form. But just to mention quickly this is the Woolworths training program for the Northern Territory. They have only got 9 licenses. It is specifically for the Territory 'Responsible service of alcohol Northern Territory'. Everything in it is under the Northern Territory act.

Mr ALLEN: The Commission is mentioned, they reprinted parts from our annual report. Where this will go is the legal department will clear it and then I will share it with the Commission members then we are likely to endorse and Woolworths will go off and get TAFE registration as a training provider. I will happily supply a copy when I am able to but this is very much a grace and favour copy from Peter Hardy.

Finally if I may I would like to show this short video and indeed very quickly after you have seen it mention its history. It has not been shown or released in the Northern Territory but it is used throughout Australia particularly in South Australia and particularly in training schools and institutions in South Australia to train licensees and their staff. It is not used in the Territory. And that has given me an enormous amount of time and my colleagues are wondering if they are going to get any, perhaps there may be another day. Thank you.

This is professionally acted although there is an old ham in it somewhere.

Dr LIM: Not yourself!

Mr ALLEN: And the sound just has to work.

VIDEO BEGINS HERE....

Mr ALLEN: The video was produced by Burundi Pictures, the script was written by a Living With Alcohol staff member attached to the then Liquor Commission and it was produced in year 2000 when the Commission itself had the range of responsibilities like gaming and so on that I have described here, it is the highlight of the year 2000 Australasian Liquor Licensing Authorities conference. I gave away copies left, right and centre, they now seem to be imbedded in DVD's and so on in training places in South Australia. It was never released in the Northern Territory because, I understood at the time, that program was coming to an end and I was directed that would not be released. Australian liquor Marketers, who have their staff trained in South Australia, using that program have now asked can they show it to their licensees here and I am probably going to let them do it.

Mdm CHAIR: Peter, wouldn't it be in the interest of the industry though to support that?

Mr ALLEN: Very much. It was indeed. If I was to say I was told the minister of the day said they were not going to release it, I mean, the minister respectfully may not have known that that was what they were deciding, so there was simply a decision made somewhere that *Living with Alcohol* program was ending, and this could not be distributed. It cost \$16 000 which would be some of the cheapest licensee education the world has seen. Health Department *Living with Alcohol* paid for \$8 000, and the Department of Industries and Business, which was really my part of its budget paid the other \$8 000. No proof, no purchase and as I have said, it is used. As a senior member of the Victorian Civil and Administrative Appeals Tribunal has compulsory viewing of it for recalcitrant licensees. It is really quite something. I think I have made my point about licensee education and drinker education, and ideally between us all, something will flow from it and departments and governments and ministers will be concerned and interested to pick up these points and you yourselves may be inclined to make recommendations to those effects. I have taken up all of the two hours you gave the three of us, Marion. And my colleagues have got very serious things to present.

Mdm CHAIR: We might just finish, is that all right? Because I know that we were due to talk to you at 11 that is why.

Mr ALLEN: My colleagues would come back at any other time and any day. They have taken this in equal seriousness and are very well prepared.

Mdm CHAIR: No, look, we have been waiting, I think this meeting is quite important, and I think that all the members here realise the importance of making sure hear from you. I know that Professor Tim Stockwell is on a tight time frame, and I just quickly need to talk to him so maybe if we can do a bit of shuffling, it would be good to then continue our meeting with the commission.

Mr ALLEN: I might just leave these then Mdm Chair, including the video with Pat, and

Mdm CHAIR: Oh, do not go yet. I will just go and talk to him. I might just hand the chair over to Elliott if you want to just proceed for a bit longer because I will just talk to Tim Stockwell in terms of his

Mr McADAM: Okay, so are there any other questions in respect to any matter which

Mr WOOD: I know most of the questions have been to you Peter. You said there at one stage you were angry . I think you are angry about a particular book, and this is more

philosophical question. I suppose you would not have taken on this job I think since 1996 if you did not have a passion and an underlying belief that you are perhaps going to do some good? I am just going to ask you more from a personal perspective of why you see your role as being important in the way Territorians live, I suppose.

Mr ALLEN: Gerry, like my predecessors I am probably guilty of personalising the job, and I have noticed that my colleagues throughout Australia have done the same thing and that we have imposed our personalities on the position and I think to a large extent what I have done. I am not an anti-liquor person. I have been known to enjoy a drink. I was given a job to do, and I intend to take my work seriously. I am often reminded that I need a life, but I am tempted to say I have already got one, I have got a job. I would become uncomfortable if I ever became a zealot. Although I think I probably appeared as one today, but I wanted to make some particular points because I believe that there obviously are problems in the Northern Territory, as there are elsewhere throughout Australia. I did look at a map the other day. There was no licensed premises in the Northern Territory, no, there is only one licensed premises in the Northern Territory that I have not visited, and that is at Altunga, and I could only on a map find two roads I had not driven up. So, I saw myself as having a background. Some people laughed when they made a former school teacher head of liquor what was then just liquor licensing, but I have actually found I am dealing with the same clientele. I am dealing with social issues facing Northern Territory and Northern Territory communities and the same challenges that communities needed to overcome say in Tennant Creek when I was an educator there in 1974-1975 and Warrabri in 1976 are still there to be overcome and I have changed hats but the core work, which is implementing sound social policy and making the Territory a better place is still there to be done and it is what I do and it is what you all do too. I have not probably answered your question but it is a very personal thing to me and it is simply me trying to do the job.frustrated at doing it ...

Ms VOSS: Gerry could I, can I add to that, having been on the commission since 2000, that one of the things that is very obvious, at commission meetings under Peter's directorship, is that when it is in the too hard basket, in some other department, whether it is health, education, noise, whatever, it lands up with us and our motto tends to be, 'there is no such thing as a too hard basket'. So, therefore, we have to use the skills on the commission, to look at the other options and to use the very independent networks and experiences and so when it comes to a commission being, new people coming on the commission, it is a very, it has to be a very clever merging of all the range of backgrounds and those backgrounds are very robustly demonstrated in commission meetings. So, it has been possible to be that robust and that determined because that reflects what the Chairman himself is trying to year in, year out with hopefully no sense of total exhaustion, to achieve.

Mr WOOD: Maybe I would like to ask everyone, maybe we might be able to do that later as to how they see their role on a Liquor Commission and maybe we can come back to that later, Mdm Chair.

Ms CARTER: Could I just ask one question? Is there a conflict of interest with your area of being within Treasury? I thought Treasury was an area that's role was to hang onto money for as long as possible and make as much as possible.

Mr ALLEN: Yes, that is its statutory duty and I think, I hoped and prayed that the structure of the current government would put us into the Department of Justice, quite frankly. Because, as Barbara says, we do things that other departments cannot do because perhaps they cannot suspend licences, whether that is health or consumer affairs, tends to come to

us. In justice there would be an understanding of the legal obligations we face and we would be left to do our work and in justice, just as Consumer Affairs has a community education role, both the community and for traders and it is the Anti-Discrimination Commission, in my view at least, and I think in the legislation indeed has a community education role. I do not think being the Department of Justice would deny us the opportunity to direct inspectors, whether or not we employ them and to educate the community, in fact to do all of the things that I have talked about. Treasury is about revenue and, in my view, they see the commission as liquor-centric. We do not see it that way, we see it as gaming-centric because that is where the money is.

Mr McADAM: So, would the Commission members be saying that to

Mr ALLEN: We could certainly say that to the framework project that we think we should be with the Department of Justice

Mdm CHAIR: Sorry, how long has the Commission been part of Treasury?

Mr ALLEN: Since the current government restructured the public service, and the name of the professor from New South Wales escapes me but he gave budget advice.

Dr LIM: Percy Allen.

Mr ALLEN: We were an outcome of his report, where we were mentioned in it is another matter, but...

Mdm CHAIR: Well, where were you sitting prior to that?

Mr ALLEN: Department of Industries and Business, which was not a good home because basically we were expected to soft peddle compliance which did not suit us particularly well.

Mr KIELY: So you are a well travelled agency.

Mr ALLEN: Oh, we are, some people suggest that our survival skills are of a pretty high order. Marion and members, if I might personally thank you for your questions and for hearing me and my colleagues will square up with me later for stealing their time.

Mdm CHAIR: Thank you Peter for your honest analysis and all the information that you have provided. It is always a joy to get that information to this committee. You are going to stay for the presentation by Professor Stockwell I presume.

Mr ALLEN: Yes, thank you Mdm Chair.

Mdm CHAIR: Professor Tim Stockwell is the Director of the National Drug Research Institute at Curtin University. The committee invited Professor Stockwell to come and do a presentation to this committee, after the secretary of the committee had seen some of the information that Professor Stockwell had presented at the recent New South Wales Government's Alcohol Summit in relation to a recent study undertaken jointly with others into the prevention of substance use, risk and harm in Australia; a review of the evidence.

In this address, he presented that the Northern Territory's *Living With Alcohol* program may provide a precedence for the rest of Australia. So, I suppose that is what caught our attention.

Prof STOCKWELL: Sorry, I was just a bit distracted, trying to get my computer to work.

Mdm CHAIR: I am just reading this out for the benefit of committee members. So you can continue doing that.

The NDRI was commissioned to undertake an independent review of the *Living With Alcohol* program, and estimated that there were a number of health and economic benefits to the NT which Professor Stockwell will go through with us. – hopefully, when we get the computer working.

Prof STOCKWELL: Thank you, one and all, for the opportunity to be here and talk with you about the work we have been doing in Perth at the National Drug Research Institute. This is my first visit to Darwin; I am very ashamed to admit that. I go to Melbourne and Sydney nearly every other week, it seems, but this is the first time I have had the opportunity to come up here; so it is a pleasure.

Despite that, our group has been doing quite a lot of work that is of relevance to you, through some of our studies. We were commissioned a few years back by the Health Department in the Northern Territory, through Ian Crundall, to do an evaluation of the *Living with Alcohol* program. We also have other programs like the National Alcohol Indicators Project which looks at levels of harm in every jurisdiction. I want to tell you about some of those things, and some of the evidence for what is effective policy from international experience.

So, a little about us. You probably do not have the faintest idea what the National Drug Research Institute is. We are funded through the National Drug Strategy. It used to be the Commonwealth Department of Health. I believe we are supposed to call it the Australian Government Department of Health; and ageing now. John Howard decided to change the name of all the departments. However, we have been around for about 15 years and we are trying to do policy relevant research around the prevention of harms related to the use of alcohol and other drugs.

I have several parts to my presentation. What I have been advised - and tell me if this right - I will just talk through the slides that I have which will explain some of the data we have and some of the thinking and ideas. Please stop me whenever you want. There are five main little bits. I could just do each of these and we stop and talk, but we will see how it goes.

The first is to talk about the need for universal strategies. The case for saying that alcohol is a problem that affects all of society - it is more acute in some pockets and some areas of society, but it is, nonetheless, a problem for everyone. There is a very strong case for looking at some remedies that have to be in place that affect all of us. We need treatment, we need some focus targeted strategies for high risk drinkers, but we also need stuff that affects the whole alcohol market.

I also then want to talk about the National Alcohol Indicators Project and the data that we have collected since 1990 up until the present day, on levels of serious alcohol-related harm, and patterns of drinking. Deaths, hospital episodes, alcohol-related violence, patterns of

drinking, per capita consumption. Whatever the data is we have developed methods of analysing that and reporting on it. So, I will show you some of that. Again, reflecting a little about the nature of alcohol-related harm and who experiences it, then the impact of the *Living with Alcohol* program - I will show you the data from the study we were commissioned to do.

Then I will talk about a forthcoming major study that we did with a lot of other people, looking at the evidence base for what works in prevention of problems relating to all drugs, tobacco, alcohol and illicit drugs as well. I will try and give you some of the highlights from that. So that is what I will try and do.

Just starting with some of the big picture stuff. I am sure you are acutely aware of this; that alcohol is not a straightforward topic. For you, at the hard end of policy making, you must have to weigh up all of these sometimes conflicting policy aims. You may have different priorities when you look at these things. Certainly, your voting public demand convenient access to affordable alcohol. You would be in big trouble - governments have lost elections through making it too hard for people to get alcohol. You have to acknowledge that.

There is a major industry that employs many people, and I am sure you want to look at that. There has also been - or it is less so for you guys now than it used to be - collection of substantial tax revenue. But I guess the GST still flows back.

Then, somewhere down the list there - maybe it is at the top of your list, I do not know - are safe streets, safe roads, workplaces and families. How do we balance those things? Long-term health of drinkers usually gets left last. A lot of people take the view: 'Well everyone can choose their own path to hell'. Is it government's responsibility to get in the way of that, or what is the role?. You are there - there are lots of conflicting aims here, lots of strong vested interests - and you have this very hard task of working what is in the best interests for all those folks out there in the Territory. So, good luck.

Another big picture thing: This is a picture of a drinking vessel from ancient Rome such as might have been used by Nero, or Claudius. Alcohol has been used down the ages, and there are records of people dying from alcohol-related causes from earliest times: ancient Egypt, 4000BC; ancient Syria; the Chinese have records going back thousands of years that Emperors used to give their troops lots of alcohol to win their battles against the invading hordes, wherever they might have been. It has been with us down millennia, whenever there has been an opportunity. It is very easy to make alcohol from any crop, fruit, seeds, rice, whatever. There are hundreds of different products you can use to make alcohol from. Almost every society in history has developed ways of manufacturing alcohol.

Normally, its uses have been restricted to festival times and when the harvest was available. Historically, in more pre-industrial societies, the opportunity to store and keep alcohol has been minimal. So, there have been problems around harvest times and festivals. However, with the developing industrialisation, refrigeration, mass production, mass marketing, and all sorts of wonderful inventions like the wine cask, which gets round a lot of these problems. You can make your wine and pour it and it stays in your fridge for a long period of time; a very efficient way to deliver alcohol - as is fortified wine, of course. There are lots of very cheap, mass manufactured forms of alcohol which are available to the whole community at very low cost, whatever your means. You do not have to be a Roman Emperor these days, particularly in the Northern Territory, to get enough alcohol for any purpose.

Another great invention is the Australian beer stubby; very portable. Thirty million litres of this beer approximately, according to data from your Liquor Commission, were sold in the Northern Territory in 2001 at a very reasonable price, roughly. It depends on how it is sold but it might be 80¢ a standard drink. It is a huge problem, and it is a modern problem for regulators. You are not alone; there are people who have sat in rooms like this in every jurisdiction down the centuries and tried to develop strategies.

Because of its universal appeal – again, this is part of the case for saying we need universal strategies for dealing with this problem; it is a major issue for governing in the public interest. The case about this – and I keep using this word ‘universal’ things that affect all of us. The risky use of alcohol is very widespread; it is very commonly engaged in. When I say ‘risky use’, I am referring to NHMRC definitions of what is risky and high-risk drinking for health and safety and most of the serious harms caused by very common patterns of drinking, drinking to intoxication. I will show you data for the Northern Territory and Australia which show that problems with intoxication generate most of the deaths, most of the hospital episodes, and a lot of the crime and violence.

Most risky alcohol use and harm affects people who are not socially or economically disadvantaged. I have to be very careful when I say this, because there are groups and it is very acutely and sadly the case in indigenous communities - where it is mind-numbingly obvious that the social disadvantage and economic problems are weaved into the whole problem. If you look across the whole community, most of the harm is still experienced by the mainstream community. It is not possible to isolate a group and say it is just a problem there. It is a huge problem in certain pockets that needs to be addressed, but it is also a problem for the whole community.

The other stuff I will talk to you about is universal strategies that have, firstly influenced the price, sale and service of alcohol, and have the strongest scientific evidence and where they have been evaluated in different parts of the world. Those are the strategies that have had the biggest impact on the population level, and are the most important levers that you can pull on if you want to do anything about this problem.

There is a reluctance, which is probably already running through your minds, as to why one would do this. One is there is the idea that alcohol – there is really only a few people out there who abuse it and why should the majority suffer for the sins of a few? That is the theme that I want to address in this talk. That is a major stumbling block. A lot of people in the community see it that way and, I suspect, most of you see it that way too.

Let us look at some information and reflect to what extent that is the case. It is the rather colourful metaphor I sometimes use - others have used as well - the notion of: ‘Isn’t it a rather ridiculous idea to control everyone’s access to alcohol?. Why don’t we just drain the oceans to prevent shark attacks’. It is about as crazy as that. Well, let us just keep that idea in mind and that nice image: holiday picture from time at Coral Bay; a very nice place to visit and swim with whale sharks.

What is alcohol abuse? The World Health Organisation categorised the different problems in terms of those caused by intoxication: mainly injuries; they can also be strokes. People can die from a stroke through a heavy drinking session; problems of regular use over a number of years; drinking above safe levels; liver disease; cancers; and a number of other medical conditions. There are about 38 different ways alcohol can kill you or send you to hospital. There are probably more, but those are the ones we have good scientific data on.

Of course, there are the problems with dependence, withdrawal, and the effects of that and the social problems surrounding those, as well.

I will leave with you – I do not know whether any of you have seen these things. These are outputs from my National Alcohol Indicators Project. We have produced five and we are in the process of generating a sixth. I am going to give you a sneak preview of our data that is going to be released next month. However, I can leave this – I should have given six copies, I only have five copies. But there is a web site; you can download them all anyway. They are all available.

For each jurisdiction, we have looked at data on alcohol-caused deaths and hospital episodes, road injuries, patterns of drinking, and that bulletin there is really just for the country as a whole. Per capita consumption: you are one of the good guys who still generate data that enable us to be able to say at the jurisdictional level how much alcohol is being consumed. Only you, Western Australia, my home state and Queensland collect these data. But, congratulations, it is a treasure that you should not let go lightly.

