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LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

*Sessional Committee on Use and Abuse
of Alcohol by the Community*

**Inquiry into the Operation and Effect
of Part VIII "Restricted Areas"
of the *Liquor Act***

REPORT NUMBER 4
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MEMBERS OF THE COMMITTEE

The Honourable E H POOLE, MLA
(Chairman)

Mr N R BELL, MLA

Mr W W LANHUPUY, MLA

Mr T R McCARTHY, MLA

Mr M H ORTMANN, MLA
(appointed 12 October 1993)

Mr M J PALMER, MLA
(discharged 26 August 1993)

Mr R A SETTER, MLA
(appointed 26 August 1993—discharged 12 October 1993)

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CHAIRMAN'S FOREWORD

The conduct of this inquiry into the operation and effect of Part VIII "Restricted Areas" of the *Liquor Act* has demanded a significant proportion of the Committee's time over the past 18 months. As in the conduct of all of the Committee's business since it was initially established some four years ago, members have been mindful of the need to consult as widely as possible throughout the Northern Territory. It is through this process that the divergent views of various members of the Northern Territory community can be taken into account in formulating the recommendations which I am pleased to present herein.

The drawback to this process is the financial constraints on the Committee and the time constraints members experience. In the interests of balancing the budget and best utilising the time members can make available outside their other responsibilities, wherever possible hearings and meetings have been conducted by sub-Committees consisting of any three members.

The restricted areas legislation is significant in that it has been unique in providing a mechanism whereby communities can restrict or control access to and use of alcohol. As such it has provided a model to States and other Territories in their endeavours to stem the social and related problems which can result from alcohol abuse.

Given the relationship between Territorians and a higher than average, in the national context, alcohol consumption rate, it is important that any move to loosen restrictions on alcohol be approached cautiously. It is with this in mind that the Committee has formulated the recommendations contained herein for the ongoing operation and administration of the *Liquor Act*.

Thanks are due to the many people Territory-wide who took the time to address the issues of restrictions with the Committee. I also acknowledge the contributions and dedication of members of the Committee. All members have approached this inquiry, as with the Committee's work in the past, with a mutually cooperative spirit intent on achieving a positive outcome for the benefit of the Northern Territory overall.

Hon. Eric Poole, MLA

December 1993

OVERVIEW AND SUMMARY OF RECOMMENDATIONS

Overview

In general terms the Committee finds that:

- restricted areas legislation is for many communities an effective means of controlling the impact of alcohol abuse and as such is still relevant;
- while acknowledging that the future lies in the lifting of restrictions on access to and possession of alcohol on communities the legislation is presently essential;
- the lack of available data with regard to indicators at the community level of alcohol-related harm prevents a full assessment of the impact of restricted areas legislation;
- the Liquor Commission should liaise regularly with communities with restrictions in place, to ensure their ongoing relevance;
- as in other areas of alcohol regulation, licence conditions need to reflect local conditions;
- Aboriginal communities should be encouraged and sufficiently resourced to take a greater responsibility for the alcohol problems of their members;
- the responsibility for the issuing of permits and more importantly the ability to review, cancel or suspend permits should rest with the local community council;
- the real or perceived problem of dry areas legislation merely transferring problems to the larger centres needs to be addressed; and
- the dislocation caused by a lack of regular transport between communities and the major centres which serve them is an issue.

RECOMMENDATIONS

The Committee recommends that:

- 1 the development of community-based support networks and/or rehabilitation centres to allow communities to take greater responsibility for those of their members with alcohol problems, be supported;
- 2 initiatives, such as the Tyeweretye Social Club, aimed at promoting and encouraging the development of regulated drinking environments in communities be actively supported;
- 3 funding be provided for the Committee to sponsor a research project to develop a set of indicators of alcohol-related harm at the community level, to be undertaken by the Substance Abuse Unit at the Menzies School of Health Research;
- 4 the Liquor Commission institute a program of biennial hearings in communities with liquor restrictions to ensure the terms of restrictions accord with current community wishes;
- 5 the Office of Aboriginal Development undertake an investigation into the feasibility of various options for providing regular transport to communities from the larger centres which serve them;
- 6 the permit system in restricted communities be amended to give primary responsibility for the approving, reviewing, cancelling and suspending of permits, to the community council, viz.:
 - all permits to be issued, cancelled or suspended by the Liquor Commission upon the recommendations of the community councils, acting with the advice of the Police;
 - permits to be issued on an annual basis, with an application fee of \$10 p.a. to apply;
 - administrative responsibility for the collection of the application and fee, and forwarding these to the Liquor Commission, to rest with the community council;

- the Liquor Commission to maintain a register of permit holders, and to ensure that the community council and police are provided with a current list of permit holders in the community, to be prominently displayed in the community;
- a category of permit called "visitor permits" to be instituted, whereby a community may define the provisions to apply to a limited (three-month) permit for visitors, to be administered by the Liquor Commission;
- the permit application fees are to be held by the Liquor Commission, and made available to communities where required for:
 - administration of permit system;
 - provision of alcohol education or service programs in communities; and
 - the repatriation of community residents with problems involving alcohol in towns;
- to achieve this all current permits to be cancelled as from a certain date;
- where more than 25% of the adult resident population of a community is issued with permits the Liquor Commission to review the restricted access status of the area.