The basis for this work is ...

Dr LIM: Professor, may I stop you there for a second and ask about the data that is collected.

Prof STOCKWELL: Yes, sure.

Dr LIM: While three states or territories collect the data, the data is not complete is it? How do you extrapolate to what is entering the Northern Territory? We talked about this early this morning; that you could be a member of a wine club in the Northern Territory and purchase wine from South Australia or anywhere else. That information of the alcohol entering the Territory through that means is not recorded by the commissioner.

Prof STOCKWELL: What I would emphasise, is what we are doing here is indicators. What this data provides is perhaps 95% of the total alcohol sales. But, if you want to evaluate the effective licensing restrictions in Alice Springs - just to pluck an example out of mid-air - it is very handy to have geographically specific data that is broken down by beverage, type and strength of alcohol quarterly. Quarterly data that has been collected by this commission for some 15 years, perhaps more than that. It is excellent; you have the best data system in the country. What that gives you is a baseline.

Okay, there might be the wine clubs ordering their stuff, but it is a very small part of the picture. When the data yields results like a sudden increase in the consumption of fortified wine versus cask wine after the restrictions have come in, you would have guessed that but you would not have been able to quantify it without that data. If you stopped collecting it and say: 'We will only do it in some localities where we need it', you will lose the baseline information because it will not have been collected properly, and the ability to make comparisons with outside areas; which is a critical thing to do. Plus you will not be able to get a fix on the whole picture - the big picture for your Territory.

This report (the *WHO International Guide for Monitoring Alcohol Consumption and Related Harm*) is our bible we use for the work. It is work we did with the World Health Organisation and researchers in North America and Europe. This was a huge project – there are quite a lot of difficulties and complexities in using data, as Peter said, collected by other bodies for other

purposes. The police collect data on crime for their purposes, the hospitals collect diagnostic information, the ABS collects the information on deaths. Anyway, in order to ascertain and estimate accurately which ones are caused by alcohol, and do that as well as you can - because the development of science is a very strong tradition in Australia of doing that work and developing the best methods for doing it. A lot of it is described in this International Guide and that is what we use - we also participated in its production.

Okay, to sum it up: the bottom line data for the Northern Territory. This is from a report just about to be released. We are going to report on trends from 1990 to 2001 for the whole of Australia. For the Northern Territory in that period, we have estimated, conservatively - and I will not bore you; I will bore you with other things but I will not bore you with how we estimate it, unless you want to know - 856 deaths over that 10-year period and 10 368 hospital episodes where people were admitted and discharged due to alcohol in the last 8 years.

Now, let us look at - remember that three-way classification; problems of intoxication - 64% of deaths are to do with - and I will show you the kinds of causes of death can be classified as being caused by people getting drunk and 88% of the hospital episodes. This is a common drinking pattern. If you just say drinking above NHMRC guidelines for this sort of problem, more than six standard drinks in a day for a man, more than four for a woman, 30% of adults in the Northern Territory, according - this is a survey which always underestimates people consumption - but the estimate is that at least 30% - that is including abstainers, including everybody over the age of 14 - will do that at least once a month; a very common drinking pattern.

Problems of regular use, 28% of deaths. Those are the cases of liver cirrhosis, cancers, 11% of hospital episodes are caused by alcohol. Sorry, these are all of these total figures caused by alcohol. Not all. It is probably about 5% or 6% of all deaths in the Northern Territory caused by alcohol, but I am just talking about those that are.

Quite a common pattern in the Northern Territory, 18% of people. I should not say adults; persons aged over 14, they are not all adults drink above NHMRC guidelines for risk in the long-term harm. Not as common as the acute harm. Dependence, I put a little asterisk there because this is just when it has been diagnosed by a clinician when they come into hospital. There are undoubtedly people with dependence who get drunk and die from those other reasons or get liver cirrhosis. But those whose death was classified by the clinician, the doctor, as being due to alcohol dependence was 8% and only 1% of hospital episodes were due to dependence.

The significance of all this load of numbers flying around - the important thing I want to stress, is where the major harm lies. The major harm that you can quantify and cost - most of the economic costs and the human costs - are around the problems of intoxication. Some of that is caused by people who are dependent on alcohol, but the pattern of drinking underlying that is so common. It is a thing called the prevention paradox. It is not the high risk drinkers that generate most of the problems, it is the less risky drinkers, the common people out there, who get plastered once a week, maybe twice a week. They are the ones who generate most of these harms that we are identifying.

So that is an important perspective, the big picture, when you are making policy. A little detail about these deaths from acute effects: road crash injuries, more than half. It is just a breakdown. These are conservative estimates. It has been pointed out to me that probably

more homicides should be in there. I am having another look at that. These are data that we have not released yet, but they will be available shortly: suicide, homicide, other kinds of injuries, poisonings and various other acute conditions such as strokes. These are all estimates. So, 550 people dying from acute causes; chronic causes 239 – mostly alcoholic liver cirrhosis, a few cancers and some other conditions. I mentioned dependence before was estimated to contribute 67, a total of 856. You will notice most of them are men. That is our best estimate using the best available data, by World Health Organisation standards, of how many people have died in your Territory in those 10 years.

Mr McADAM: Tim, sorry, just for a sec. About the homicide and the suicide; are there any trends?

Prof STOCKWELL: I will show you trends. Actually, I will only show you trends for total deaths, but I think it is a very important issue. It is something we can go into in more detail, but in this report I am not able to at this stage, because it is early days.

An overall picture of rates of harm, just comparing the Northern Territory versus Australia. I am sure you know all this; people drink a lot more here. But let us just look at some number here. Per capita consumption: your lovely data shows that you drink roughly 40% to 50% more than the rest of Australia. The proportion of people drinking at risk of acute harm is 30% versus 20% in the rest of Australia. Twice as many people at risk of drinking, for long-term harm: 18% versus 10% - more or less twice. The rate – that should be 10 000 people. Whoops! The rate of lives lost per 10 000 people – I do beg your pardon, I think. I will have to double check that. But the point here is the comparison: in the Northern Territory nearly twice as many people dying from alcohol-related causes per the population as the rest of Australia. Similarly, for hospital episodes per 10 000 people aged 15 or more: 79 Northern Territory and 41 the rest of Australia.

Ms CARTER: Excuse me, Tim.

Dr LIM: A page is missing.

Prof STOCKWELL: Yes, I know. I did that on the plane coming up here.

Ms CARTER: Excuse me, Tim. You said earlier on that the bigger states, population wise, are not providing this sort of information that the Territory provides, into the system.

Prof STOCKWELL: So how did I work that out?

Ms CARTER: And therefore is the Territory disadvantaged, in a statistical sense, by being so honest with our figures in comparison? Because we look terrible. Does that influence at all how we compare with the other states because they are not providing information?

Prof STOCKWELL: We have historical data up until that infamous High Court decision. So, the last financial year for the whole country is 1995-96. I can assure you that, even back then, you were 50% higher than the other states ...

Ms CARTER: Yes, I know that.

Prof STOCKWELL: The comparison we make now is just for the whole of Australia. The ABS collect data for the whole of Australia, and will continue to do so. However, it is good data but we just cannot separate it out into different jurisdictions.

I refer to the NHMRC guidelines, just to remind you of those. You have probably come across these already, the Australian alcohol guidelines; among the most generous in the world. Maybe that is one word that could be used. No one else - in North America they say 'Up to two standard drinks a day for men and up to one for women'. They have bigger drinks there, for some reason. But even that does not account for the difference. I believe the Basque region of Spain is the only part of the world that has ever generated higher levels than us. They recommended no more than eight drinks for men. They are obviously tough, hard - the Basque separatists or whatever - they are heavy drinkers.

I was part of the group that developed these, and it was based on a scientific review. It was a conservative take; we did not think we should indulge in Nannyism and over-interpreting the results and saying: 'Even drinking two is bad for you'. We thought this was where the evidence lay. We thought that, although it is complex, you can drink a little more on one day, as long as you do not do it every day of the week. That is more complex, but we just trusted anyone who is interested would have the intelligence to work it out. I am sure you instantly worked out what that meant. There is a level for what you do on average, and there is how much you can go up to on one occasion provided you are not pregnant, you are not driving, you are not doing complex work like sitting on committees or whatever it might be.

This might be hard for you to get your head round. We analysed the National Drug Strategy household survey; the biggest ever done. We looked up the 21 000 people who were interviewed, then we left them with a questionnaire to fill out. They did it confidentially, put it in an envelope and posted it back, with a 50% response rate.

Remember those guidelines? Those ones for acute harm? What we tried to do was just forget how what individuals were doing and just said: 'What is the whole of Australia doing?'. Put all the drinks, pour them into a lake around Alice Springs or somewhere and ask: How much of all the alcohol consumed in one year is drunk at a low risk level? How much in a risky way? How much is high risk? By the way, high risk is more than 10 drinks in a day for men and more than six drinks in a day for women.

Mr COSTIGAN: Is that every day?

Prof STOCKWELL: This is not about every day. It is a hard thing to get your head around. Can you imagine all those drinks? Perhaps imagine them all in glasses all lined up as far as the eye can see. We are going to separate out those that are drunk on a day when people exceeded the limits of one level, and those that were drunk on a day when they did not exceed the limits - whether they were men or women. It is just a fix on this product that you are responsible for making up laws and regulations around; how this has been used up there. I mentioned this idea of a shark attack and draining the oceans. Maybe this is a little more like tobacco - controversial concept, but think about it.

This is how it is actually used in Australia. In the Northern Territory, that green segment (low risk) is only 32%. There is a reason for saying this is conservative. I have left out all the chronic effects of alcohol. There are some people in the low-risk category who drink just five or six drinks a day, and that puts them at risk of long-term harm. A very conservative

estimate is that 80% of all alcohol consumed in any year in Australia puts the drinkers health and safety at risk.

Just get your heads around that, because that is what the data shows from the largest-ever survey of Australian drinking done in 2001. Bear this in mind, have a good look at this nice little cartoon. People do not always get it right when they say they have had a standard drink. It is sometimes larger than what they said. However, for whatever reason, we know when people give you results in surveys, the amount of alcohol, when you add it all up, is less than was sold. We did very well with this survey with methods. We, with the Australian Institute for Health and Welfare, designed the questionnaire. We actually got 75% of all the alcohol sold, which is a record, I believe, in Australia. The last one was 46%. But it is still an underestimate. So, those figures I gave you were for underestimated consumption patterns. So, an uncomfortable truth: most alcohol consumed in Australia puts the drinker at risk of harm.

Let us move on to some other comforting myths. Do you want to stop and ask any questions or just carry on?

Mr KIELY: Keep going.

Prof STOCKWELL: The social and economic disadvantage thing; this is another very important issue, and it is a very acute one in this territory. There are some interesting data about young people's use of legal and illegal drugs. You may have heard of work looking at risk of protection factors. For young people, risk factors that put them at risk of mental health problems, being engaged in crime, substance misuse, risky behaviour of a variety of kinds. Very strong evidence. You can identify things like neighbourhood disorganisation and poverty at the community level; family absence or poor relationships; family disruption; academic failure; truancy; peers who are in trouble with the law and who use drugs; individual characteristics like rebelliousness. There are a lot of them. Protection factors tend to be around having strong attachments to family, friends, school, the community of various kinds, and opportunities to get rewards from other ways. This is all real and, when you look at whether this predicts the numbers of risk factors as a scale that was developed to measure these things it clearly does so.

The number of risk factors you have predicts whether you 'binge drink' (more than five drinks in one day); smoking cigarettes; smoking marijuana, using other drugs all at least monthly. One of the interesting things with illegal drugs, you need a lot of risk factors before it becomes an increased problem. Cannabis is a bit more like the others, but cigarettes and particularly alcohol, you do not need many risk factors. This is the percentage of kids with these risk factors engage in the drug use described. So when you have no risk factors, about 12% of kids with no risk factors that engage in binge drinking. Now a lot of people have seen this graph I'm showing you. It is a very famous set of data collected in Melbourne. The authors have said to the effect: 'All we need to do is to fix social disadvantage, try and remove poverty and prevent school truancy'. All these important things that we have been wrestling with for probably centuries. What it misses out in the overall picture, is what most of the kids are doing.

So I just want to show you another fix on this; another one of these little pie charts. We wanted to know what mainstream average kids were doing. There is 75% of kids in the middle. We have low-risk kids, the 15% with the least risk factors, the 15% with the most risk factors. Look at the difference – 11 times more likely with binge drinking, if you are a high risk

kid. Okay? So you have all those with social and economic disadvantage, you are much more likely to engage in risky alcohol use. But, hey, look! It is the average low risk that comprise the majority who use alcohol in a risky way.

So, it is a balance we have to make here. We need to make policies for high-risk communities and groups because they have really severe problems. But, if you want to impact on the whole picture, you need these universal strategies; you need to look at the whole population. The main risk factor for binge drinking for young people is being a teenager. So, we need to balance those different perspectives. Also, risky drinking is engaged in by the affluent and well-adjusted, as well as the socially disadvantaged and damaged.

The other thing I want to add in here - this is not in your slides, this is another one that I managed to slip in on the plane;. It is not just an indigenous problem; this slides bears this out. Using survey and liquor licensing data from this commission, my colleagues in the National Drug Research Institute estimated indigenous Northern Territory residents consumed roughly twice the national average of per capita consumption per person, and non-indigenous Northern Territory residents consumed 1.43 times more. So, it is a very major problem in indigenous communities, but they are not alone in that; certainly not alone. And both communities need to be helped in this regard.

I want to talk now about the *Living With Alcohol* program.

Mr COSTIGAN: Just before those last percentages, do they refer to the whole population, including the non-drinkers?

Prof STOCKWELL: Which ones?

Mr COSTIGAN: The 1.97%.

Mdm CHAIR: The slide just before that.

Prof STOCKWELL: Sorry, that is the ratio. It is just saying 1.97 times. If one is the average Australian, the Indigenous Northern Territorian would drink 1.97 times the level of the rest of the average Australian.

Mr COSTIGAN: Is that for the whole of the Indigenous community?

Prof STOCKWELL: Yes, it is an average for the whole of Indigenous people. Yes. It is an average figure, it is a ratio.

Mdm CHAIR: Even though you might get a high percent, are there numbers within that 1.9 that do not drink?

Prof STOCKWELL: Oh yes, a much higher level of abstainers. Sorry, forgive me if I go too quickly over these important complexities.

Mdm CHAIR: But that could also be in terms of the non-Indigenous as well.

Prof STOCKWELL: Oh well, the abstainers are included in there too. So, so if I just ...

Dr LIM: What do you think? That 200 000 people live in the Northern Territory; 50 000 might be Indigenous, and 50 000 on the average consume twice as much as the national average...

Prof STOCKWELL: Yes.

Dr LIM: ... and the other 150 000 white folk, or non-Indigenous folk, would drink 1.5 times as much as the national average?

Prof STOCKWELL: That is right. The abstainers are included in there. In a way, you would say for the drinkers it is even worse, I guess, for the Indigenous people.

Mdm CHAIR: Because you are putting in that whole of population ...

Prof STOCKWELL: Yes, it is a figure for the whole population.

Mr KIELY: Your whole population as well, contains a lot of abstainers, so it all evens out.

Prof STOCKWELL: Yes. But it is factored – the abstainers are factored in.

Mdm CHAIR: Well, it does not even out, because it shows that it is a concern ...

Mr WOOD: A lot of it, I do not know. There is double meaning ...

Mr KIELY: When you are looking at these figures, then look at the people who abstain and say ...

Dr LIM: It means four times as much, because we two do not drink ...

Mdm CHAIR: That is right, Richard, that is right.

Mr KIELY: If you look at the whole of the population, the rule applies, so ...

Mdm CHAIR: I agree with you.

Ms CARTER: ... in that wine glass.

Dr LIM: Beer, that is right. It is very ...

Mdm CHAIR: These mob. But that is an important heading, I must say, because in the issue of alcohol, or the problem that we have with abuse - people need to see it not just as a black problem, but everybody has a problem.

Prof STOCKWELL: Yes. It can be a more visible problem with the Indigenous people some times.

Mdm Chair: Oh yes, it is visible; we will not deny that.

Prof STOCKWELL: Yes, but when you count the costs - a lot of them invisible costs unless you go away and count them - it is a mainstream problem to non-Indigenous.

Here we are, back in Darwin, the Northern Territory *Living With Alcohol* Program. In 1992, the Northern Territory government charged a levy on alcoholic drinks that raised \$18.4m over four years, used for the prevention and treatment of alcohol problems. A fantastic innovation, a really brave bit of social policy. You have had the worst levels of problems in Australia, in this Territory. You have also introduced some of the bravest responses, and this was among them. It was a colossal achievement, this particular piece of policy-making.

Mdm CHAIR: A CLP initiative.

Prof STOCKWELL: As I said, we had the privilege of being involved in its evaluation. For the first four years, we were commissioned to look at the health and economic benefits that were associated with that period. The proceeds were used to fund media campaigns against drink-driving, and promoting responsible alcohol service - I guess we saw one of those excellent video clips earlier; perhaps it is a bit later the one you showed us; additional treatment programs for problem drinkers, very badly needed; and additional prevention and community-based programs. Our analysis was that the programs that were funded had a strong independence evidence base. It was not just any old activity that was funded. But some of the best – whoever made the decisions about where the funding should go, in our opinion, looking at the evidence base, made some very sound decisions.

The other thing, of course, was the that tax funded it. It was, in itself, of all the most evidence-based strategies - we know that alcohol behaves like other commodities in the marketplace and, when you increase the price, consumption comes down. It is responsive to price changes. When that happens, when consumption goes down, we know the harms associated decrease as well. So, there were a number of things: there is the tax, the levy itself would have had benefits. Five cents a standard drink might seem small, but it did affect the price of casks quite substantially – I believe in the region of two dollars a cask, that sort of ball park.

What were the results? We looked at a number of indicators. Again, your wonderful data from the Licensing Commission on per capita consumption, looking at a population base of people aged more than 15. This is, well, historically high levels of per capita consumption of this Territory. What have we got? About 22 litres, that was even higher than France at that time, which held the world record some time ago - places like France and Italy. But it had been coming down steadily. *Living With Alcohol* was introduced in the early 1990s. This is the rest of Australia here and there is arguably - and we did some analysis on this - but just eyeballing the data, it looks like there is an acceleration of the reduction in consumption at that time. It may be due to *Living With Alcohol*, it may have not been. But there was that association with per capita consumption reducing compared with the rest of the country.

Dr LIM: With the statement that, when you raise the price of alcohol, the volume of consumption decreases, you also suggested that might be trialled in Alice Springs. The concern was that – well, not a concern - but with our Indigenous drinkers, there has been a statement made that price is not a factor. If they want to drink, they will buy, irrespective of the price. Mainstream, however - the pensioner who wants to have a cask in the fridge. He will say: 'Well, I cannot afford that and I will drink less'. So, there is imbalance in the key question that, mainstream which will overall will buy more than a smaller proportion of the population will buy to drink to excess. Said, we are not going to buy as much because it is too expensive, we have to watch our budget, so the alcohol consumption decreases.

However, the Indigenous drinker who will drink irrespective of cost, will say: 'I will buy that, irrespective of what it costs'. So that volume is not – it is an overall volume decreases. However, harm stays that same there and the harm might decrease there. You see the ...

Prof STOCKWELL: I am aware that is a very important argument, and there are some very respectable commentators have suggested that the price - in Indigenous communities, consumption does not respond to price. They cite examples like people paying \$200 for a four litre cask of wine, and paying for it to be flown in, in some really remote communities like the Cape York Peninsula. I say two things about that: one is, that the evidence - there is this common idea, it is the same as the notion of an alcoholic will always get their alcohol no matter what, or the very heavy drinker. They do not care about other things, they will make sure that, by hell or high water, they get their alcohol. All I can say is the experience around the world, where the effects of price changes, changes in availability, have been looked at - and the impact on light drinkers, medium drinkers, heavy drinkers - it is really clear that the more you drink, the more you reduce your consumption in response to price changes.

One of the indicators of that is when taxes go up, rates of liver cirrhosis come down. So, generally, people who have most of their disposable income going on alcohol, when they cannot - for most of us there is a limit to income. There may be certain communities where, in effect, they are so awash with funds - I do not know - that there is no elasticity. But I would suggest to you that those are the exceptions rather than the rule, and there would be only a few people whose pockets are so deep that they are not affected by the harsh economic realities.

Dr LIM: Well, let me argue this a bit further. Do not get me - it is not being racist and all in any way - but if you have a group of people ...

Prof STOCKWELL: Yes.

Dr LIM: ... who are prepared to barter for the alcohol: 'I need that, what do you need from me? You take what you need and I will have that'. Compared to another group, that say: 'Hang on a minute, this is only worth that much'. Now, if the bigger population says: 'No, we are not going pay that price, we will drink less'. Automatically, volume or consumption decreases.

Prof STOCKWELL: Yes.

Dr LIM: This side of the equation does not alter; has no impact on what, in fact, will remain at that same level because they will barter for the alcohol.

Prof STOCKWELL: But if you think of that playing out for thousands of people in a community - perhaps there is a few thousand in that situation - it would be unusual for all of them to be prepared to barter and do whatever it takes to get exactly the same amount of alcohol. Most people are making decisions about what they will do with their money; how much they will spend on this, and how much on that. Some of them will hock everything that they have, and the kids will go without food maybe but, in the majority of cases and for most products, even in the most disadvantaged communities, there is a responsiveness to price.

The other thing, though, is that you can do things to remedy unintended consequences. If there was a policy that impacted in that way, there are policies which can remedy any possible social and welfare disadvantages. So, looking at how welfare payments are made to

families to ensure that food and clothes are there for the kids. There are complementary measures that can be taken to offset any possible disadvantages.

So I would say, yes, there might be some negative consequences; they would be in a minority cases. Unless the situation with indigenous people is totally, totally different from anywhere else in the world, then it would be the case that they also would respond to price changes. But, it is not enough on its own; you cannot do it and do nothing else. Look what happened in Russia. Gorbachev tried to raise the taxes on alcohol and he got all this illicit supply and consumption. It is a policy you can only take so far. But, when you have cask wine and fortified wine that you can get, you can exceed the NHMRC guidelines every day for about \$1.20, \$1.50 at the most. I suggest to you that we need to do something about it.

The bottom or the floor of the price spectrum is so low, it would not do any harm to raise that, even if it means reducing the ceiling and we do not have to collect extra revenue. It is like in Hogarth's Victorian England, in gin alley. The spirits were so cheap, toddlers were being fed with gin. The whole place was amuck with disorder. So, the taxes were introduced which we still have - huge taxes on spirits compared with other products. Britain then became more of a beer-loving nation. It used to be more into spirits. So there are remedies. Like with low alcohol beer now because of the tax advantages, 40% of the alcohol market is taken up with low and mid-strength beer. A huge change.

Mr CLOUGH: Excuse me for a moment. It is important to stress that we do not have the systematic studies into the kind of issue that Richard has identified ...

Dr LIM: With the ...

Mr CLOUGH: Specifically, about the differences between the two population groups in one particular environment, where alcohol may be price elastic and one group very removed from the other ...

Prof STOCKWELL: There are some studies that have looked at the impact of sales in grocery stores when restrictions have been in place. Brady and Martin; there has been critiques of that. There is some available data. But there are studies worldwide about the impact of price changes on heavy drinkers. There is a large body of literature and I make it quite clear that we do not have a precise study on indigenous people, which is why I said unless they are totally unique, that they behave in a way that is utterly unlike anywhere else where these things have been studied very extensively ...

Mr CLOUGH: Well I think one thing that has really been overlooked is that, in a western family where the income constraints are quite tight then, yes indeed, following the logic, people will respond to the higher costs of alcohol. But, ironically and paradoxically, in an extended family environment, theoretically that drinker has access to unlimited cash.

Prof STOCKWELL: Well, whenever that is the case, if there is access to unlimited cash, there is no price elasticity. I completely agree. I totally agree with you.

Mr CLOUGH: I think that has been overlooked in this environment, in particular.

Prof STOCKWELL: How many indigenous families in this state/territory have access to unlimited cash?

Mr CLOUGH: Extended families.

Mr ALLEN: Extended families. There is, I would perhaps perceive - I do not have the same scientific basis for this view as Alan may have as he shares this view. But the role of the dominant male in an extended family is simply gathering together the resources of that family - quite frightening to watch. The means sometimes used to extort that money is quite frightening. I was with you, as I think a number of my colleagues were, up to a point where we simply see there is a body of people, sadly, who have unlimited access – for all practical purposes, an unlimited access to cash because they have either their own Social Security , other people's Social Security. In some cases, royalties of various kinds, which I certainly do not seek to deny, but I regard some of it is being paid a tad irresponsibly without a thought as to where the money will go. That creates, in my view, and it seems in the minds of my colleagues also, a pocket of the population that falls outside the tolerances that you are indicating.

Prof STOCKWELL: It is a very special set of circumstances, and I certainly would accept that.

Dr LIM: That is right. That is the point I was driving at that, that by then pushing alcohol prices up, you disadvantage “the” community ...

Prof STOCKWELL: Well, that would only be the case if the only concern was with these dominant males with extended families of unlimited access to funds. I have tried to persuade you that this is a community-wide problem. It would have no effect on some of these people with the worst problems, but the majority of people who are generating most of the economic and social and health costs would be affected, in a beneficial way.

Mr McADAM: I just think how ingrained it is within the Territory is the book-up system - unlimited, in the past.

Mdm CHAIR: Yes, a lot of it is not having - and I take what you say, and what you say, Peter. But, in a lot of cases - and what Elliot was saying – it is having disposable cash, because a lot of those indigenous families have small disposal incomes. Yes, there is the pooling concept, but the booking-up is probably where the greatest danger is.

Ms HUCK: It is a very complex issue, and it is very dangerous to assume that one single strategy is necessarily going to work ...

Prof STOCKWELL: No, no I am not suggesting that. That is why I said on its own. I referred to Gorbachov's Russia. But, if you ignore - I will talk about a range of strategies that have evidence for effectiveness, and across the whole community price is the thing that has the strongest evidence base. But, you would be crazy if that is all you did, and nobody would suggest that.

Mdm CHAIR: That could be the argument - and we were referring before. I know, Richard, you brought up the Alice Springs restrictions. But, could that not be the argument, in terms of the other side - and I do not know whether this is the approach, or whether we had this discussion. Just say, with the restrictions in Alice Springs, that the restrictions are only one means of trying to deal with this, but there are other complementary measures that have to be part of it; that if you do not have those other complementary strategies in, of course, the restrictions are going to fail, because ...

Prof STOCKWELL: Well, there are interesting debates about how effective some of these levers are. I would argue that, if you get the restrictions right - you would need some educational strategies to support those. No way would you stop the treatment programs; you would always want to augment those. There is always a range of strategies going on. But, if your restrictions were designed as efficiently and effectively as they could be, and providing that they were supported by the community - you would not want to impose them because of issues of social equity and civil liberties. But, if your community supported them, I would argue it would be enough to - you would make an improvement, you reduce harm if you just had restrictions and little else, as an addition to what else is going on.

On their own, they would make a contribution. But, it is going to reduce problems by 10% or something like that. There is a lot of things that could be done incrementally. If you are thinking at the population level, you could introduce a range of strategies which will give small benefits, but to many people, that are measurable across the whole community.

Mr McADAM: Could I just ask one question:? Maybe it is not relevant here, but you are talking about a universal responsibility. That is what you are saying?

Prof STOCKWELL: Well, we have to consider strategies that affect everybody.

Mr McADAM: Right. Across Australia, you said ...

Prof STOCKWELL: All your population here in the Territory, and Australia, because you are influenced by ...

Mr McADAM: Well, I am talking about Australia. Just how realistic is that in respect to how we develop as a culture across Australia? How we stay competitive in terms of attracting tourism dollars, development, and all that sort of stuff. Is it a realistic expectation that we can apply a universal response, either at a regional, state or national level?

Prof STOCKWELL: Well, you already do. You already have universal regulation in licensing laws, in taxation regimes, which are applied universally and they can be modified. Usually, they are designed without any consideration to the health or social consequences of those regimes. Our licensing laws would be slightly different, I think if they were designed with those issues in mind. But, those are examples of universal strategies that you already have. So the arguments then come down to how they are best applied.

Mr McADAM: We are talking about restrictions.

Prof STOCKWELL: The licensing laws are about restricting the availability of alcohol to drunk people, to under-age people, to certain hours ...

Mr McADAM: But they are in now. Okay?

Prof STOCKWELL: Yes, that is what I am saying. If you did not have them, the world would be a different place. So, it is something at your discretion as to where those existing universal strategies are placed and how they are structured.

Mr COSTIGAN: Is there any proof that the world would be a different place?

Prof STOCKWELL: Yes.

Mr COSTIGAN: Is there any proof that it would be a worse place?

Prof STOCKWELL: Can I come on to that a little later, because I want to talk about the general evidence for different policies and their effectiveness.

If I could just talk a bit about the *Living with Alcohol* program? Just to say a little about how we went about evaluating that. This is a graph showing data from hospital admissions in the Northern Territory. Those in the dark squares are alcohol-related hospital admissions. So, they are things like liver cirrhosis, cancers, and they are weighted according to the proportion that were to be caused by alcohol. We show trends. At the bottom there, we have data from 1980. There was a gap in the data collection here. This graph then shows trends in alcohol-related admissions to hospital.

The *Living with Alcohol* program came in about here. There was a drop in alcohol-related admissions that could be due to the recording system and the changes to the number of hospitals and the amount of mental health care. So, it becomes important not to – and this is a very important message I want to give you - it is very hard to interpret statistics. It is very easy to say: 'Well, we introduced a policy at time one, what happened afterwards?. Let us look at what it was before and afterwards'. It is very dangerous, because the data goes up and down all the time, and so many things affect how people drink and what happens: changes in the economy, changes in all manner of global, national, regional things. We looked at data which, on the hospital admissions, that were not alcohol related, and we noted that they went up, and alcohol-related hospital admissions went down. That was a very striking comparison. There may have been other reasons for that, but that to us was evidence that alcohol was something driving the change, those reductions in alcohol use.

That was the principle we applied across a range of different types of data. We looked at road deaths. If you forget the controlled analyses and just look at what was observed, yes, beforehand the average for the 10 years beforehand was X, and then the average for four years after was 39% lower. When you do a controlled change looking at non-alcohol-related deaths - we estimated those that happened in the middle of the day, in the middle of the week - hardly any of those are alcohol related. Those that happened late at the night, at the weekend; most of them are alcohol related. You can do a comparison of the two. That is essentially what we did. But, it bears out the observation was correct. Total other deaths caused by alcohol, there was small reduction. But, when you compared it with deaths that were not alcohol related, for whatever reason, there is a large reduction.

Going through each of these types of measures of mortality, morbidity, road injuries - whether they required hospitalisation or not - evidence from surveys: changing patterns of male drinking, risky drinking in particular, and per capital consumption - we get these significant changes. That is somewhat hard to understand; why you should get an almost 70% reduction in something. We have to report the data as it comes out, but it is pretty impressive. These data were collected by different agencies. The road traffic people collect road traffic data; the hospital people collect that data; the coroners collect the death data; the survey data was collected by a market research company; and the Licensing Commission.

I suggest from all these different sources, for whatever reason, something happened in those first four years of *Living with Alcohol* program. When you add it all up and do the - we

had health economists help us estimate just the raw numbers - the estimate – there were confidence intervals around this - over that four year, 129 fewer people died from alcohol compared with the years leading up to it; nearly 1400 fewer alcohol-caused road crash injuries; 1300 fewer hospital admissions for other alcohol caused conditions. A net saving of \$124m to the Northern Territory over those four years.

There are arguments that Ian and I have had, and we have exchanged correspondence and it has been in journals and whatever, about how we attribute that. Is it all due to *Living With Alcohol*? How much of it was just due to the tax? How much of it was due to these wonderful programs that were implemented? I would not know, but some of the improvements appeared to happen almost immediately. So, if there were benefits, it is possible that they were due to the tax. But, I am sure that there have been contributions from the programs. How much were due to economic changes? Well, Ian assures me that the economic recession affecting the rest of the country was not as severe in the Northern Territory. I will take your word for it. But what I will say is that we are going to go and re-visit this study. What we can say is reduction of alcohol consumption caused these improvements. Whether that reduction in alcohol consumption is all laid at the feet of the *Living With Alcohol* Program, I do not know, but it will be very likely that a substantial amount of it was so caused. But we are going to try and tease that out. The study we are doing, at the moment, we are revisiting what happened after *Living With Alcohol*.

This is a wonderful opportunity for research. It may not be the best thing for public health in the Northern Territory though. The tax was stopped, and then the program stopped some time later. Well, we will sit back and collect your data, which is what we have done, and see what has happened. We will also do it better this time. We are going to compare it with what happened in northern Western Australia and maybe in parts of Queensland. But we will do a better job, a more precise job. We are doing that now, and we hope to be able to report on that before the end of this financial year. So, it is ...

Mr McADAM: So Tim, could I just – sorry to keep interrupting, but You know when you talked about funding. You do not know the cause of the reductions, right? Whether it was attributed to *Living With Alcohol* or it was some other factor, right?

Prof STOCKWELL: Yes.

Mr McADAM: Are you able to then – the part where you talked about doing another exercise - having a look at it; that stuff?

Prof STOCKWELL: This is what we are doing now.

Mr McADAM: All right. So, are you able to say what impact; ie. dry areas, have? Or say the restrictions, accessibility, availability in Tennant Creek?

Prof STOCKWELL: Yes.

Mr McADAM: Or a little thing that happened in Borroloola that went for what - six months or eight months, I think it was? Are you able to – I am not a scientist, but what I am saying is: some of those responses to grog, can you factor them in?

Prof STOCKWELL: Well look, the exercise we did for the Health Department here was looking across the whole Territory. A major piece of social policy and a tax change that affected the whole Territory happened. We just monitored the effect across the whole

Territory. However, we have done other studies too. My colleague, Dennis Grey, did an evaluation of the Tennant Creek restrictions. We have done, and been involved in looking at the Alice Springs situation, but that has also been done by Ian and colleagues.

There are methods of using local data to monitor what happened before, and then look at what happened afterwards. There is a bit of an art and a science developing, for doing that. There is a whole literature out there which was what I was going on to talk about. Worldwide people have spent millions, billions of dollars, on evaluating the impact of alcohol policies. We have tried to assemble all of that information into types of strategy that have maximum effect.