**PART A: THE COMMITTEE AND THE PROCESS
OF TAKING EVIDENCE**

CHAPTER 1 — THE COMMITTEE

1.1 Establishment

The Sessional Committee on Use and Abuse of Alcohol by the Community was established by resolution of the Legislative Assembly on 23 November 1989. This was a result of an initial motion of the Member for Macdonnell (Mr Bell) on 18 October 1989, amended by subsequent motion of the then Minister for Racing and Gaming, the Hon F A Finch.

The establishment of the Committee was supported by both Government and Opposition Members of the Legislative Assembly, reflecting a high level of concern regarding the financial and social costs of alcohol use and misuse in the Northern Territory. Five Members—three Government and two Opposition—of the Assembly were appointed.

As a Sessional Committee it ceased to exist with the prorogation of the Fifth Assembly on 5 October 1990, and was subsequently re-established on 4 December 1990.

1.2 Terms of Reference

The Terms of Reference are shown at Appendix 1.

1.3 PROFILES OF COMMITTEE MEMBERS

The Hon. E H POOLE, MLA (Chairman)

Country Liberal Party

Member for Araluen

First elected 1986

Minister for Correctional Services

Minister for Sport and Recreation

Minister for Work Health and Territory Insurance

Minister Responsible for the Liquor Commission

Minister Assisting the Chief Minister in Central Australian Matters

Mr N R BELL, MLA

Australian Labor Party

Member for Macdonnell

First elected 1981

Opposition Whip

Shadow Minister for Primary Industries and Fisheries,

Correctional Services and Attorney-General

Other Committees: Privileges, Standing Orders, House

Mr W W LANHUPUY, MLA

Australian Labor Party

Member for Amhem

First elected 1983

Shadow Minister for Aboriginal Affairs, Sacred Sites Protection and Liquor

Deputy Chairman of Committees

Other Committee: Constitutional Development

Mr T R McCARTHY, MLA

Country Liberal Party

Member for Goyder

First elected 1983

Chairman of Committees

Other Committees: Public Accounts, Standing Orders,

Subordinate Legislation and Tabled Papers,

Constitutional Development, Environment

Mr M H ORTMANN, MLA (Appointed 12 October 1993)

Country Liberal Party

Member for Brennan

First elected 1990

Other Committees: Privileges, New Parliament House

Mr M J PALMER, MLA (Discharged 26 August 1993)

Country Liberal Party

Member for Karama

First elected 1983

Other Committees: House, Public Accounts (Chairman),

Subordinate Legislation and Tabled Papers, Environment (Chairman)

Mr R A SETTER, MLA (Appointed 26 August 1993)

Country Liberal Party

(Discharged 12 October 1993)

Member for Jingili

First elected 1984

Leader of Government Business

Other Committees: Publications (Chairman), Public Accounts,

Standing Orders, Subordinate Legislation and Tabled Papers,

Constitutional Development

1.4 Functions

As a committee of the Assembly, the Sessional Committee on Use and Abuse of Alcohol by the Community derives its authority from the Commonwealth *Northern Territory (Self-Government) Act 1978* and the *Legislative Assembly (Powers and Privileges) Act*. It was appointed for the duration of the present Assembly, with no fixed time limit on its investigation.

In undertaking its enquiry on behalf of the Assembly, the Committee is empowered to:

- send for persons, papers and records;
- sit in private or public session;
- sit during any adjournment of the Assembly; and
- adjourn from place to place.

It also has leave to:

- report from time to time its proceedings and the evidence taken;
- make any interim recommendations it deems fit;
- publish information pertaining to its activities from time to time; and
- publish from day to day such papers and evidence as may be ordered by it.

The Committee is required, unless otherwise ordered by it, to publish a daily *Hansard* of such proceedings as take place in public; an annual report is to be made to the Assembly of its activities.

1.5 Charter

The Committee's Terms of Reference provide for it to inquire into all aspects of alcohol consumption in the Northern Territory, in terms of the Territory's demographic, industrial, ethnic and socio-economic characteristics of the population, with a view to identifying the factors contributing to the higher per capita consumption rate experienced.

Included in this are the issues of accessibility and availability of alcohol, incorporating the number and types of licensed outlets and their location, as well as other regulating influences on a community's ability to access and/or consume alcohol.

Its charter allows it to investigate social and economic consequences of current patterns of consumption, and assess the services which are presently available to deal directly or indirectly with the consequences.

It can make recommendations for appropriate policies and services to prevent or treat alcohol problems in the Northern Territory.

CHAPTER 2 — THE TAKING OF EVIDENCE

2.1 Role of Committees

The purpose of committees is to undertake those tasks which the Assembly as a whole is not well suited to perform—investigating, hearing witnesses, examining evidence and drawing reasoned conclusions. They provide for greater mobility in investigations and a less formal process in eliciting information from the community.

2.2 Process of the Committee

The collection and assessment of information is undertaken in a number ways. The Secretariat is proactive in some areas, identifying and researching specific issues, but importantly ensuring that information on the Committee and its purpose is widely disseminated throughout the community.

From this flows community input in the form of oral or written submissions. This provides the Committee with the information on regional or other specific aspects of its investigation, and the ability to examine the evidence, calling witnesses as required for further briefings or public discussion.

While the Terms of Reference empower the Committee to summons a person to give evidence and be examined, in most cases witnesses appear on a voluntary basis.