Now, there is always going to be local variations, or local conditions, but I would recommend that you would also just look at what are the lessons from elsewhere as well. But there is local data, certainly, that are quite positive.

Mr McADAM: I noticed one that [inaudible] to drinking in the community. That is all.

Prof STOCKWELL: Yes, well, in your lovely liquor licensing data charts what happens to overall consumption. You can look at what happens to offences reported to the police, particularly at high risk times for alcohol offences; you can look at what happens to road crashes. Survey data has been collected in some studies. There are a number of other ways of analysing in a more observational and qualitative way what happens in drinking settings, where there are ongoing problems. There are a number of strategies that can be used. There is information out there. There are answers to these issues.

I think have showed you that already. You were asking for what has happened since. Okay. This is bottom line stuff, and you will probably read a lot into that. I just caution you about that. These are rates of death. Here are some figures. This is per capita consumption for the Northern Territory 1990 to 2001. Well done, there is data there. It has not changed much, has it? There is a big drop there and it has just stabilised. These are estimates for total alcohol-caused deaths, going up and down, and down a bit recently. The red is acute; that is the road crashes and the sorts; and that is homicides and suicides. The blue are the liver diseases and stuff like that.

Now, you might look at that and say: 'Well, there is a downtrend in recent years, doing pretty well'. But, again I just caution you, because there are so many macro factors going on. Before we can interpret that, we need to know what was happening in Western Australia? What was happening with the non-alcohol-related data? Let us just be cautious.

There are some dips here, round about where the *Living With Alcohol* program was, and most of those observed changes were borne out with the controlled evaluations but, yes, there is a reduction there. But we will analyse the extent to which changes can be attributed to different policy interventions at different points in time, using controlled observations. So, there are the deaths.

The morbidity data; it is not straightforward this stuff. That is why you need to have multiple sources. We are very confident with the *Living With Alcohol* evaluation, because we have about six sources of data, mostly pointing in the same direction. Here we have hospital admission data; this is the total, actually going up a little bit and steadying in that period, going in opposite directions. Until we do controlled analyses, we do not really know what the actual underlying story is there, because we know there is this thing called 'case mix', where the

doctors count more cases of people entering hospital to get more funding. That is what might be lying behind that. I kid you not, it has happened all over the country. So, we have to look at the control comparisons of non-alcohol-related hospital admissions and then we can tell you what has happened.

Dr LIM: Hospital bureaucracy.

Prof STOCKWELL: Yes.

Dr LIM: ... you have to put it in there.

Prof STOCKWELL: Okay. Can I go on and talk a bit about the general evidence base for what works in policy? There is a report we finished about a year ago, but it had to be approved by IGCD, the Inter-Government Committee on Drugs and now the Ministerial Council on Drug Strategy. I do not think it will see the light of day for another five months because – anyway, Ian may have some more news on that. We have just sent the final version back to MCDS for approval.

It is a review of the international evidence for what works in prevention for substance use, risky use, and harm associated with use in Australia. It was a huge project, a lot of people involved. These are just some of the people. It was a collaboration between our Institute and the Centre for Adolescent Health in Melbourne. We were looking at the evidence of what works for prevention for all drug types - tobacco, alcohol, illicit drugs - across the whole life course: pre-conception to old age. There are issues around risky sex through, well, being affected by drugs. There are impacts on the foetus. There are issues around early infancy and child rearing and things going on in families and what can be done there, through adolescence. I will just give you a few - some of the faces of the people involved. Unlike Peter, I do not appear in my own shows.

Mr ALLEN: They made me show it.

Prof STOCKWELL: It was very good, it was too. There were about 3000 articles that we identified through comprehensive searches in the worldwide literature with, obviously, heavy emphasis on Australia. There were 159 different prevention strategies, some of which were broad based, affecting young people generally and looking at families, welfare and child development. Some were specifically for particular drug types. We identified 38 strategies for alcohol, and evaluated their effectiveness according to this rating scale. We wanted to not just include any old study. We rated their scientific rigour and how, against quite strict criteria - and each of the strategies were rated by the group and we argued over whether it was a little higher or a little low and lots of them zero would be: 'Really do not know, there is not enough data, we cannot say with the strategy, whether it works;'. So, be careful, do not spend a lot of money on it until you have evaluated it. Cross: do not do this, there is evidence it does harm. Please, if you are doing it - if you see anyone doing it, stop them. A flag: there is some promising evidence here; there is a good rationale. Maybe we should introduce these things, but evaluate whether they work. One star: there is already some beginnings of evidence of positive effects and we show the number of studies with positive effects. Two stars: we are very confident that we can say there are going to be effective outcomes in most situations. Three stars: just get on and do it, roll it out across the whole state, the whole country, because it will work on a large scale for a big community.

This is a 400-page document with a 50-page summary, and there are summaries of the research evidence for each of these strategies, and a discussion of the whole epidemiology of drug use as well. So, it is a big document and I am going to really just simplify it and come to some – oh, there are tables showing the eventual ratings. This is all work in progress, and some people would say it is reductionist and too simplistic. But, I would argue that, because we want this to be picked up and responded to, you have to sometimes simplify with cautions and caveats. But, on the basis of the scientific evidence, the research for adolescent health rated - these are just some highlights. There are dozens of other ratings, but interventions for young people, regulations and policing of alcohol availability, community mobilisation for structural policy change - and that is around supporting and empowering licensing commissions and elected officials to look at alcohols availability for young people.

State-of-the-art school programs, the best available only warrant one star. Most money in prevention is spent on school education. Often it does not work at all; some of them worked in the opposite direction. At the best available, there seem to be some positive results, but do not put all your money on them. There is some encouraging evidence around parent education, school management, recreational programs, working with peer groups. And there are some that there just has not been enough work on to give a competent rating: various family interventions and mentorship programs, which may be good, but the evidence just ain't there.

We then looked at demand reduction, harm reduction and supply reduction strategies. The demand reduction one first. Three star rating was got by - the only one, I think - was brief interventions by primary health care. This is the idea of GPs routinely, assessing and screening their patients. It does not take long; the best ways to look at a variety of risk lifestyle risk factors. Where it is identified people are at risk - they have an early stage drinking problem - brief advice, perhaps a liver function test and a follow-up; very effective.

Generally investing in effective treatment programs. This is an interesting idea. We are supposed to be talking about prevention here, and here I am saying three stars for treatment. If you invest in treatment programs at a sufficient level, there is evidence that you are taking enough of the drink-drivers out of circulation, the people who might engage in alcohol-related violence - you are getting them into rehab, they are out of circulation and less likely to engage in these harmful behaviours. There is some evidence that treatment actually has a population-wide benefit. So, let us not make a rigid distinction between prevention and treatment, both can be about reducing harm at the population level.

Local community-based structural policy and intervention. You can mobilise communities, but you are also getting them to focus on these universal strategies. So, the community is empowered to generate things like licensing restrictions, looking at how to enforce - the enforcement practices around the licensing laws, very strong evidence based they have done well; whether it is supply to under-age or intoxicated customers. The trick is though, to have a sufficient deterrent effect like the random breath testing. It is not enough just to have a law there, it is the extent of its enforcement, if it is going to work. And the community do support these things. I will show you data later on.

I will skip through some of these. Ratings for regulation and law enforcements. We have had a bit of a discussion about this. Every review that has been done on alcohol policy - and there is one coming up with the World Health Organisation shortly. The three star rating that comes up, time and time again, is sound taxation strategy.

Dr LIM: I would like to challenge that again. I asked for a whiteboard because I need to draw this. It is not so much to help me rely on policy. I need to you to understand this, otherwise - and this is very Northern Territory specific.

Assuming that that is the population of the Territory. Let us say 25% are Indigenous and the non-Indigenous. You say that Indigenous people drink, on average, nearly twice the Australian average, and this is the 1.5 times. The nett effect of this population in terms of social welfare and health consequences, probably exceed this small population. Now, you raise the cost of alcohol. This population will drink less. Therefore, the impact on this population ...

Prof STOCKWELL: Is reduced.

Dr LIM: ... will be reduced, therefore, the profile of the community will actually improve significantly. This population might not respond to the price changes.

Prof STOCKWELL: It is subject to all those qualifications as to how many Indigenous families have unlimited – effectively unlimited cash.

Dr LIM: But what you are talking about is we live in the Territory - have lived with for the last 22 to 25 years I have lived here, and observed the changes that the Licensing Commission has brought in, in terms of alcohol. The increase in alcohol cost does not influence this population as much.

Prof STOCKWELL: You believe, yes.

Dr LIM: Yes, I believe, Overall, the stats will show you that health profiles have improved, welfare profiles have improved. But, it is the improvement in this direction, and not in this direction. So, what happens is that population overall has improved, but the target population has not been helped at all, except they are being impoverished by a greater cost in alcohol, and they are not getting any benefits for it.

Mr McADAM: Ah, that is a lot of rubbish.

Dr LIM: I do not know. I am posing ...

Prof STOCKWELL: It is a hypothesis ...

Dr LIM: That is right. And...

Prof STOCKWELL: It is a hypothesis ...

Dr LIM: Academics could do another analysis on it and that would be wrong; that would be great.

Prof STOCKWELL: I tell you, the National Expert Advisory Committee on Alcohol identified that as a priority research question for the reasons that there are unique conditions here; we need to look at this and collect special – we need to study it. It is a very sensitive area to study, when you look at the availability of funds ...

Dr LIM: Of course it is, that is why ...

Prof STOCKWELL: ... in Indigenous communities.

Dr LIM: ... there is some anger in the room. It needs to be articulated. Research has to be done to allow us, as policy makers, to say: 'Yes, this is a good thing. It is three stars. They can now have the fourth star. So let us do it'. However, if the evidence is not showing that, then a three star rating might not be appropriate.

Prof STOCKWELL: I believe it is on the basis of anecdotal observations. People have suggested that it does not apply. Also, some sort of pretty logical commonsense reasoning that, if some people have access to unlimited funds, there is no way that it will affect them.

The other side of the argument though - which I do not think you can have it both ways - is to say it will also do harm. If it makes no difference, it makes no difference because they have unlimited cash. But, to say it also will do harm is pushing your argument a lot further. So, it is something that is worth – it is an important issue to look at very squarely. But there are, I suggest to you, remedies for possible harm for children and families that can be looked at to offset ...

Dr LIM: That is right. If the dominant male is harvesting the disposable income of the rest of the extended family, then the harm is going to come to the extended family because the disposable income has been utilised by the dominant male and not the rest of the family, and that, therefore, is deprivation, malnutrition, etcetera, that you can get added on. That, to me, I see as a social harm, when it comes from a dominant male harvesting the income from the family.

Prof STOCKWELL: Well, that is another thing at the moment, in many places. The question is from the policy makers as to whether that is exacerbated or whether it can be offset; so whether you lose out on the benefits to a wider population for fear of some - it is something that I do not think you should – it is a question that should be asked, and it needs to be looked at very carefully. But it is hypothetical ...

Dr LIM: It is hypothetical, but proponents, however, for a higher taxation, is saying that this group will benefit by doing this when, in fact, the real outcome is that group is going to benefit from it.

Prof STOCKWELL: Well, I guess I am just saying to you that the evidence is that, of the total population level, there will be benefits. But it is not as simple as saying high taxes. There are about 10 000 different alcoholic products on the market, and there is a spectrum of the quality of the price. What a lot of people can do is - the price goes up, tax goes up - they will get a lower quality, cheaper product. So, there are ways around it.

The issues about the floor of the marketplace with casks and fortified wines, is a very special problem in Indigenous communities. The evidence from restrictions is an analogy for how it plays out. There is the evidence from Tennant Creek that showed lots of health and social benefits occurring, and should not be ignored. There is no reason to think - I would say the balance of probabilities you would get similar benefits if the federal government would only fix things centrally, and have a volumetric tax on wine, so that you did not get this impossibly cheap rocket fuel being sold that you have at the moment, and you have to devise restrictions for.

There is this high tax and how it is structured around different beverages, and there are levies. Your hypothecated tax had a huge support in the community. It was over 90% - what was the figure for the support for the *Living with Alcohol* levy?

Mr ALLEN: Yes, it was up pretty high at the very start, when they introduced it.

Prof STOCKWELL: 80% to 90%?

Mr ALLEN: Yes, somewhere like that.

Prof STOCKWELL: Yes. I think it is important to look at; the level of community support. Enforcement of liquor laws - I have mentioned this before - huge evidence for that. Restricted late night trading; there is accumulated evidence which led to us giving that a two star rating. Increased trading hours; you increase violence. There is data for that actually here, in New South Wales and Western Australia, and in other countries. There is often the argument that: 'We will stagger the trading hours because it will be easy to manage and, if we have all night trading, everybody will come out when they feel like it and it will not be a big problem at 2 o'clock, or whenever it is, for the emergency staff'.

What typically happens is - for example, in Reykjavik, and it also happened in Perth - but in Iceland they had all night trading. They just introduced it for that reason. They counted the number of incidents; how busy the emergency services and the police were and, yes, it was smoother, it was easier for them throughout the night. They did not have a sudden rush at 1 o'clock in the morning. But, there were twice as many cases overall between midnight and 6 o'clock as there were before the late night trading. In Perth, there were premises that extended trading and other that did not. Those that extended trading just for an hour or two had double the number of assaults on those premises.

Mr ALLEN: If I might just ask there, Tim? When you say 'late trading in Perth' what is their closing time?

Prof STOCKWELL: At the moment, it is somewhere around 2am or 3am, but it has been pushing back and back and back, and it has got later and later. Alcohol accords, and responsible beverage service, can be totally ineffective if they are not supported by law enforcement. That is the evidence. Therefore, we give it a zero rating within the absence of enforcement for both of those. Alcohol, of course, gentleman's agreements to obey the law, but if there is no deterrent effect and adequate enforcement presence for the laws of the land, they will be ignored. So, that wonderful video is dreamland, really. I would love to know how many people are actually behaving like that out there in community land, liquor land or wherever it happens to be. That is the issue; and education ...

Mr ALLEN: Perhaps we did not need professional actors, Tim ...

Prof STOCKWELL: I hope that happens some time, but the issue is it will not unless ...

Mdm CHAIR: Rig a camera; at some of the take-aways.

Prof STOCKWELL: Yes, a deterrent effect. Harm reduction strategies; the three star rating there. We allocated breath testing as a harm reduction strategy; not trying to get people to stop, just not to drive when they have been drinking. Huge evidence that it is saving lives every year in Australia, and has done since the late 1980s, mid-1980s in some

states. Ignition interlock devices; they are the things you have to blow into to start your car. There is very strong evidence that, when they are fitted, people do not drink and drive again, unless they jump in someone else's car. You would think there would be ways around it, but the people who devised this thing is wise to them, and it is pretty subtle stuff. Watch out, they are coming. There is even proposals to put them in every car which I believe is looming. I believe they should only be put in cars where somebody has had a drink-driving offence, or maybe two. Thiamine supplementation; this Thiamine prevents alcoholic brain damage. It has been put in flour ...

Dr LIM: Vitamin B.

Prof STOCKWELL: Vitamin B, yes, thank you. I often get my Ds, Cs and Es mixed up. Yes, there is evidence that something called Korsakoff psychosis, severe alcohol brain damage, has come down a bit since that policy was introduced in the late 1980s. It would be far more effective if it was introduced to alcohol; if it was put in cask wine, fortified wine and full strength beer. It could be done - it could be done.

Mr McADAM: I thought it was in beer.

Prof STOCKWELL: Pardon?

Mr McADAM: It is not in beer?

Prof STOCKWELL: No. There were some nutritionists who got worried; they got their nickers in a twist and they thought it would encourage people to drink more if they, you know ...

Members: It is healthy.

Dr LIM interjecting.

Mr ALLEN: Beer as a health drink?

Prof STOCKWELL: Well, that was the fear. People thought that if you did that, the drinkers would think it was great and they would drink more. I think it is crazy.

Mdm CHAIR: There are probably hundreds of other people in the Northern Territory that hold that same excuse.

Prof STOCKWELL: You have to cut down now.

Mdm CHAIR: We know better, don't we Richard?

Dr LIM: Yes, that is right.

Prof STOCKWELL: I have said a bit about the other things. I am, you will be pleased to know, drawing to a close.

Greatest priority in prevention; my argument has raised these universal strategies targeting legal drugs has summarised my arguments. The greatest evidence of harm is in relation to the common patterns of drinking - drinking to intoxication - and its patterns of

drinking most people who drink engage at some time; different frequencies. These risk behaviours are prevalent across all social and economic groups, and it cannot be marginalised as a problem. But, special attention needs to be given to special high risk groups.

Evidence of risk use of legal drugs being risk factors for use of illegal drugs is something consider: this famous gateway hypothesis of some drugs leading to others. Well, if there is evidence that smoking and risky alcohol use - I do not think there is hardly anybody who smokes cannabis who has not smoked tobacco before. And hardly anybody takes cannabis who has not drunk alcohol in a risky way before. So, if we can get our strategies for the legal drugs, maybe there are benefits there as well.

Dr LIM: I wonder if that a rite of passage in Australian society ...

Prof STOCKWELL: It is.

Dr LIM: ... that you have to get drunk when you are a teenager or else you do not grow up. Whereas, in other societies, getting drunk is a social no-no and you, therefore, do not do that.