2.3 Meetings and Hearings

Meetings and hearings are in one of the following formats:

2.3.1 • Deliberative Meetings

These are the formal process of the Committee's decision-making, allowing it to discuss and resolve matters of procedure and administration, as well as decide on policies relating to its role.

Deliberative meetings are always held in private and minuted.

2.3.2 • Briefings

The Committee may request the attendance of Government or other officials to provide information to it as part of a deliberative meeting.

Such meetings are not open to the public and are usually recorded. Depending on the nature of the information, transcripts may be confidential.

2.3.3 • Public Hearings

Public hearings are held to promote the open nature of the Committee's inquiries, allowing members of the community to observe the workings of the Committee and participate as required.

These are open to any member of the public, including media representatives who, unless ordered otherwise by the Committee, may report any public session. The facility does exist for a witness to request that evidence be given *in camera*. The Committee may decide on this, subject to the Assembly's ability to overrule its decision.

Forthcoming public hearings are advertised in the local media and relevant organisations and persons invited to attend and present either oral or written submissions, or both.

Public hearings are recorded and transcripts of proceedings produced by the Hansard Unit.

2.3.4 • Public Meetings

These may be in two forms. First, as a public forum to allow for open exchange of information between members of the public and the Committee, these are useful in keeping the public informed of the Committee's activities as well as providing the Committee with an overview of a particular community or issue. These can be recorded, the transcript providing reference material only to the Committee.

The second form is usually utilised as a means of taking evidence in situations where formal recording would be technically impractical or not conducive to information being provided to the Committee. In such cases a written record of the meeting is taken, with minutes produced for confirmation by the participants and the Committee.

2.4 Written Submissions

Written submissions may be presented for the Committee's consideration at any stage or as a prelude to an oral submission. The Committee may decide to invite persons who have submitted written material to appear before it to provide further information or clarify points made.

2.5 Sub-Committee of the Committee

To facilitate the broadest possible consultation with communities throughout the Northern Territory, the Committee resolved that for the purpose of conducting hearings and taking oral submissions, any three members of the Committee would constitute a sub-Committee.

PART B: THE INQUIRY

CHAPTER 3 — REFERENCE

3.1 Motion

On Wednesday 20 May 1992, the Member for Macdonnell, Mr N R Bell, MLA, moved that —

- (1) the following matters be referred to the Sessional Committee on Use and Abuse of Alcohol by the Community for consideration and report:
 - (a) the operation and effect of Part VIII "Restricted Areas" of the *Liquor Act*; and
 - (b) the staffing, operations and legislative basis of the Liquor Commission.
- (2) the Committee report to this Assembly on or before 1 March 1993.

In doing so the Member acknowledged the bipartisan support which the Committee has received and also that such an inquiry could be undertaken within the overall Terms of Reference. However, it was moved on the basis that, first, there appeared to be no automatic follow-up consultations with "dry areas" once they had been declared restricted under the *Liquor Act* and second, that an investigation could appropriately include an assessment of the "staffing, operations and legislative basis of the Liquor Commission".

An amended motion which deleted the second part (the specific inquiry into the Liquor Commission) was subsequently passed. The amendment was moved on the basis that the Committee currently had the ability to look into the affairs of the Liquor Commission if it considered it appropriate and that a specific reference, in the absence of substantive concerns that the Commission was not operating within its charter or was operating improperly in any way, would amount to a "mini royal commission".

3.2 Deferral of Reporting Period

On 25 February 1993, in recognition of the need to consult more fully before formulating recommendations, the Committee sought and was granted an extension of reporting time. A motion was passed by the Legislative Assembly that the original reporting date of "*on or before March 1993*" be amended to "*as soon as possible*".

3.3 Interim Report

An interim report on the Committee's progress with this inquiry was made to the Legislative Assembly by the Chairman on 2 March 1993 in the form of a statement. A copy of the statement is at Appendix 2.

CHAPTER 4 — CONDUCT OF THE INQUIRY

4.1 Advertising

As a first step, notices were placed in all Northern Territory newspapers notifying the public of the inquiry, and inviting written submissions and/or expressions of interest in giving evidence to the Committee on the matter. Similar notices were also sent to interested persons and organisations with particular emphasis placed on encouraging input from all Aboriginal communities, restricted or non-restricted.

4.2 Briefing by Officers of the Liquor Commission

An initial briefing was sought from officials of the Liquor Commission and this was held in Darwin on 20 August 1992. Discussion centred on restrictions currently in place, the type of restrictions and the procedure used for granting permits in those communities which opted for restricted access to alcohol rather than no alcohol at all. Other issues raised included:

- method of removal of restrictions once in place, and review of permits issued;
- policing of permits;
- patterns of prosecutions under Part VIII of the *Liquor Act*;
- types of offences;
- the impact on alcohol consumption (and resulting problems) of restricting sales of alcohol at certain outlets;
- requests by communities for Liquor Commission intervention.

4.3 Other Consultations

Briefings by other interested parties were sought. On 8 July 1992, Dr Peter d'Abbs met with the Committee to brief it on his earlier report^(a) into dry areas legislation on behalf of the Drug and Alcohol Bureau.

Although officials of the Aboriginal and Torres Strait Islander Commission (ATSIC) were invited to discuss the issues with the Committee, a briefing did not eventuate. As an alternative, the Committee resolved to contact each of the 12 ATSIC Regional Councils in the Northern Territory to set up individual meetings.

4.4 Written Submissions

To date only one submission (from Aputula Housing Association Inc., Finke) has been received specifically as a result of advertising this reference. A number of other submissions received by the Committee during the course of its general inquiries has to varying degrees touched on the restricted areas provisions, their success or otherwise, and their impact on other areas of alcohol consumption or abuse. In fact in the majority of submissions dealing with alcohol issues overall the dry areas legislation, as an integral part of the means of regulating alcohol in the Northern Territory, was raised.

4.5 Meetings and Hearings

Since being charged with this inquiry the Committee has held four public hearings as well as 23 meetings with various organisations and representatives of Aboriginal communities. In each case, where appropriate, comment was requested on the operation and effect of the restricted areas legislation.

A list of all Aboriginal communities at which the Committee has held hearings and meetings, as well as their status under Part VIII of the *Liquor Act*, is at Appendix 3.

On 29 July 1992 the Tennant Creek Town Council wrote to the Committee seeking an opportunity to meet to discuss issues in relation to dry areas legislation. A meeting was subsequently held with some members of the Council on 3 September 1992.

(a) *Dry Areas Alcohol and Aboriginal Communities: A Review of the Northern Territory Restricted Areas Legislation* (January 1990)

4.6 Data Collection

On 13 August 1992 the Committee wrote to the Ministers responsible for Correctional Services, Land and Housing, Police and Health and Community Services requesting information on the collection and collation of various statistics which may indicate the degree of alcohol-related problems at the community level. Copies of their responses are at Appendix 4.

The issues which this path in the investigation raised are discussed in greater depth at part 3 of Chapter 7.

CHAPTER 5 — PART VIII "RESTRICTED AREAS" OF THE *LIQUOR ACT*

5.1 Background^(a)

Restricted access to alcohol in certain areas of the Northern Territory has its basis in the prohibition on taking alcohol on to Aboriginal reserves or missions which still existed in the Northern Territory after Aboriginals were granted the right to drink in 1964. Gradually the control over Aboriginal access to alcohol passed, in line with changes in official policies towards Aboriginal people, from protectionist to allowing Aborigines a say in whether or not restrictions should exist. Throughout this process Aboriginal communities expressed widespread concern that unrestricted access to alcohol would be devastating to their lifestyles.

In 1979 the passing of the *Liquor Act* which superseded the previous *Licensing Ordinance* resulted in the revocation of all previous restrictions as of January 1981. From that time Aboriginal communities which wished to have areas under their control declared dry or restricted could apply to the Liquor Commission to be so declared.

5.2 The Current Legislation

Part VIII of the *Liquor Act*, a copy of which is at Appendix 5, sets out the procedure for declaring an area dry or restricted, the legal provisions that then apply, and the penalties as a result of contravention.

A "plain English" analysis of each section of Part VIII is at Appendix 6.

(a) Extracted from the Drug and Alcohol Bureau report *Dry Areas Alcohol and Aboriginal Communities: A Review of the Northern Territory Restricted Areas Legislation* (January 1990) Submission No. 002 of 30 January 1990.

CHAPTER 6 — RESTRICTIONS UNDER PART VIII OF THE ACT

As of 12 November 1993 a total of 84 communities or areas had been declared restricted. Of these, 63 had total bans on alcohol imposed, and the remaining communities opted for some access to alcohol to be allowed. In some cases, this amounted to provision for the local priest, or non-Aboriginal residents and visitors, to have alcohol. In others certain—or all—members of the local community are granted permission to drink, with varying restrictions on the times drinking can occur and/or the amount or type of alcohol that can be consumed.

A detailed list of the areas declared restricted, as at 13 September 1993, their location and date of declaration, is at Appendix 7. As well, the restrictions imposed by a permit system where this is applicable and the number of permits currently issued, where applicable, are noted.

Appendix 8 details the standard liquor permit conditions as applicable to the 19 communities or areas where permits are provided for. Beside each community or area listed are codes which relate to the category of restriction, that is under "transport", "location" or "special".

Since the Committee commenced meetings and hearings some 3½ years ago it has taken evidence at a total of 29 communities. Appendix 2 lists each of these communities, together with their status under Part VIII of the *Liquor Act*.

CHAPTER 7 — THE EFFECTIVENESS OF RESTRICTIONS

7.1 The Purpose of Restrictions

Restricted areas legislation is for many communities an effective means of controlling the impact of alcohol abuse in areas under their jurisdiction. While problems do exist, at least the restrictions allow members of the community to enjoy a measure of relief from alcohol caused violence and disruption to their lifestyle. The consensus is that the system of allowing communities to control access to alcohol by residents, with the formal support of the law, should be maintained.

There is opinion that it is inevitable that traditionally-orientated communities will have to come to terms with the presence and use of alcohol, as will individuals. While the drinking habits of some individuals are such that they commit offences of varying degrees of criminality and as a result disrupt community life, community councils, however incorporated, must have a greater say in whether an individual can access alcohol or not.

It is hoped that in time the restrictions can focus on controlling the individual who causes problems, by means such as prohibition orders and normal policing/legal proceedings. Those who can and do drink (and react) responsibly are then allowed to enjoy their right to do so.