Prof STOCKWELL: Some evidence we have - looking at school-based programs - is the kids that learnt to drink in a supervised setting in the family and in a moderate way, fare much better than those who do it on their own in an unsupervised way. There are all kinds of creative ways we could look at that problem. I have often thought that there should be a special licence to sell just low alcohol drinks to 16 and 17-year-olds. But anyway, that is - I think the industry would market it so effectively, it would suddenly become cool to drink those things. I am sure you will not do that.

The evidence for effectiveness is greatest with these universal strategies. If you want to reduce harm in the community out there, there are these things - those three star and two star interventions, the ones that will work most. The reason is because so many people need to be impacted.

The nice thing for you, as policy makers, is you can actually win votes and be popular while doing some of these things. You might be worrying this is all a whole list of things that you could not possibly do because you would be voted out of office almost immediately, but let us look at data from that 2001 survey; the full 26 000 people. Numbers of people supporting different types of intervention: If you say to people: 'Let us stop late night trading', you only get half the people supporting that. If you say: 'Stricter control of late night venues ...', that is a risk in high production strategy, '... let us get intelligence-led modern regulation based on evidence of where there is harm' - big support for that, 73%. There are a few things here that are pretty easy to do. Strict laws on serving drunk customers - 85% would support that, and the enforcement of those and laws about serving underage. There is huge community support and there nearly always has been. Promulgating the NHMRC guidelines on alcohol misuse; big support.

We took this; for the most unpopular thing ever. Someone said ...

A member interjecting.

Prof STOCKWELL: Yes, yes. That is right. It is the most unpopular. Governments have lost elections because they threatened to increase the tax on wine and all of that sort of thing. However, the harm reduction levy, as evidenced here in the Northern Territory, if people see it is being channelled to prevention, treatment, harm reduction purposes; huge community support.

I know Treasury does not like that, because they want to have all the money going into central revenue. But if you want to fund these programs - and we have heard today about shortages of funds and I am sure that the treatment sector, the non-government sector, are always crying out for more resources - I can tell you that the non-government sector are very strongly behind that: 1¢ a standard drink would raise about \$120m a year for Australia; 5¢ a standard drink in the Northern Territory raised around \$6m, \$7m, \$8m a year.

Mr ALLEN: If I may. It is interesting how acceptable low beer at sports events has become ...

Prof STOCKWELL: Yes.

Mr ALLEN: It has become, in my view, a way of life now. Those who just have to sit in the sun all day and drink heavies, they are marginalised by the rest of us.

Mr COSTIGAN: We are turning into a nation of wowsers, aren't we?

Mr WOOD: Only light wowsers.

Mdm CHAIR: About time.

Prof STOCKWELL: Living wowsers; wowsers who live to a ripe old age.

Members interjecting.

Prof STOCKWELL: Everybody can choose their own way to heaven. That is all I have. Effective policy can also be popular, and you guys need to take the lead. Thank you.

Mr COSTIGAN: Thank you.

Dr LIM: Very, very valuable information. Thank you.

Mdm CHAIR: Thank you.

Prof STOCKWELL: Thank you. If you need anything further, we have lots to report. We have a web site, and I am happy to provide any further information.

Mdm CHAIR: Thank you, we all enjoyed that. We might just take a quick break, because we do have some lunch and you certainly you will join us, and members of the commission.

Ms Carter: What time is it going upstairs?

Mr KIELY: One o'clock.

Mdm CHAIR: Oh, is it one, is it? Oh, okay, because I have only got another - well, maybe we just go. Well, let us just keep going then. So, any questions to Professor Stockwell?

Mr SPENCER: Through the Mdm Chair. Professor, you mentioned about treatment programs as being effective. One of the problems in the Territory is that we have some very good programs in place, with CAPS, FORWARD and other places such as that. The problem is, once a lot of those people who, generally, tend to be indigenous people, move out of those programs, they go back to exactly the same environment they came out of. The treatment programs that you are talking about, were they just purely looking at the treatment itself, or did they do the follow up afterwards? That is the biggest problem, in my experience, is that when they go back out, they just go back to where they came from and nothing changes.

Prof STOCKWELL: I think we have to be realistic. All the treatment – firstly, the main answer to your question is, in the controlled studies, they have always done at least two year follow-ups, to be included in this sort of review. So, it is not enough just being through treatment and being dry in treatment. There is evidence that certain kinds of treatment are more effective than others. However, people who are engage in treatment will tend to have - almost of any kind of treatment - will tend to have better outcomes. But we have to be realistic. At an individual level, it is a relapsing condition. People with severe alcohol dependence will relapse many times, and many grow out of it eventually; some without treatment.

The other way to look at it is a harm reduction process. It is like sobering-up shelters. You might think of it as a revolving door: you get people in when they are drunk, you sober them up, get them healthy, clean them up, some you can refer on. But it is like keeping them alive. The more investment you make in programs like that, that some of the worst people with the worst problems are taken away to rest and recover - they are not driving cars, they are not involved in punch-ups, they are not inflicting harm on families and children. I am not saying they all do, but there are these other benefits. So, it is a harm reduction strategy but, at the individual level, there are cost effective treatments. The economics are that, for every dollar spent on treatment, you can get a \$5 return in social and health benefits.

It is only prevention. That is your liquor licensing law enforcement. I saw one study which suggested for every dollar spent on police resources enforcing liquor laws, there was between – economists cannot always be precise – but something between \$90 and \$200-and-something returned in the benefits from just reduced road crashes. There are all sorts of ways in which the government can take the lead and invest public funds to reduce costs in other areas.

Mr McADAM: Tim, I just wanted to talk about that. There is an acceptance that there is one part of the community that is not impacted upon by alcohol, or excessive abuse in some form or another. That is fairly well accepted. We know that strategies like *Living With Alcohol* have worked

Prof STOCKWELL: Yes, to some degree.

Mr McADAM: To some degree. We know that legislation – ie random breath testing and all that sort of stuff – has an impact, in terms of focussing on the alcoholic stuff, trying to prevent it. So, we know that legislation can work if it is policed properly.

Prof STOCKWELL: Yes.

Mr McADAM: Okay. In the Northern Territory there is legislation, as there is in most of the other states, in regards to antisocial behaviour or unacceptable community behaviour. There are laws in place - right? - without exception, I would dare say. I would argue that over a period of time – and it comes back to this ‘them and us’ stuff – that laws will never either – the resources were not there in terms of being able to police the laws properly. Okay? That is one of the factors. The other factor has been this ‘them and us’. If you are a blackfella that is okay; that is acceptable to do that, because that is how blackfellas are. Right? I am probably being as straight as I can be here. You often hear it: ‘Don’t worry. That is the way it is. That is part of the culture’. Right? My argument is that that is not necessarily the case at all.

What I am saying is, part of the reason why we have come to this stage - not only here in the Northern Territory but in other remote parts of Australia - is because of this ingrained culture that is being allowed to develop along those lines. What I am saying is – people may disagree with me and that is fine – but that is part of the reason, because: ‘It is okay, who cares?’, and that sort of stuff. So, what I am saying is: is there any capacity for what I call a social issues group attached to, ie the police, Night Patrol type arrangement, where you are out there because you are talking – they enforce the 2 km law is a good example, unacceptable behaviour on the street is another example. So what I am saying is: is there any capacity - and I know it is only one of a number of mixes, but a social issues group attached to the police, consisting of Indigenous people, including women and the police, and you are out there - it is like the task force - in people’s face. Combined with your stuff, the educational stuff, you are actually out there saying: ‘Hey, listen’. And remember, you have laws in place to deal with this sort of stuff. But you are actually out there trying to wind back a culture that has been ingrained on the part of the NT - not only the NT in the bush, but also on the part of indigenous people; it is okay to have it like this. The whitefella says: ‘That is fine, you can do it because you are a blackfella’. So what I am saying is: is that sort of stuff ever been done? Is there any ...

Prof STOCKWELL: I think it has happened spontaneously sometimes.

Mr McADAM: I know it happens at a regional level. I know the Night Patrol in Tennant Creek works for the police, but not with those outcomes; it is always fragmented. What I am saying is that, if government is fair dinkum about how alcohol impacts upon us as a society, is this just one option in terms of getting out there and saying to people: ‘Hey, it is not on, that sort of stuff’. So you are in the people’s face.

Prof STOCKWELL: I do not have the experience and background that you do, and knowing how these things play out. What I can tell you from the stuff that we have done and I have read about, and the studies we have done, that would be a two-star strategy. It is one of the two stars. Community mobilisation to introduce structural policy change and to make use of existing legislation. The licensing law is often a complete mystery to people out there; they do not know about it. They do not know that a community can petition the Licensing Commission, because they do not have the resources, probably, to educate people that they can do that. But I am sure your law allow local communities to petition for restrictions like in Alice Springs.

Mr McADAM: That is in towns.

Mr ALLEN: That is why the restrictions is there; if local people did not support to the extent of asking for them and then wanting to see them through, they would not be there. We, as I am fond of saying, or need to say from time to time, the commission has no God-given right to wander about the world imposing restrictions. That is to be initiated ...

Prof STOCKWELL: It has to come from the community.

Mr ALLEN: ... from the community and where we need to be receptive and respond.

Mr McADAM: That is where I disagree to a certain extent, because I do not believe that it has to come from the community in all circumstances. We all recognise what alcohol is doing to us as a Territory, so what I am saying is, I do not necessarily think it is up to community. Because sometimes - and I am not being critical - it is a convenient way to say: 'It is up to you; you fix it'. Well, I am sorry, they do not have the resources or the capacity to fix it. That is what I am saying: it needs it at a government level. It is what we were talking about, Peter, in Alice Springs. I am not - whether it be a Chief Minister, in a CLP government or a Labor government; that is where it comes from. It is: 'Hey, this is critical, what is happening out there'. That sort of stuff.

Prof STOCKWELL: Isn't it a two way thing? That you need the action and the determination from the grassroots level, but empowered and resourced and assisted. So, you have your liquor laws, for example. They are there for everyone to take advantage of if they know about them, but they need to be educated and helped to take advantage of them.

Mdm CHAIR: Yes. Sometimes, probably in a community context that Elliott - I mean Tennant Creek or even to, say, any indigenous community in the Northern Territory - I suppose the majority of non-drinkers who would want to object to a licence are probably women. A lot of those women, because of other cultural pressures from male leaders and others who have other vested interests, monopolise that whole situation.

Prof STOCKWELL: Was it not the march against grog? Was it the women marching? It was in Alice Springs or ...

Mr McADAM: In Alice Springs, yes.

Prof STOCKWELL: Yes ... that really brought on that whole process.

Mr McADAM: That is right.

Mr ALLEN: In the context Mdm Chair, Marion, has hit on the words 'vested interests'. Some of our challenges, as a commission, in responding to community concerns also require us to deal with vested interests. Sometimes, we find that there are layers of vested interests, to the extent that when we first look at a particular location, we do not know that it is four layers down where the true vested interest lies. People will become, in many cases, quite defensive and defend quite vigorously, through the courts, if necessary the sort of thing the commission does and, indeed, the sort of thing Elliot would like to see us do. Part of that complexity is part of the community.

Dr LIM: As a personal observation, the leaders need to be more articulate about it. Traditional owners, people in Alice Springs, who are significant ...

Mr McADAM: That is why I disagree with you, because traditional owners have a role to play but, I can tell you, are powerless against grog. What we are doing is putting blame back on one segment of our society and saying: 'You have to have more control over this'. However, we know this - I know this – that over a period of time it is becoming – I am not saying – I just need to become clear. It is not getting better. That is what I am saying. I am not blaming. However, sometimes, very conveniently, say, 'TOs, you fix it up. It's your problem'.

Dr LIM: No, no. Do not get me wrong. What I am ...

Mr McADAM: ... You have to take responsibility for the community.

Dr LIM: ... I believe governments of all persuasions have articulated that alcohol or any other substance abuse – drug - is an issue in the community. However, when it is articulated by governments it is always seen as a white man's solution. Unless a black man and a whitefella are prepared to stand side by side and are articulating the same song, it is not going to work. It really is not going to work. They have both have to be standing side by side ...

Mr McADAM: What is wrong with the government who represents a whitefella and a blackfella, and a black woman and a white woman, saying the same thing?

Dr LIM: Governments do that now. I do not believe that that is the message that is getting through.

Ms CARTER: But it was so much more effective when people like Noel Pearson and Jack Ah Kit say something.

Dr LIM: Because when I get up and say something I am accused as a racist ...

Mdm CHAIR: Oh, yes, without it being deemed as being a racist comment. It depends how you take it.

Dr LIM: I have used the same words as John Ah Kit has in parliament, and I am labelled a racist. When he says it, it is not racist ...

Mdm CHAIR: No.

Mr McADAM: No, no.

Dr LIM: That is a problem. It is a problem. You need to have that.

Mr McADAM: No, we should not get into this.

Mdm CHAIR: This is debate and stuff we could have with ourselves.

Mr ALLEN: If I may, I appreciate I am butting in. I have found the commission value in that I do read Noel Pearson with some enthusiasm. I listen to what you all say, and I do, to an extent, subscribe to what Richard was just saying, because I know that, as an independent person – in other words, not a political party, etcetera – I can, and do, and have spoken with

many groups such as the Central Land Council, and said things which, were I not independent and did the commission not strive to be even-handed, I and the commission would be given all sorts of labels. I have noticed the value of that independence is being able to say what you think as a commission without any labels of racism, paternalism or other labels placed on us. That is a very important factor in having this organisation or any other organisation, at that hand's distance, say, at arm's length, from a political process.

Mdm CHAIR: Sure.

Mr WOOD: I was interested in the recent debate over breath testing, because, to some extent, when I see this figure 85% of people support strict law on serving drunk customers, I see nearly an opposite policy from politicians; that we would all say it is great to pour out alcohol 2km from a licensed premises – and they are mainly Aboriginal people. But this particular one, serving drunk customers in pubs, relates more to non-Aboriginal people – and was there a hue and cry! I see an imbalance there, with people who are making decisions, and that is sad, because we should be even-handed. I do not think in this case we were even-handed. We let the press drive it; we let, probably, political considerations drive it. When I this figure of 85% of people would support it, I say: 'Where were we getting our knowledge from?'

Prof STOCKWELL: I am just feeding back to you data from the – it was a national survey of 27 000 Australians just asked what they - responded to question: 'Would you support strict controls ...

Mr WOOD: I think it is very interesting.

Dr LIM: Gerry, I do not think you will find anybody in the Northern Territory saying that licensees should not be observing the terms of their licence more strictly. I do not think you would get anybody objecting to that at all. What the objection was in the community was the way that patrons who go to a pub for an average evening are being impinged upon. That is the different thing.

Mdm CHAIR: No, but then the whole flavour of that goes through ...

Mr WOOD: That was the *NT News* told us.

Mr McADAM: That is right.

Mr WOOD interjecting.

Mdm CHAIR: Territory lifestyle.

Dr LIM: We all get to see; watch the tape. Go and watch the tape.

Mr WOOD: You introduce the evidence and I – you show us the tape. I would like to see the tape.

Mdm CHAIR: I would like just to ask one question before – but you are right, Gerry, I agree with you.

Mr WOOD: Just one person.

Dr LIM: Go and watch the tape.

Mdm CHAIR: Tim, look through all the stuff and evidence which you have gone through with us – and something I know Gerry has raised, or I am surprised he has not raised – is the impact of media and the who promotion and marketing of – in terms of young people and their attitudinal changes to taking up – because you had some statistical data on younger people. You were saying it was not adults, it was 14-year-olds and there was an increase. Did you research and have a look at the impact of the media in terms of young people drinking at earlier ages?

Prof STOCKWELL: That has been a subject that has well studied. There are two parts to your question about whether young people are drinking more. That has been debated and contested by the industry. I will just answer that first part of the question first: are young people drinking more than they used to? The stuff we are going to produce next month, in the report that is just coming out, will compare between 1998 and 2001. It is just a three-year period, but the whole tax law reform came in in 2000 - the new tax package – and cheap pre-mix spirits came on the market.

What we noticed was an enormous increase in drinking by 14 to 17-year-old girls, and an actual decrease by young males - a slight decrease. There is a huge increase for the 14 to 17-year-olds. Whether it was just due to the tax change or not, I do not know. However, there is a whole lot of marketing. You do not have to be a rocket scientist to know this - just go to any liquor store; wall to wall pre-mix spirits ...

Mdm CHAIR: Or you turn the TV on every night.

Prof STOCKWELL: Yes. Why I believe this is playing out – why would that not affect men the same way, is because, as I say, it is cutting into the market share of beer, and per unit of alcohol is still more expensive than regular strength beer. So, young blokes are drinking less beer and more pre-mixed spirits, which is costing them more. So, it comes back to the old price thing. But you will probably accept this argument because we are talking about the mainstream population. That is how it seems to play it out. Maybe there are other things going on with young women. The school surveys that have been done every three years - I think it is - although their response rate has come down, down, down, down, they are suggesting increased binge drinking - if I could use that term - by young people over the last 15 years, particularly for young women. So, there is a trend there. Our data suggests it has been particularly pronounced in recent years, but things have perhaps levelled off a little bit for young blokes.

In terms of the effect of the media, the media will promote – it is like with any campaign, you have to promote what is going on on the ground. If you have cheap, available – much cheaper pre-mixed spirits - and you can advertise your Bacardi Breezes and your Coolers and all of that stuff and make it trendy; they have done a fantastic job of biting into the market share.

Mdm CHAIR: Yes, I can understand that but, in terms of the media and the way it is marketed, was there any research in terms of the regulations or ...