7.2 The Effectiveness of Restrictions

The effectiveness or otherwise of "restricted areas" depends on a number of circumstances, not the least of which is the resolve within a community, which is related to the power structure, and also the representativeness of the local council. Another factor is the support provided by the local police and in particular the relations between the council and the police.

Because these individual factors have such a bearing on the success or not of restrictions, communities need to be consulted on a regular basis and considered individually to assess:

- (a) why they are not working, or negative aspects of the restrictions in operation; and
- (b) what needs to be done to improve the effectiveness.

A fair degree of autonomy should be handed to communities at the local government level, provided there are reporting requirements (and appeal mechanisms) to ensure the necessary checks and balances on individuals' rights.

Again, restrictions need to move, eventually, from sanctions based on physical locations to sanctions against those individuals who abuse alcohol.

There is a body of opinion that communities need to take greater responsibility for those of their members experiencing alcohol strife and in particular those whose drinking habits are socially disruptive. It is acknowledged that many members of Aboriginal communities would consider the notion of interfering with an individual's rights culturally unacceptable.

However, support should be given to communities in developing means of resolving the alcohol problem of their members. These could take the form of providing appropriate support networks and/or rehabilitation centres in communities, or, as with the Tyeweretye Social Club in Alice Springs, developing environments which educate for and promote sensible drinking habits.

Recommendation 1:

That — the development of community-based support networks and/or rehabilitation centres to allow communities to take greater responsibility for those of their members with alcohol problems, be supported.

Recommendation 2:

That — initiatives, such as the Tyeweretye Social Club, aimed at promoting and encouraging the development of regulated drinking environments be actively supported.

7.3 Measurements of Effectiveness

The lack of data on alcohol-related harm at the community level makes effective examination of the issues difficult. A set of indicators needs to be established, together with ways to easily and effectively collate them so they are useable.

A major incentive for developing statistics on indicators of alcohol-related harm at the community level would be to provide information to back an objective assessment of:

- (a) whether restrictions were effective; and
- (b) any application to have restrictions imposed/varied.

The Committee has investigated the availability of data at the community level. In doing so it identified the following indicators which it considered would provide measures of the degree to which alcohol use and abuse was impacting on a community:

- number of protective custody arrests in various regions;
- presentations at health clinics particularly for injuries associated with alcohol abuse
- the health and welfare of the children—malnutrition, neglect, missing school;
- persistent vandalism of housing and other structures;
- police statistics of homicide and violent assaults;
- prosecutions (and convictions) under Part VIII of the *Liquor Act*;
- car accidents and drink-driving arrests.

As noted earlier as a first step the Committee requested information from relevant Ministers on whether data are collected on these matters and, if so, whether it is collated in a useable format. The responses outlining the availability of data, or lack thereof, are included at Appendix 4.

The Committee considers that the lack of available information is an area which needs to be addressed. It has held talks with Dr Peter d'Abbs from the Menzies School of Health Research regarding the possibility of sponsoring research, through that body, which would extend on similar developments currently under way in Western Australia.

Recommendation 3:

That — funding be provided for the Committee to sponsor a research project to develop a set of indicators of alcohol-related harm at the community level, to be undertaken by the Substance Abuse Unit at the Menzies School of Health Research.

7.4 The Ongoing Relevance of Restrictions

During the course of its investigations it has become clear to the Committee that a community's decision with regard to being declared "dry" or "restricted" is seldom unanimous. The fact that an estimated 34% of Aboriginal men and 82% of Aboriginal women in communities do not drink alcohol at all^(a) often results in restrictions being imposed which are not favoured by a sizeable minority of the population.

The Committee considers that the decision to declare a community under Part VIII should be reviewed regularly to ensure first that this is still the majority view and second, the ongoing relevance of the restrictions.

Given that there are currently 84 restricted areas in the Northern Territory the Committee believes that biennial reviews, in the form of subsequent hearings by the Liquor Commission would be logistically feasible.

Recommendation 4:

That — the Liquor Commission institute a program of biennial hearings in communities with liquor restrictions to ensure the terms of restrictions accord with current community wishes.

7.5 Do Dry Areas Cause Drinking Problems in Towns?

One view which gains wide media coverage and general urban acceptance is that "dry areas" result in problem drinkers simply moving to towns to drink. People do travel great distances from communities to major centres and once there some do drink, often publicly and with devastating results.

However, whether the trip to town was for the prime purpose of getting access to alcohol or for the many other reasons why people go to town is debatable. A visit for health needs, to visit relatives, to stock up on supplies, or for any of the many other purposes for visiting a regional centre, may lead to exposure to alcohol use and related problems.

A major factor is that a lack of available, regular transport can lead to people being stranded in town for extended periods, without the restraining influences of home, family and their normal lifestyle. Once stranded, drinking can become a problem and if accommodation is not available the problem is public.

(a) *Drug Use Patterns in NT Aboriginal Communities* - A report prepared by the Drug and Alcohol Bureau, Department of Health and Community Services, June 1987

The Committee acknowledges that the provision of regular public transport to communities and the centres which service them would be financially prohibitive given the vast distances involved. However, it is an issue which should be investigated further, the solution to which may even offer advantages in developing tourism and other enterprises in communities.

Recommendation 5:

That — the Office of Aboriginal Development undertake an investigation into the feasibility of various options for providing regular transport to communities from the larger centres which service them.

CHAPTER 8 — THE PERMIT SYSTEM IN RESTRICTED AREAS

As at 12 November 1993 a total of 21 restricted communities provided for permits for some or all residents or visitors, which allowed for the restricted consumption of alcohol. Restrictions vary and are based on either type or amount of alcohol, or place of consumption.

After talking to members of communities and particularly those visited in the Top End, the Committee considers that the permit system falls down in two areas of its operation, namely—

- the communities' lack of control over the permits issued; and
- the proliferation of permits in some communities.

Currently the Liquor Commission issues permits where this accords with the criteria provided for by the community. In doing so the community is consulted regarding individual applicants. However, there is no provision for the cancellation of permits except where the *Liquor Act* is breached. The result of this is that some communities believe they have little control over the access to alcohol of their members. As well, permits once issued are not culled, resulting in permits issued to people who have now passed on, or moved on, or simply no longer drink.

The Committee considers that greater responsibility should be given to community councils not just for approving permit applications, but also in reviewing, cancelling and suspending permits. This would give the local council, acting with the advice of the police, greater control over alcohol access in the community. More importantly it would provide the council with a tool for combating alcohol problems in the community by cancelling or suspending a permit when the access to alcohol is being abused and causing problems for the other residents.

It is considered that the Liquor Commission should still administer the permit system, acting on the advice of the local council.

Permits should be issued for a 12 month period only, and an application fee (\$10 is suggested) applied. In order to rationalise the permit system all current permits should be cancelled as of a certain date, with existing permit holders re-applying.

The needs of non-residents where this is provided for by the local community could be met by instituting a separate "visitor permit" system. A permit would be issued to a non-resident, for a three-month period, by the Liquor Commission. Again, a \$10 permit application fee would apply.

While revenue from the proposal would not be great it could be placed in a fund held by the Liquor Commission and made available to those communities from which it was raised as required for:

- administration of the permit system;
- provision of alcohol education or services programs; and
- repatriation of residents who have developed alcohol problems in towns.

The Committee believes that a large number of permits issued to community residents calls into question the resolve of the community as a majority to be restricted. Where more than 25% of the adult population have been granted permits the Liquor Commission should review the restricted status of that community.

Recommendation 6:

That — the permit system in restricted communities be amended to give primary responsibility for the approving, reviewing, cancelling and suspending of permits, to the community council, viz.:

- *all permits to be issued, cancelled or suspended by the Liquor Commission, upon the recommendations of the community councils, acting with the advice of the police;*
- *permits to be issued on an annual basis, with an application fee of \$10 p.a. to apply;*
- *administrative responsibility for the collection of the application and fee, and forwarding these to the Liquor Commission, to rest with the community council;*
- *the Liquor Commission to maintain a register of permit holders, and to ensure that the community council and police are provided with a current list of permit holders in the community, to be prominently displayed in the community;*
- *a category of permit called "visitor permits" to be instituted, whereby a community may define the provisions to apply to a limited (three-month) permit for visitors, to be administered by the Liquor Commission;*

- *the permit application fees are to be held by the Liquor Commission, and made available to communities where required for:*
 - *administration of permit system;*
 - *provision of alcohol education or service programs in communities; and*
 - *the repatriation of community residents with problems involving alcohol in towns;*
- *to achieve this all current permits to be cancelled as from a certain date;*
- *where more than 25% of the adult resident population of a community is issued with permits the Liquor Commission to review the restricted access status of the area.*

APPENDICES

APPENDIX 1

TERMS OF REFERENCE

TERMS OF REFERENCE

*as contained in the resolution
of the Legislative Assembly
on 4 December 1990*

That—

1. A Committee to be known as the Sessional Committee on Use and Abuse of Alcohol by the Community be appointed comprising, unless otherwise ordered, Mr Poole, Mr Hatton, Mr Palmer, Mr Bell and Mr Lanhupuy.
2. The Committee be empowered, unless otherwise ordered, to inquire into and from time to time report on:
 - (a) current trends in alcohol consumption in the Northern Territory and, as far as possible, differences in consumption patterns based on regions, age, sex, other demographic characteristics and ethnic factors;
 - (b) the social and economic consequences of current patterns of alcohol consumption with special reference to the well-being of individuals and communities and to the demands placed upon Government and non-government services;
 - (c) the services currently available within the Northern Territory by both Government and non-government agencies to deal with issues directly or indirectly related to alcohol consumption;
 - (d) factors which directly affect the level and nature of alcohol consumption in the Northern Territory community or parts of that community, including, without limiting the generality of the foregoing:
 - (i) the accessibility/availability of alcohol within communities including the number of outlets, nature of licences and proximity of geographic location;
 - (ii) the demographic, ethnic and industry structure of the Northern Territory; and

- (iii) the correlation between socio-economic conditions and alcohol consumption; and
 - (e) appropriate policies and services for the prevention and treatment of alcohol problems in the Northern Territory.
3. The Committee be empowered to send for persons, papers and records, to sit in public or in private session notwithstanding any adjournment of the Assembly, to adjourn from place to place and have leave to report from time to time its proceedings and the evidence taken and make such interim recommendations as it may deem fit, and to publish information pertaining to its activities from time to time: the Committee shall make an annual report to the Assembly of its activities.
 4. The Committee be empowered to publish from day to day such papers and evidence as may be ordered by it, and, unless otherwise ordered by the Committee, a daily *Hansard* be published of such proceedings as take place in public.
 5. The Committee be empowered to consider, disclose and publish the Minutes of Proceedings, evidence taken and records of the Committee on the use and abuse of alcohol in the previous Assembly.
 6. The foregoing provisions of the Resolution, so far as they are inconsistent with Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

Addendum

On the motion of the Leader of Government Business, the following were resolved on the dates indicated:

(a) **Tuesday 19 November 1991**

That the Minister for Industries and Development (Mr Hatton) be discharged from the Committee and the Member for Goyder (Mr McCarthy) be appointed in his place.