Prof STOCKWELL: There is only self-regulation. It is like Dracula guarding the blood bank. There is a board that receives complaints that are hardly ever made about alcohol

advertises, and they look at them and they always reject them. But there has hardly been a complaint; I do not think there has ever been a complaint upheld against an alcohol advert. They are appointed by - there are the distillers' representative, a winemakers' representative, a brewers' representative, a Hotels Association representative, and one community person ...

Mdm CHAIR: Well, when we talk about vested interests ...

Prof STOCKWELL: You probably know that the federal government put them on notice recently and said: 'There is going to be a review and a stricter regulatory policy. If you do not abide by it, we are going to do away with self-regulation'. It is just a fit the government gets into occasionally and then they forget all about it. Essentially, advertising goes on.

Studies I have seen which have looked, they get - not people like me, wowsers like me - they get marketing professors; people who are just concerned about business and economics. They show them the alcohol ads and show them the code: 'How many breaches for each of these ads? How many breaches of the advertising code were in each of these ads?' On average, these studies have found about five or six breaches of the code with the ads that were complained against; all of which the complaint was rejected by this committee of Draculas.

You can argue about whether advertising really makes a huge difference. It must have a steady drip, drip, drip, drip. It sets cultural norms and we talk about it being okay. You were saying earlier on, Elliot, about we just think alcohol is okay, and the media and the messages in the media reinforce that.

Mdm CHAIR: Just one more question, then we will go to lunch.

Mr WOOD: Just about advertising, Tim. If it did not work they would spend the millions they do on it.

Prof STOCKWELL: Yet they say it just changes market share around. They can always argue that, but they are bloody good at it.

Mr WOOD: They have lovely colours of drinks and the fridge is full ...

Mdm CHAIR: Particularly if they monopolise the committee that is supposed to censor it.

Mr WOOD: ... everyone was a goal in the AFL. They get more of the market share but they are forcing a culture on everyone who does not drink a lot.

Prof STOCKWELL: It is not supposed to be suggesting sporting or social or sexual success. I have hardly seen an alcohol ad that does not do one of those things.

Mr WOOD: It sounds like the old tobacco ads.

Mdm CHAIR: I would like to just put on the record a quick apology on behalf of Len Kiely, who had to leave a bit earlier.

Ms CARTER: Thank you, Tim, that was excellent.

Mr McADAM: Mdm Chair, can I just make one comment, because it is pretty important. The fact that people from the Liquor Commission are here, and people like Tim, is very important – remember how we talked about how this committee can operate? That was a good example today, because there was an interchange of ideas and it certainly influences us, as it would you, in terms of a whole range of issues, rather than being insular all the time.

Dr LIM: This committee should take pre-eminence on substance abuse in the Northern Territory. I do not know why it is not!

Members: Hear, hear!

Mr ALLEN: Mdm Chair, I am wondering if the committee is not able to attend in numbers and, given that Alan and Jill have done some substantive preparation, I am wondering if there is another day other than this afternoon that they might come back?

Mdm CHAIR: We might schedule another meeting during the sittings if other members do not have other committee obligations, and we will get Pat to follow up with you, Peter, because it would be good to ...

Mr ALLEN: Yes, because we just want to do this well for you and that involves a number of you rather than one or two of you being with us.

Mdm CHAIR: We would welcome it and we will reschedule.

Mr ALLEN: Thank you.

Mdm CHAIR: Thank you, Tim.

Prof STOCKWELL: It has been my pleasure. Thank you for the invitation.

Mdm CHAIR: And members of the commission.

TRANSCRIPT NO. 18

DARWIN – BRIEFING NT LIQUOR COMMISSION

14 October 2003

PRESENT:

Committee: Ms Marion Scrymgour, MLA (Chair)
Ms Susan Carter, MLA
Mr Len Kiely, MLA
Dr Richard Lim, MLA
Mr Elliot McAdam, MLA
Mr Gerry Wood, MLA

Secretariat: Ms Pat Hancock
Ms Liz McFarlane

Appearing: WITNESSES AND ATTENDEES
Mr Peter Allen, Chairman
Mr Alan Clough, Member
Ms Jill Huck, Member
John Withnall, Legal Member
Paul Costigan, Member
Craig Spencer, Member
Robyn Power, Executive Officer
Rose Hussell, Executive Personal Assistant

Note: *This transcript is a verbatim, edited proof of the proceedings.*

Mr Acting CHAIRMAN: Good morning ladies and gentlemen this will be regarded a continuation of our previous meeting held on Friday 10 October 2003. Our Chair, Marion Scrymgour is presently unavailable due to other committee commitments as is Len Kiely and Dr Lim has also extended his apologies. We will commence this session and I remind you that the evidence that you give to this committee is protected by parliamentary privilege. Please advise if you wish any part of your evidence to be in camera. A decision regarding this will be at the discretion of the committee. For the purposes of the Hansard record, I ask that you state your full name and the capacity in which you appear today.

As I understand it, Alan you are going to commence. Thank you very much.

Mr CLOUGH: Alan Clough, member of the NT Licensing Commission. I am mostly going to talk about Indigenous alcohol issues in combination with cannabis use. I am going to focus on that later on. I will also talk about some of the challenges that this has been posing for us recently at the Commission in particular.

I am also going to give you some information briefly about kava. As you are aware, part of the Commission's responsibility is also to do with the licensed kava system. We have been

monitoring that fairly closely, especially recently since the licensed kava has become increasingly available.

In the papers that Robyn has given to you, the first one on the top is a copy of the notes that you will be seeing on the screen here for the record. It is actually number 3 printed copy of the notes. The second paper is a discussion paper that we looked at the Commission recently where we talked about kava and where it is going in the licensed communities in Arnhem Land. I will come back to that shortly.

I have also tabled for you something that you have seen before which is the next paper in the group. When we met in Nhulunbuy, I put that one before you as a Senior Research Officer of the Menzies School of Health Research to alert you to the issue that pertained to the liver toxicity that had emerged around the world. So I am re-tabling that here for your information from the point of the Licensing Commission and also to just let you know that we are looking closely at that issue in particular with a view to monitoring the kava supply in Arnhem Land. This time, I have included some other papers, the other 3 in that group there which also go to that same issue of kava liver toxicity. I had in mind that Richard might have a close look at those. He might be able to talk about them later on. Sorry about that amount of paper, but I believe it is important that we, the Commission let you know what we are thinking about and that we have that information available. Basically what is going on with kava is that there have been some cases of severe irreversible liver failure that have appeared in Europe, North America and here in Australia with one case last year, where people who have been using the manufactured herbal extracts that contain kava have come unstuck. Their livers have been seriously damaged. In the case of the woman in Melbourne last year, she needed a liver transplant but she did not survive the liver transplant.

Ms CARTER: Excuse me Alan. How old was she?

Mr CLOUGH: She was 56 and she had only recently begun taking those products. That case is actually documented in some of those papers here.

On the other hand, we have had absolutely no evidence at all about similar sorts of liver damage in Aboriginal kava drinkers in Arnhem Land. We certainly have no evidence up to this point anyway, of any sorts of similar outcomes for people in the Pacific who have been drinking this stuff for hundreds of years and have been fairly heavy drinkers of it in recent times. So there is a paradox here. We do not have any answers to what is going on, but clearly we have to monitor this. This controversy emerged in Europe and North America basically precisely at the same time that John Withnall, Barbara Vos and other commissioners were developing the system for licensed kava that came about because of the Kava Management Act in 1998. You can see that it is not a comfortable position for us.

I am also going to – I will give those to you later on when we talk about cannabis and alcohol. I will continue on with the kava picture. This is where we are at at the moment with licensed kava in Arnhem Land. The orange dots are the communities where licensed kava is available, Warruwi, Ramingining in the centre there, some of the Lanhupuy Homelands, south of Nhulunbuy and also Yirrkala. Those 4 places have licensed kava right now. The most recent one being Ramingining who took on licensed kava supplies just last month. Those 4 communities comprise about 30% of the total population in the communities where kava has ever been used in Arnhem Land and 2 other communities, Croker Island and Gapuwiyak are in the process of considering their position with regard licensed kava.

This is a picture of the distribution of where the illegal kava has been seized since 1998 when the Kava Management Act was enforced. Just over 6 tonnes, 6.3 tonnes have been seized up until the end of September. Most of that has been seized in and around Nhulunbuy, about half of it. But there has also some that has been seized in the precinct of the Maningrida Police Station and quite a large amount was coming up the road in big chunks from south of Arnhem Land, probably directly from Brisbane in one case and most likely based out of Katherine in another.

Most of those seizures, almost all of them in fact has been for commercial quantities. That is, quantities greater than 25 kilograms, which attract the most severe penalties. We know at the Commission that people in the licensed communities, where they are trying to do the right thing with the license system are profoundly frustrated that none of these people have been caught with these commercial quantities have been severely punished as yet. That is in spite of the potential for such punishment under the Act. The frustration is definitely out there in the licensed communities. So we still have illegal kava, pretty much along side the licensed system.

Ms CARTER: Alan, why haven't they been punished. Is it a police level or a court level?

Mr CLOUGH: It is at the court level where the punishments are metered out.

Mr COSTIGAN: Have there been any convictions?

Mr CLOUGH: There have been convictions, yes.

Mr COSTIGAN: What sort of sentences?

Mr CLOUGH: The maximum sentence was 12 months home detention for 750 kilograms caught just outside Mataranka. So it is a frustration for the people involved with the licensed kava supply.

To look at that same information in another way, if we stretch it over a time line, the black columns here in the graph represent the seizures in the month which is relevant since 1998 of illegal kava right up until the end of September. For this information, I have to thank Greg Li at the RGL for this information. He keeps a close eye on this, very reliable. So that 6.3 tonnes stretched over time occurred at those times since 1998. Those seizures since 1998.

The yellow columns represent the way the licensed kava supply has been proceeding since May 2002 when the first supplies that licensed kava were available at Warruwi and Yirrkala. Incidentally, we have had a couple of recent seizures so the information for October is not there. Again both of those amounts were over the 25 kilograms or commercial quantity.

These grey lines here are our estimates of – in case of the top line the worst case scenario for what the black market might be based on information that I had at the end of 1997. It is about 3 tonnes a month or 36 tonnes a year, based on what it was back in 1997. If that is still happening today, which I doubt, then we might have a total demand of about 3 tonnes a month for kava in Arnhem Land, being largely supplied by the illegal trade. The very best case scenario is the bottom grey line which is equivalent to 1 25 tonnes a month of total trade. I have based this information on interviews that I have conducted with people about how much they drink. So it is information based on the likely demand for kava not necessarily supply, because it is almost impossible to get good estimates on how much is actually being supplied in the illegal trade.

Under the best case scenario, the supply of licensed kava probably represents no more than about 40% of the likely overall demand for kava that is probably still out there in Arnhem Land. The rest is being picked up and catered for by the black market. So those yellow lines here, if we add them all up and compare it to the best case scenario of our estimates of the overall demand the licensed kava is probably only about 40% of the kava that is likely being consumed out there. The rest being picked up by the black market, in the best case scenario. Then again in the best case scenario, if we take these black columns and add them all up, the quantity that has actually been seized out of the illegal trade is probably no more than 8% overall. So the point of all that is that the black market is still quite healthy out there. The licensed kava supply is proceeding according to plans prepared by the community and endorsed by the Commission.

What makes us uncomfortable though is – and we have discussed this – is that there seems to be great enthusiasm abroad for the licensed kava trade eventually surplanted the illegal trade. Supply and demand kind of logic. We are not totally comfortable with that. We figure – we do

not like the idea of presiding over a situation where licensed kava is expected to increase and hopefully knock off the black market. Without there being also stringent prosecution of individuals and policing.

We feel the health risks that are subject to global controversy expose us to severe criticism if something goes severely wrong.

Mr WOOD: Alan, do you know why people still want kava through the black market? Is there enough supply if people want it through the legal market?

Mr CLOUGH: The kava – the communities that are licensed for kava have very clearly defined areas where they can supply kava to the people that live there. The people who live outside those areas get kava from wherever they can. So that is basically it Gerry. They are not licensed to supply in those other areas. Another factor is that the black market is so insidious that it has strong connections into the decision making bodies in a number of these communities and the capacity for a licensing system to be implemented is undermined by invested interests that are already there that have close connections to the Tongan traders back in Nhulunbuy.

Mr WOOD: Is there a large difference in price between the black market and licensees?

Mr CLOUGH: There is certainly a large difference in the price of the material that you buy. Exactly whether it is kava or not is another question. If you have a massive black market material which might be kava mixed with flour compared with the same mass of licensed kava, the price difference is 100%. This is twice the price of that. Obviously the traders are stretching the profit by blending in cheaper materials.

Mr WOOD: Does that mean that there is a quality control if it can be called that for licensed kava?

Mr CLOUGH: There is, but it is not ongoing and routine. From time to time the police analysts assess the nature of the material in the imported kava from Fiji. We have had it reported to the Commission that “Yes indeed, everything that is in those 200 gram packets of licensed kava is kava”.

Ms HUCK: So are you saying that the black market kava, stretched is cheaper than the licensed kava?

Mr CLOUGH: Oh no.

Ms HUCK: The licensed kava is cheaper than the black market kava.

Mr CLOUGH: The licensed kava is cheaper than the same volume of material that you buy as kava.

Ms HUCK: I wasn't clear that that is what you said.

Mr CLOUGH: So that is our discomfort there that we wanted to share with you unfortunately.

I will move on to talk about cannabis now and pass these out to you. Those 2 papers that Robyn just handed to you have been submitted for publication. I would appreciate it if you could avoid citing them or using them formally during the Committee's deliberations. They are for the information of the Committee at the moment. It is mostly to pay deference to the co-authors on those papers and also the journalists who may eventually publish the material who will be wanting copyright. That is for your information only at this time.

The first paper is about cannabis in particular but also focuses on the combined use of other substances in the communities where I have carried out recent surveys in Eastern Arnhem Land. We talked briefly about this when we met last time in Nhulunbuy. We have actually seen this diagram before.

Mdm CHAIR: I apologise for the interruption. Please continue.

Mr CLOUGH: I will just recap briefly. Mdm Chair, I have just indicated that I wish to talk of Indigenous alcohol use combined with cannabis use. I was going to focus in on that during this part of the presentation. I have already spoken of kava and have tabled some papers for you to think about and just noting the Commission's concern where, first of all we are monitoring the situation very closely the supply of licensed kava in Arnhem Land. We are also keeping an eye on, as close eye on, as we can, the illegal trade and we are remaining informed about the controversies that exist in the health area that pertain to kava. I have just started to talk about multiple substance use, but with a focus on cannabis and alcohol.

When we met in Nhulunbuy, back in May, we saw this diagram and it is contained in a paper that I have tabled for you as well. It summarises the multiple substance use that is happening amongst young aboriginal people in Eastern Arnhem Land aged between 13 and 36 years. They are primarily people from Yirrkala, Lanhupuy and Groote Eylandt communities. The diagram I showed you at Nhulunbuy drew the blue circle first, drew the cannabis circle which is a representation of the size of the cannabis using group in those age groups, males and females combined, and all of the communities combined. The circles allow us to get a visual impression of the overlap that exists between the different substances. Where the blue circle overlaps with the red alcohol circle for example in this area we are going to have people who are currently using both cannabis and alcohol for example. I have constructed this diagram with respect to alcohol and I have given it the reference number 1.

What those other numbers around here represent are the 'odds' or the chances that if somebody is using alcohol that in the case of cannabis they are also currently using cannabis. So that an alcohol user in Eastern Arnhem Land in those age groups that I have interviewed and surveyed, there is also about a 9 to 1 chance that they are currently cannabis users as well. Similarly for a history of petrol sniffing. There is about a 2 to 1 chance that they have also used petrol in the past if they are users of alcohol. Kava users. There is no association between cannabis and kava. The young people tend to be using cannabis. The older people are the kava users, so we do not get that strong association in these age groups. Just about everybody uses tobacco which is the underpinning substance. I will table a report for you about the combined use of tobacco and cannabis suggesting that they may be mutually reinforcing since virtually all the cannabis users I spoke with said that they traded their dose of cannabis with tobacco in their bucket bongs. So we have a powerful addictive substance, nicotine, tobacco going together with a very comfortable mood altering substance and the health consequences of that we can only speculate about at the moment because it is all quite new.

I am going to drill down into that a bit more and peel away some of the layers and focus down on alcohol and cannabis for you because it has got some local relevance. If we look at the same information represented in a different way across the age groups. These are the age groups here, between 13 up to 36 and you can see that this part of the graph represents those people who are the combined users of cannabis and alcohol. This part of the graph represents those people who use cannabis alone, and the very modest group, here, here and here are those people who have been cannabis in the past but are no longer cannabis users. There are very, very few of them. So in the males, which is this picture, almost all of them are continuing, current, regular users and very few of them have given up cannabis. Also, the majority of them in most of the age groups are also using alcohol at the same time in that part of the world. Please stop me if I am going too fast here. There is this disturbing bulge of course in the 21 to 24 year old age group where it is almost impossible to find somebody who is not either an alcohol user or a cannabis user.

Ms CARTER: Excuse me Alan, what is your definition of having used cannabis or using cannabis?

Mr CLOUGH: Most of these folks have used it within the past week. A few of them within the past month, but the majority were within the past week. A large proportion of them within the past 24 hours of interview. In comparison with other jurisdictions around Australia and in other populations, not only is the proportion of the males quite high, but the regularity of their use is extraordinary. Comparative statistics we had for the rest of Australia talk about use within the past 12 months. All of these folks have used within the 12 months, but most within the past week. That is the males. The situation is slightly different with females. I probably wont dwell on that too much.