(b) Thursday 26 August 1993

That the Member for Karama (Mr Palmer) be discharged from further attendance on the Committee on Use and Abuse of Alcohol by the Community and the Member for Jingili (Mr Setter) be appointed as a member of the Committee in his stead.

(c) Tuesday 12 October 1993

That the Member for Jingili, Mr Setter, be discharged from further attendance on the Committee on Use and Abuse of Alcohol by the Community and the Member for Brennan, Mr Ortmann, be appointed as a member of the Committee in his stead.

APPENDIX 2

CHAIRMAN'S STATEMENT

***INTERIM REPORT ON PROGRESS WITH INQUIRY
INTO DRY AREAS LEGISLATION***

CHAIRMAN'S STATEMENT 2 March 1993

INTERIM REPORT RESTRICTED AREAS LEGISLATION

Mr Deputy Speaker, on 25 May 1992, the Legislative Assembly referred for the consideration and report of the Sessional Committee on Use and Abuse of Alcohol by the Community the operation and effect of the restricted areas legislation under the *Liquor Act*. On my motion last Thursday, the Assembly agreed to change the reporting date for this reference from "on or by 1 March 1993" to "as soon as possible". I take this opportunity to bring honourable members up to date on the Committee's activities since its last report to the Assembly, in doing so, provide an interim report in relation to the inquiry as well as the reason for deferring the reporting date.

When this matter was referred to the Sessional Committee last year, it was acknowledged that the Committee's terms of reference allowed it to undertake such an inquiry already. However, the specific reference of dry areas legislation to the Committee was intended to focus the Committee's ongoing activities on this important area of alcohol legislation in the Northern Territory. Certainly, to the general community, it flags that this Assembly is aware of the possible impact of the legislation, not only on communities that are declared dry or restricted but across the Northern Territory as a whole.

As well as the restricted areas reference, the Committee has been actively pursuing two other avenues of inquiry. One relates to an assessment of the delivery of alcohol programs and services in the Northern Territory and of the organisations that are funded to provide them. In this regard the Committee has met with the regional representatives of various service providers, the clients of those services and groups representing them. The Committee has taken the opportunity also of obtaining regular briefings from the Alcohol Policy Unit in order to be updated on the work that it is doing with alcohol organisations and the distribution of the Living With Alcohol levy funds. We hope to report to the Legislative Assembly on this matter in the near future.

Members would recall the position of the Committee on social security issues. In regard to the devastation that is occurring in some communities as a result of social security payments—often the sole means of family support—being spent on alcohol, the Committee has undertaken to consult with the federal government in respect of positive solutions. In fact, the Committee has met with the federal

minister on two occasions and is now pursuing the matter with state government Aboriginal Affairs representatives and the Aboriginal and Torres Strait Islander Commission. I am pleased with the responses that we have received on both fronts. At present, meetings have been set up with Aboriginal Affairs spokespeople in New South Wales, Western Australia and South Australia - and, we hope, Queensland.

Members of the Committee are keen to meet with each of the 12 ATSIC regional councils in the Northern Territory to explain the Committee's position on this and other alcohol issues. These meetings will be beneficial in enabling the Committee to gauge community responses to the recent changes to alcohol policies and should provide invaluable input to the dry areas legislation inquiry. To date, the Committee has been invited to attend meetings of five of the regional councils and has suggested a similar approach to the others in the near future. I envisage that these consultations, together with the interstate meetings, will proceed in the first half of this year.

Initially, the progress of the inquiry into the restricted areas legislation under the *Liquor Act* has been to advertise Territory-wide for submissions. Notices were widely distributed and the input of Aboriginal communities, whether dry, restricted or neither, has been actively sought. Hearings and meetings have been held in a number of communities and regional centres. I intend to continue these consultations in conjunction with the Committee's forthcoming visits to meet with ATSIC councils in outlying areas.

I reported on a couple of communities' difficulties with restricted areas legislation in a statement to the Legislative Assembly in the September sittings last year. Community members raised problems regarding the legislation during the Committee's visits to Maningrida and Yirrkala. At Maningrida, the problem was the community's control of permit holders and, at Yirrkala, the Committee's assistance was sought in the process of declaring all outstations under the Laynhapuy Homelands Association dry. These matters indicate the issues which concern communities and which are raised when they are given the opportunity of direct consultation.

The Committee considers that an objective measure of the effectiveness of the operation of the restricted areas legislation could be provided by assessing and comparing the social functioning of different communities. To facilitate this, the Committee identified a number of indicators which it considered could provide a measure of alcohol problems within a community. The Committee is endeavouring to have answered the following kind of questions. What is the level of domestic violence and violence overall in the community? Are the children healthy, indicating that they are well fed and cared for? Are a good proportion of them

attending school regularly? Are houses vandalised or left derelict regularly? Are some communities more highly represented in the correctional services system? Are families being split up by members leaving for drinking sprees in town? What effect does this have on the social function both of the community and the local town that hosts a stream of visitors who are intent on drinking?