I have talked about kava and I mentioned that the chances of somebody being an alcohol user and also being a kava user, there is no strong association there either with alcohol or cannabis. Cannabis in particular, cannabis users tend to be younger, kava users tend to be older in that part of the world.

Peeling it back a little bit more. The combined use of alcohol and tobacco. Alcohol users, yes, very good chance 13 to 1 that they are also tobacco users at the same time.

When we get down to talk specifically about alcohol and cannabis as I said it is very likely that in that part of the world is going to be a combined user of cannabis if they are an alcohol user. We have good solid anecdote and we have also heard evidence recently in hearings that this kind of substance use is happening right across the top end. We heard similar sorts of evidence at Oenpelli at a recent hearing and we have had comprehensive representations from the community about the combined use of cannabis and alcohol on the Tiwi Islands.

Furthermore on the Tiwi Islands, quite apart from the strong association that is represented in that picture which may well also pertain not only in Eastern Arnhem Land but to the Tiwi Islands, we heard evidence there that the daily pattern of cannabis use and alcohol use goes something like this. Young men in particular get up in the morning and they start to smoke. Come time for the Club to open at 4o'clock in the afternoon, they proceed to the club and they drink. At closing time they then proceed to either search for more cannabis or more alcohol and it seems like that closing time period when people are searching for more is a period of stress for the whole community.

Mr McADAM: Is that 17 to 21 or 21 to 24 age group.

Mr CLOUGH: I haven't pulled them out of there Elliot. But if we just whip back to this picture we really should exclude that column there and the possibility of illegal alcohol use in places like the Tiwi Islands. Just by excluding those it is not going to really change the likelihood very much.

Mr KIELY: Through the Chair, Alan we heard the other day that the price of alcohol had an affect on how much is drunk if you haven't the income to purchase it goes down. Given the price of alcohol on communitites and I dare say that the price of cannabis on communities is likewise high, what sort of quantities are we talking about? In the urban settings you might have break-ins or trading of goods albeit how they have been gained. You have trading of goods for the substances but what about on a community where there is not that much to trade and there is very little cash? So what levels are we looking at or taking in?

Mr CLOUGH: This is the difficulty that we touched on during discussion with Tim Stockwell the other day. In interviews with those guys in East Arnhem Land a couple of studies now. We have found it very difficult, first of all to quantify the heavy episodic use of alcohol. In a situation where you have got remote communities with people having access periodically to Nhulunbuy where there are take-away outlets for example. In that environment, it is very difficult to quantify the periodic use. You and I might be able to talk about how many drinks we had during an evening or to the extent we might go to on the weekend or Friday night. But in that environment

it is so much harder to try and describe the overall average consumption and also to identify the dangerous and hazardless levels of alcohol use. That is one point about, which I am sure Tim Stockwell will acknowledge.

The matter of the relationship between the price and the quantity that people might consume, I think is an area where we would diverge. Because as Elliot pointed out and as I was trying to point out in our discussions the other day, in an extended family, even though the community is closed and small, you theoretically have access to everybody's cash. In a comfortable environment where you can be driven to a place where you can book up alcohol and hand over your pin number and card you have pretty good access to credit as well. Which really lifts the lid off the capacity for the heavy episodic drinkers to get hold of what they want. The sum total of that is, I don't feel that we have the evidence to connect closely, the price of alcohol and the risks or the levels of use that the Aboriginal people in particular engage in those remote environments. But, we do not have the systematic studies to back up what I am saying. Overall I think the traders, especially the illegal traders will charge what the market will bare and the consumers will pay what the traders are asking. That is a fairly dangerous cocktail in any market.

Ms HUCK: I was just going to say – are you going to talk about the price of cannabis and the quantities that people are using, because that would indicate how much they are spending regularly which is quite horrendous/

Mr CLOUGH: I could do that. In that paper I tabled, I actually go into an analysis of the price of cannabis that people are paying in Eastern Arnhem Land which seems to be – again it is another paradox. The amount of material that they are actually getting hold of is paradoxically quite small and can vary enormously giving the traders an enormous amount of flexibility to adjust their profit rate. The standard packet in Arnhem Land is one of these.

Mr KIELY: In my day you would have got done by the Queensland coppers if you had one of those.

Mr CLOUGH: It is empty.

Ms HUCK: I think you should wash it out.

Mr CLOUGH: That is pretty much to standard packet that is out there in the trade in Eastern Arnhem Land and it has pretty much a standard price, except where the material might be in short supply for whatever reason at any one particular time. Or the material may be regarded as high quality and therefore can attract a higher price. Fifty dollars and that packet almost go together hand in hand exclusively and as far as I can tell, you have probably heard similar evidence it is right across the top end at least and possibly down to the centre.

Mr KIELY: That is about a gram in weight is it?

Mr CLOUGH: It is not actually. It is way under. It is very difficult to fill this with enough cannabis material to make it weigh more than the packet itself. It is a fraction of a gram, a maximum of about 1/6th of a gram for \$50.00. As I say in that paper, I have looked at that price and that is something like 12 times the price you would pay say at Moil Foil. That estimate fits with what some of the.....

Mdm CHAIR: The going price at Oenpelli is \$150.00.

Mr CLOUGH: For one of those?

Mr KIELY: I have never ever regarded Moil as a discount shop.

Mr CLOUGH: So the economic impact is substantial. I have estimated that in Eastern Arnhem Land it may be of the order of 10% of the available cash in the community. The black

marketeers have enormous flexibility to adjust the amount of material they put in there. The price stays pretty much the same and there in lies the economic pressures.

Mr KIELY: Through the Chair, is there any anecdotal information about the money. Does it go around and stay in the community or does it go out.

Mr CLOUGH: It is not an immediate loss in most cases. Because some of the traders reside in the community, in some cases permanently reside in those communities and take advantage of it. There is a practice that seems to have developed where people will club together enough money to come to Darwin hiring a charter. They will do their shopping and they will pick up what they need to go back to the community to pay for the trip and the shopping. That seems to be a practice that is fairly common.

So it is not an immediate cash drain. It is a refocus of the cash. The other point is since the quantities are quite small in an such difficult to detect forms, policing of it is extraordinarily difficult, I would suggest. So all sorts of sniffer dogs at the airports are not really going to do much to keep the flexibility that the traders have.

Mdm CHAIR: In terms of the Tiwi Islands that could easily be policed because there is only one company that has the monopoly, so you could do it there.

Mr McADAM: By search.

Mdm CHAIR: Yes, or by having the dogs. I see some merit in having the sniffer dogs.

Mr KIELY: Through the Chair. There is no indication of plantations in communities?

Mr CLOUGH: There have been some small attempts, isolated attempts but no big ones.

Mr KIELY: So once again it is imported.

Mr CLOUGH: Yes. I think predominately from the Darwin area. There doesn't seem to be much coming from other directions.

Mdm CHAIR: Alan if I can just continue with that and I suppose in terms of the gunga trade. It is well known in terms of my own personal involvement with that issue. In terms of the studies that you have done in Nhulunbuy, and East Arnhem you were saying that there has been a big increase, in that there is not one male that is probably in that area that you have looked at that doesn't use either substance, either alcohol or cannabis, what is the impact in terms of the violence in those communities that you have looked at around Nhulunbuy, and Yirrkala? Not just from the alcohol either, because I have heard stories. We went out to Port Keats and there were stories there from some of the people where the young women were being bashed up and abused for the money so that the men could buy that. Is that the same pattern that is emerging in terms East Arnhem in those communities?

Mr CLOUGH: I can't really add anything to that because that same story is repeated so often. It is just so consistent right across the top from Umbakumba all the way to Oenpelli in my experience, and with similar stories on the Tiwi Islands. Poor impulse control. People are refused either the cannabis or the money to purchase it and often it seems to be the women that bares the brunt of the frustration, the cannabis users frustration. It is not always men who are meeting out that violence either. I have heard reports of women participating in that behaviour.

Mdm CHAIR: What, against the men or against other women?

Mr CLOUGH: Against women. Unfortunately we do not have a licensing system to help deal with it.

Ms CARTER: Unfortunately not.

Mr CLOUGH: I am going to wind up quickly. What we have heard on the Tiwi Islands is pretty frightening in terms of peoples patterns of use. But we visited the Tiwi to talk about alcohol, but at the same time we are getting lots of stories about other issues, in particular cannabis. This is one of the conclusions that is in the Executive Summary of the Tiwi Islands Alcohol Management Plan. The Tiwi people are telling us, through their management plan that they want to continue to have access to alcohol, but at the same time they are saying – in their plan that alcohol consumption in isolation is not the only issue and that they acknowledge that this is compounded by wide spread access to marijuana.

This is one of the key conclusions to Mr Cavanagh's coronial inquiry into the 4 suicides that occurred in 1998. he was quite unequivocal about connecting alcohol abuse to the serious outcomes that he was inquiring into. In fact he identified alcohol abuse as one of the causes of suicide itself. Something that we are all finding uncomfortably true. I should point out to that all through that coronial inquiry Mr Cavanagh also heard evidence about the combined use of cannabis with alcohol and that adding to the problems. Dr Rob Parker gave evidence to that effect and so did Trish Nagel, Director of Psychiatry in the NT and so did.....from the Tiwi Islands including the people themselves. It is something obviously that we can't ignore in our deliberations about the Tiwi Islands.

When we heard the evidence ourselves. This is taking the liberty here of quoting from Commissioner Vos' notes, it was pretty horrifying as you have probably experienced in your own consultations around the place. We were quite moved by what we heard and what we saw there. Which I think shifts us again to thinking more broadly than just about alcohol in that environment. Also in the context of the Tiwis' trying to take into account some of the general health consequences of alcohol abuse. There have been lots of studies into the epidemic of renal disease over there. I am talking about Wendy Hoy's studies published in the mid 1990's. She identified back then that 30% of the community's cash at Nguuu was being spent on alcohol. We do not have recent data about that sort of picture that I know about. Put another 20% on top of that for tobacco which I have not quoted in this report and assuming that you can immediately substitute the value of the cannabis trade in on top of that you have a fairly substantial chunk of the community's income still being devoted to expenditure on alcohol alongside the compounding effects this has on the broader health consequences. Poor nutrition being only the starting point to some of those. Ironically, we have heard none of that in our evidence on the Tiwi Islands, but we obviously have to consider that history since the license has been in place there for 13 years. Another 13 years of the same sort of practices of alcohol use will probably be quite disastrous.

Mr WOOD: Are you talking about the alcohol license?

Mr CLOUGH: Yes.

Mr WOOD: It has been there since 19 at least 1974.

Mdm CHAIR: There was a permit regime but I mean

Mr WOOD: Most of the time I was there the club had a license and a manager in the '70's.

Unknown person: Where was this?

Mr WOOD: Tiwi Islands

Mdm CHAIR: They had greater restrictions then though.

Mr WOOD: Yes. Four cans per day per person.

Mdm CHAIR: Yes.

Mr CLOUGH: Sorry, I should have clarified that. The current licenses has been there since the end of September 1990.

Mr KIELY: So the data should be pretty easy to obtain then shouldn't it?

Mr CLOUGH: It should be. I am going to wind up quickly here. There is good evidence and it is not rocket science either, that the history of alcohol abuse in Indigenous communities as witnessed by young people is probably a key underpinning factor in the kinds of behaviours we are seeing in young people now that they are in their twenties. The dysfunction, disruption of families and the community. This is Earnest Hunter's prime thesis about the origin of suicide in Indigenous communities and Rob Parker thoroughly agrees with this. Rob has observed the situation, particularly on the Tiwi Islands for many years. Clearly it is a very powerful conclusion. The irony about cannabis however, is that I am not too sure about the Tiwi's but in West and Eastern Arnhem Land it is really only been systematically available out there for probably about five years in those communities. People could get it when they came to Darwin but this practice of widespread availability in the communities really only popped up 5 or 6 years ago and then spread it seems. Interestingly, Wendy Hoy's study back in the 1990's did not document cannabis use.

Mdm CHAIR: No. Well having lived over there myself for 4 years, cannabis use compared to what it is now to what it was then and I lived over there in the '90's and it was non-existent in that community.

Mr WOOD: In the '70's and '80's people didn't even talk about it.

Mr CLOUGH: So compared with alcohol use, we have something that is quite recent, but it is obviously having serious effects and causing serious concern in the community. In that same data from Eastern Arnhem Land I have been able to identify – 'Yes indeed the more cannabis those guys smoke out there, the more likely they are to have what Rob Parker has called a mood disorder'. Included in that mood disorder is a tendency to want to hurt yourself. One out of six of the people that we interviewed over there in Eastern Arnhem Land said that they had thought about hurting themselves in the previous 12 months.

We can't say that there is a long term effect of cannabis use because we quite simply have not had that access to it in that community for the length of time that is necessary. Other studies in other populations say that it takes 10 to 20 years for even the mildest cognitive effects to begin to emerge. What we can say pretty confidently, is that the combined effect of intoxication from cannabis added to the intoxicating effects of alcohol acutely disinhibits people who might already be inclined to hurt themselves. That is as about as far as we can go in saying that cannabis and alcohol are a problem. None the less, I think that is a very powerful argument to suggest that we can't just treat the alcohol issue on the Tiwi Islands in isolation. This is exercising our minds at the moment as far as the Tiwi decision goes. I am going to finish here and pass over to Jill. But these are the lovely words of Section 102 of the Liquor Act which is it reverse onus is on the Licensee to demonstrate that the person that may have been served who was intoxicated was in fact not intoxicated.

Mdm CHAIR: That can be seen as a real joke in the Tiwi clubs, I will tell you now.

Ms HUCK: Yes, but that is part of the problem.

Mdm CHAIR: I suppose because the practice was allowed to continue for so long, so people have this entrenched view that it is their right to just go up as drunk as they are to still be served. They would not be allowed to do that in Darwin.

Mr WOOD: On of the other things is that there would be violence perpetrated on the licensee. I have seen not only the threat of personal physical violence but their house as well as the threat of being kicked off the island. Simply because they would not agree to serve intoxicated persons. It would not be a great job, I would imagine, being the licensee on some of these communities if you have to stand by the letter of the law.

Mdm CHAIR: Those people are actually Nominees, because the actual members are the licensees if I am correct. Where the person that is actually in there working is the Nominee.

Mr WOOD: It might have changed since I was there.

Mr CLOUGH: That is our serious dilemma of the Commission Mdm Chairman. It is also the dilemma of the Tiwi people it would seem. A way out of this? Well a modest start would be try to empower the community there through the existing agencies to have an input into controlling access to alcohol particularly amongst people who may be at risk of cannabis abuse. That might be an important theme to try to emphasise in the education and empowerment of that group. Apart from that, I do not have any answers. There is the problem I am afraid.

Mdm CHAIR: Any questions? Can I ask a question? In terms of what you were just saying, we know that anybody who suffers from an alcohol addiction we know has access to treatment and rehabilitation. In terms of cutting off the tap, we have brought in quite touch legislation in stopping the supply of drugs going in there needs to be a focus on cannabis addiction, I mean it is one thing to turn the tap off but what we are actually seeing and I suppose these are some of the underlying things with the suicides and we have noticed that there have been a couple on the Tiwi Islands where we have got to the point of where the supply has been cut off that they have just gone mad, I suppose. I hate saying that word. So that they have developed an addiction to the cannabis. Has that been shown in research Alan, in terms of addiction to cannabis?

Mr CLOUGH: That kind of experience you have mapped out is recognised and it is also treatable. Unfortunately, that treatment requires abstinence but only for a comparatively short period and then with support with mood stabilisers to get through the worst of the withdrawal effects. So it is possible.

Mdm CHAIR: Tranquillisers, what do you mean, medication to stop the.....

Mr CLOUGH: To stop the anxiety attacks.

Ms HUCK: May I say something. Because I am involved in the mental health area as well, there is no doubt in my mind that there seem to be an increasing number of people admitted for drug induced psychosis which can present itself like a mood disorder, like a bi-polar or a scycophenia. I think you have 2 problems, you have the ones with heavy cannabis use and also heavy poly-drug use. Because most of these, particularly Aboriginal people coming from remote areas have used multiple substances, so they might have some brain damage from petrol, plus they are heavily using cannabis, plus they might be drinking. Who knows, but they will come in psychotic so you have got that real problem of cannabis.....associated with very severe mental disorders. Plus you have the problem with people who have developed a psychosis anyway in fact exacerbating the condition and making it very difficult to treat them because they continue to use substances. So it is really a huge public health problem. It is huge across the community, but it is the level of abuse of drugs and also the co-morbid thing where it is associated with a mental illness and sometimes you can't tell the chicken and the egg. Especially in those situations where self harm or harm of others is a factor. Sometimes that is part of the psychosis, sometimes it could be connected with the substances. It is really hard to sort out, but I think it is major social problem.

Mr WOOD: I was just watching a show on television on ABC on Sunday afternoon, it was on jazz, on various people who play jazz. Towards the end of the program they mentioned a gentleman by the name of Myles Davies who was an Afro-American and had spent the first part

of his life, I would say, playing music and using drugs quite substantially and writing music. The story was that he went home to his father and said "Dad, I need to get off, can you help me?" He obviously wanted to get off the drugs. His father said "All I can give you is love." He locked himself up in part of his father's boarding room for 7 days and basically went cold turkey. He was a man who had obviously made the decision himself.

Have you found anybody, while you have been going around that is taking some responsibility for the problem that they have? They have seen it and are trying to overcome it on their own?

Mr CLOUGH: Yes. I am thinking of 1 man from Pickerton Island who spent some time in Berrimah and he is in his early 30's. He had been through that He had been through the difficult times, realised that he was creating lots of trouble for his wife in particular and he just decided to go cold turkey. It was probably assisted by spending some time in Berrimah. He was quite happy to report that and to describe his experience, so it is not all bleak. But with an overpowering environment where the use of it is so wide spread and its availability seems to be so easy getting somebody participating in treatment within that environment is obviously the challenge. You really only need about 4 days to get over the worst and 2 weeks to really get yourself back in control again with respect to long term cannabis abuse. It is not impossible. It is just that they can't break that continuity of the widespread availability it seems.

Mr KIELY: That is if you are treating the addiction itself, but what about the causes of it, the underlying social causes. You might well fix up the craving side of it but what do you do about those factors, the social factors that brought in the introduction to it? I mean it is

Mr CLOUGH: That is obviously a broader issue. But why it kicked off in the first place is a mystery to me. It all seemed to happen at around the same time.

Mr KIELY: I think ease of transportability. Theory is that there is no humbug with it, you just sit down – then bingo. Once you start mixing it, mix and match.

Mdm CHAIR: There has been a lot of movement from the communities into town too. Some of them have come into town and experimented in town and they have seen that it is a good thing and they have fun. Then they go back to their communities then it just caught on like that. That has been part of it.

Mr KIELY: I have been churned up for the afternoon. I feel really on top of it now.

Mr CLOUGH: Sorry about that.

Mdm CHAIR: That is a big part of my electorate. Now you see how depressing it is. Jill

Ms HUCK: Thanks. I have a few different components to mine, but I think I will skip the first 2. What I might do is in fact give you some copies of some Licensing Commission decisions, because, I think over the last few weeks we have talked to you a lot generally about what the Licensing Commission does and what our role is and some of the issues. But we thought it might also be good for you to actually see some decisions so you can see the sorts of things that we are dealing with and how we are dealing with them. Particularly, the different issues that come up with the legislation and how we use the hearing process and also licensing conditions and stuff to try and come up with the best type of decision.

If I have some time left after that I would like to say something about the new objection process. That is probably all we will have time to cover.

Mdm CHAIR: We have about 15 minutes because I am aware that members have got to go.

Mr WOOD: Just quickly while you are handing them out. When you advertise a liquor license application does that get sent out to anyone. Like, sometimes planning applications get sent out to the local MLA and council, do you sent them out?

Ms HUCK: When there is a new liquor license application, the Director of RGL, Racing, Gaming, Licensing has developed a practice of sending a letter or a notification to police, the alcohol and other drugs section within health, the relevant city council or community government council and occasionally there might be some other – oh – the planning. Is it planning

Mr ALLEN: Yes. Planning is also notified. There is a Public Notice in the newspaper, which appears twice and there is also a sign erected at the proposed premises. It is probably as thorough as any notification system in the country.

Mr WOOD: Maybe from an MLA's point of view it is not a bad idea either, because we can put them up on our notice boards. people can come in and have a read. It is just another way of getting the information out there.

Ms HUCK: So that is a possibility to add to the list. The applications are publicly available. So usually, if you were to keep an eye on Wednesdays and Fridays Public Notices that would be where you would see them. Anyway, I have given you a pile and I have just put them in alphabetical order so I thought that I might just.... What I have picked is some new applications for licenses; quite a few complaints; particularly complaints dealing with intoxication which seemed to be an issue when we came in before. There are a couple of decisions in here on book-up and a couple that either deal with or touch on the issues of restricted areas.

So I put them in alphabetical order, so maybe if we run through them quickly, that will give you a taste of what we are about and I guess that you will be able to read them in detail if you are interested or you can ask questions.

The top one is the Alawa Foodland decision, which is the decision that was well publicised early this year and is to do with the book-up system. The Commission has actually had licensing conditions included in the licenses for years now to prohibit book-up for liquor. In fact, this Alawa decision really highlighted the fact that there were ways around that. In fact they could allow people to buy liquor first with their debit cards and then book up food. So, it was just a matter of getting around it. Also there was a lot of concern about the practice of retaining cards, pin numbers etcetera. So that was the Alawa Foodland decision. A new license condition was inserted and the licensee was told that he had to return all the cards to people that he had accumulated now that he was not allowed to do book-up any longer. That licensee has since surrendered his license, his liquor license. But you would have noticed that as of last week that a family member has actually reapplied for that license. I should assure you that while people can apply for licenses, but that says nothing about whether they will get them or not. I am not saying one way or the other. That is Alawa Foodland.

The second one I have given you is the trial restrictions on the sale of liquor in Alice Springs, which again you are probably familiar with because it is fairly recent. That summarises all the debates and the evaluation of the liquor restrictions in Alice Springs. This is probably a good example where there was a high level of community involvement in the trial and a real attempt to evaluate as scientifically as possible the effect of the restrictions. As you know one of the alarming things that happened with the Alice Springs trial is in banning the larger containers of wine, people shifted to the 2 litres of port. We are yet to see if that shift can be undone. The consensus seemed to be that the port was potentially more dangerous than wine.

The next one just out of interest is just the decision on the objections in the Batchelor General Store application for a liquor license. The supermarket there has applied for a liquor license. This is just a preliminary vetting of the objections on typical grounds, which is what the objection process now in the Act. You have to fit into certain categories of people in order to object and you can only object on the grounds of amenity. The effect on the amenity of the neighbourhood.

This is probably the fourth or fifth one we have done. With 14 objectors, all of whom were accepted in this situation. I am sorry it is a bit long winded, I should have written it much more briefly. This matter is going to be heard in a couple of weeks and all these objectors will be participating. So it is a sort of 'watch this space one' this is only the objectors in the first place.

Mr WOOD: I know you are going to get on to it later, but I noticed that a number of these people are related to the schools and to education. Now if the CEO of education decided to object would his objection not be allowed?

Ms HUCK: It depends. Some of the people do not clearly – say like the Principal of the school and the Director of the Batchelor Institute I mean are they running public authorities that have responsibilities for the amenity of the neighbourhood. It is probably arguable that schools have grounds with nice trees and things like that. What I was able to do with those, and this is what we are doing with all of the objections, if they don't on the face of it, fit into the category that they are saying I am objecting on behalf of the school. If it is not going to be clear you would look at whether they would actually fit into another category and all those people were accepted on the basis that they worked in the neighbourhood.

Mr WOOD: I suppose what I mean is if the CEO of the department in Darwin felt that it was bad for education in that area would he therefore....

Ms HUCK: Be able to object. I think we would have to look at it closely.

Mr WOOD: Right. We might get on to that later.

Ms HUCK: We haven't had to decide on that yet. There will be situations that will come up that will be arguable either way. Likewise 2 of the objectors here who are connected with another hotel down there which you could argue may have been commercial objectors, but they lived and worked in the neighbourhood and their objection is based on the amenity of the neighbourhood. So they are in. One of the interesting things about this one that I have given you is that one of the issues that came up and may not be reflected in the decision particularly, is the – and I wanted to talk about this. The whole issue of how different decisions impact. Say for example the Batchelor Institute of Indigenous Education has declared their campus a dry campus, which they have the right to do and obviously the Institute is functioning a lot better. But this is one of the things that the people referred to in terms of the objections, is their concern is with a take-away license is granted in the middle of the town in an area surrounded by parklands that those students from the Institute could not return to campus where they live to drink their alcohol, but would have no choice but to drink it in a public place which was then covered by the two kilometre law which is too difficult to enforce. Therefore, the concern was – well you have a policy working in this area but you then grant a liquor license, how does that all interact? That is an interesting issue which you will see was raised previously in a decision to do with Abbott's Camp in Alice Springs. Abbott's Camp, which is located in the urban area is to be made into a restricted area. A dry community. But then that causes problems for people from that area who want to drink. Where are they going to drink and they are surrounded by liquor outlets, so you have the 2 kilometre law and the inevitability of public drinking all those sorts of things.

Mr KIELY: Couldn't that argument be run then with the 2 kilometre law as well then. Basically if you want to sell take-away is to say you can't drink within 2 kilometres.

Mdm CHAIR: Well they shouldn't be.

Ms HUCK: I do not know what the answer is but I think that....

Mdm CHAIR: It is just not enforcing it.

Ms HUCK: In terms of looking at substance abuse issues and possible ways of managing substance misuse. There are lots of complications whatever strategies you try.

The next one is the Gap View Resort Hotel. This was a fairly recent decision about the presence of large numbers of intoxicated people on the premises. It is a hotel that caters for largely Indigenous clientele. I think there are some elements one suspects of what Marion was talking about before that just that level of intoxication is sort of – the idea is about what is acceptable. I think it is actually true at a lot of licensed premises in the Northern Territory that a level of intoxication seems acceptable, where in fact the law says that it is not. If there are intoxicated people on the premises, then they should be removed. The Gap View is a good example where we have used the suspension of a license as a penalty. We actually suspended this one for 3 days from memory, but deferred 2 days of that suspension, basically for 12 months. What that means is that they have to close for 1 day almost immediately and as Peter explained last time that means thousands of dollars in income lost. But, if they behave themselves and there are no further complaints lodged, then they get off the other 2 days. If there is more complaints that are proved, especially on the grounds of intoxication, they have to serve the additional penalty. So, I guess it is that carrot and stick thing. You are trying to say if you are not doing the right thing you should pay a penalty. There should be a cost, but we are trying to encourage changes in behaviour and good behaviour of the licensees.

Jabiru Sports and Social Club, very much the same sort of issues. Intoxicated people on the premises. A complaint lodged by the police. In this decision we actually deferred the 2 day suspension that we imposed, but we also required - for 6 months I think that one was. We also required them to come up with a Management Plan, training schedule, all sorts of things within a short time period. Fix up the premises etcetera. Again it was a matter of – this place has got a lot of problems, let us use this process to get them to lift their game.

Katherine Hotel is in there. It is a very short decision, it was a book-up decision by the Commission several years ago. In fact 1998 where the Commission actually closed the bottle shop of the Katherine Hotel for a week because they were booking up liquor.

Liquorland, Mitchell Centre, is one from earlier this year. That along with Mac's Liquor, Stuart Park is probably some good examples where the high wend of town don't actually get their own way, even when they throw a lot of money at it. Liquorland, as you know did finally get their liquor license, but this is their second try and we did need them to provide a lot of evidence about needs and wishes of the community, including, and it is interesting, I was a bit alarmed when I first saw the Liquor Act because it didn't have any health or welfare criteria in it. The closest you got was needs and wishes but it is interesting how much you can squeeze out of that provision and the Commission does take harm minimisation or harm prevention very seriously. You can see that in the considerations and also in the special license conditions that have been imposed.

Mr KIELY: Using the criteria that this particular that this decision has established is there any chance of Woolies down opposite the Mirrambeena going for it again.

Ms HUCK: Nothing to stop them. This is – they were trying to substitute their license in Stuart Park for the one in town. To move that license into town so they would have to, if they wanted to apply for Woolies in Cavenagh Street, they would have to advertise the application, go through an objection process and they would have to work hard to address any objections or any concerns that anyone had about the effect of that liquor license, an extra liquor license being there. It is getting harder for people to get some types of liquor licenses.

Mr WOOD: Do you restrict where alcohol can be displayed? I know that Coles in Palmerston, the 4 litre cask are right in the front.

Ms HUCK: Oh are they.

Mr WOOD: I called in the other day to see what they sell. I don't go in there to purchase, but we heard some statements from another company saying that they set them up towards the back. I noticed that you had prohibited the sale of more than 2 litres, so I wondered if you could restrict where some of this product is put.

Ms HUCK: Usually in the applications they will actually give us a design of where they are going to store the liquor and what is going to be where. But I don't think that there is anything that would prevent us from saying, if there was a concern about saying where it should be displayed.

Mr ALLEN: Vintage Cellars do the same core preventative. They do not front stack the problem brands here in Cavenagh as a result of their initiative and concerns about objections from the immediate property owners and renters and also we had some concerns and imposed it as a license condition. So as Jill has indicated and I think it may have been said before, we can make any condition out of anything in a liquor license providing there is reasonable grounds for it.

Ms HUCK: I realise I am running out of time. Mandorah Beach Hotel, I would just like to – there are probably a lot more, but this one was of concern to me. This was a complaint by Belyuen against Mandorah Beach Hotel. Basically, wanting them to restrict the sales of alcohol to Belyuen community members. So in popular terms now, they were wanting an accord or an arrangement with the Mandorah Beach Hotel in respect to Belyuen community members. What this decision does is actually highlights some of the potential hazards for accords. It is a tricky area. I mean it is really good for people to work together in communities and to agree, but it can in some instances, place the licensees in particular in some jeopardy. What the licensee in the Mandorah Beach Hotel was concerned about was the potential for race discrimination complaints which apparently the hotel had in the past when they were operating on a voluntary restriction on sales. I guess what this points out is the interplay of the Northern Territory liquor laws and anti discrimination laws together with the Federal Race Discrimination Act. Of course there is also potential with voluntary accords to offend the Trade Practices Act and get into trouble with the ACCC etcetera.

Mdm CHAIR: Couldn't it be seen as a positive discrimination. I mean, didn't Yulara at the time they put in that restriction because of the impact on some of the local people there.

Ms HUCK: Yes and in fact it is an interesting and unintended use of the Race Discrimination Act that there are special measures and provisions in that Race Discrimination Act which were intended to be about positive discrimination. Giving disadvantaged groups more but in fact in the last 10 to 15 years we have been increasingly starting to use the special measures provision in the Race Discrimination Act to actually authorise more restrictions or discrimination against in some ways. In this case the licensee got protection from the NT anti discrimination legislation by us making the decision to put it in their license conditions. But they are still vulnerable to the federal race complaints. Therefore, part of the way we handled this is the Belyuen Community applied for a special measures certificate from the Race Discrimination Commissioner, got that and so everybody was happy and we could sign it off. However, it still does concern me and maybe, there has to be some communication with the Federal Government and consideration as to how federal laws impact, because if you look at the certificate at the back of that decision, which says la de da, we consider this special measure. If you look at the small writing down the bottom, it actually says "this certificate indicates preliminary view etcetera. The certificate is not binding, it creates no legal obligation for any person or organisation named in the certificate. It does not preclude the Human Rights and Equal Opportunity Commission considering a complaint under the Race Discrimination Act in respect of or rising out of the imposition of the decreed restrictions or conduct that may constitute discrimination. It just may be taken into account in the course of any inquiry. So it is a protection but it is not a guarantee. I am not saying, I think this can be a good health measure, there are a lot of competing interests, but I think we need to be aware of how difficult the terrain is.

Mdm CHAIR: Elliot. One quick question. I am conscious that we have to close down this meeting in a minute. We do have to go in a minute and we may have to look at extending another meeting.

Mr McADAM: My actual question was to Alan. You have done this work on the Tiwi

Mr CLOUGH: Not the survey work Elliot.

Mr McADAM: Sorry.

Mr CLOUGH: Not the research work. I haven't heard evidence on the Tiwi's recently.

Mr McADAM: So that stuff you have just given to us, where was that from.

Mr CLOUGH: I surveyed people in East Arnhem Land.

Mr McADAM: In East Arnhem Land.

Mr CLOUGH: Primarily, Groote Eyland, Yirrkala, Lanhupuy Homelands.

Mr McADAM: Alright. Has anything similar been done in say town camps for the want of a better word, say around Darwin or...

Mr CLOUGH: That is it for the country Elliot. There is nothing that has been done elsewhere.

Mr McADAM: I was just interested in your.... It was Earnest Hunter wasn't it who was basically saying that that 15 year age group was influenced by the conditions.

Mr CLOUGH: Yes, Earnest Hunter's work is focussed on alcohol in the Kimberleys and he developed that idea from there and he is continuing to work on that in Cape York. I do not know if he has actually got the same sort of data for over there. But as far as being out there in the public domain, that is it.

Ms McADAM: I just think it is important for some of that work to be done. I know exactly what Earnest Hunter is saying. You know. I just want to know what is going on in say the southern communities and the town camps.

Mr CLOUGH: I know Earnest Hunter has been read widely. He has consulted with the Commonwealth on that same matter.

Mdm CHAIR: No more questions.

Mr ALLEN: I was just going to thank you Chair Marion and members for the significant amount of time you have given us and if I might also thank your staff, Pat and Liz who have facilitated and helped us also in this. We have only really given you perhaps a segment of what we do. But we have certainly had a significant and generous amount of time. If anything comes to the mind of the Committee and they want a particular line of inquiry or item followed up, whether it is one we have touched on or one that we have not touched on at all we would be happy to provide a paper, a position statement or whatever in relation to questions that you may later have. But thank you very much indeed.

Mr WOOD: Just on that point because Jill mentioned about the new conditions for objecting and we didn't get into that, but I wonder if you could give us position on how you see it. Could you do that?

Mr ALLEN: Yes we can. That would be good.

Mdm CHAIR: It would be good to have that. Peter I must thank yourself and members of the Commission for coming and having this dialogue with the Committee. I think it is very important that we have these meetings. Certainly, I know with all members we do appreciate your time and the information that is given to the Committee. We would like to set up another meeting. Jill I am sorry to cut you off, but we all have to head off the meetings before we start Questions.

Mr WOOD: There is some interesting reading there.

Ms HUCK: It will keep you busy.

Meeting closed