The Committee has requested information from relevant government departments on available data that might answer these questions. This line of inquiry is far from complete. However, based on the feedback from government departments to date, it appears that data at the community level is not available readily either because statistics have not been collected for whatever reason or, if they have been, they have not been collated or are not in a useable format. This lack of data does not reflect adversely on any government department or service area. The Committee is very aware of the level of caring and dedication that is displayed by persons who are responsible for the provision of services in small and remote communities across the Territory. Instead, I suspect that it indicates the past lack of cohesion in examining the various indicators of problems as well as the usual problem of collecting and using data gathered from small population sources. The Committee considers that various types of data could indicate alcohol problems in the community. These include the overall level of alcohol consumption in the community, police and correctional services statistics where disturbances can be attributed to alcohol, and health, welfare and related data that indicates a breakdown in the social fabric of the community which is or may be alcohol related.

A similar approach to the problem of data collection, and an analysis regarding indicators of alcohol problems at the community level, has been commenced in Western Australia. Recently, it came to my attention that the Western Australian Alcohol Authority held a national workshop in Perth late last year which aimed, among other things, to identify common indicators of alcohol-related harm in the process of developing a core set of indicators and methods by which they could best be assessed or measured. The Committee has requested a brief from the Substance Abuse Unit of the Menzies School of Health Research to ascertain the extent to which the work undertaken in Western Australia is applicable to the Northern Territory.

I would like also to explore the feasibility of further research into a Territory-specific set of indicators, together with ways in which the applicable data can be collected and accessed for analysis at the community level. I have long believed that similar problems and conditions, particularly in the smaller communities, must be experienced across state boundaries. This is one reason why the Committee has embarked on a process of consultations with representatives of other states that have similar geographic and other characteristics.

I conclude by stating that whilst the Committee has sought an open-ended reporting period for the reference on the restricted areas legislation, I envisage that we will be in a position to report to the Assembly later this year.

Mr Speaker. I move that the Assembly take note of the statement.

Debate adjourned.

APPENDIX 3

**ABORIGINAL COMMUNITIES VISITED
BY THE COMMITTEE**

ABORIGINAL COMMUNITIES VISITED BY THE COMMITTEE

Meeting/ Hearing No.	Date	Community	Type of Meeting/ Hearing	Status^(a)
PH2	31.05.90	Imanpa	Meeting	Restricted
	31.05.90	Mutitjulu	Meeting (not recorded)	Restricted
PH3	1.06.90	Papunya	Meeting	Restricted
PM1	12.07.90	Ngalpa Ngalpa Camp, Tennant Creek	Meeting	Restricted
PM2	23.07.90	Angurugu	Meeting	Restricted (7 permits)
PH6	23.07.90	Alyangula	Public Hearing	Open township
PM3	24.07.90	Yirrkala	Meeting	Restricted (30 permits)
PM4	10.09.90	Yarralin	Meeting	Restricted
PM5	10.09.90	Bulla	Meeting	Restricted
PM6	11.09.90	Lajamanu	Meeting	Restricted (72 permits)
PM7	11.09.90	Daguragu	Meeting	Restricted (permits)
PH2	6.03.91	Gunbalanya	Public Hearing	Restricted (65 permits)
PH4	7.03.91	Minjilang	Public Hearing	Restricted
PM1	13.03.91	Port Keats	Public Meeting	Restricted (159 permits)
6	13.03.91	Port Keats (Women)	Briefing <i>in camera</i>	
PH5	11.04.91	Elliott	Public Hearing	Open township
PH6	12.04.91	Borrooloola	Public Hearing	Open township
PM2	18.04.91	Santa Teresa	Meeting	Restricted (priest only)
PH7	23.04.91	Nguiu	Public Hearing	Restricted (except Club)
PH8	23.04.91	Milikapiti	Public Hearing	Restricted (497 permits)

(a) Under Part VIII "Restricted Areas" of the *Liquor Act*.

Communities visited (Cont.)

Meeting/ Hearing No.	Date	Community	Type of Meeting/ Hearing	Status^(a)
PH9	21.05.91	Daly River	Public Hearing	Restricted (68 permits)
PM3	4.09.92	Willowra	Public Meeting	Restricted
28	14.09.92	Galiwinku	Briefing	Restricted
28	14.09.92	Laynhupuy Home- lands Association	Briefing	Restricted (in process)
28	16.09.92	Maningrida	Briefing	Restricted (582 permits)
33	6.05.93	Finke	Briefing	Restricted
PH13	6.05.93	Aputula Housing Association, Finke	Public Hearing	Restricted
PH14	6.05.93	Imanpa	Public Hearing	Restricted
PH15	7.05.93	Mutitjulu	Public Hearing	Restricted

(a) Under Part VIII "Restricted Areas" of the *Liquor Act*.

APPENDIX 4

**COLLECTION AND COLLATION OF STATISTICS
ON ALCOHOL-RELATED HARM:
RESPONSES FROM MINISTERS**



MINISTER FOR
CORRECTIONAL SERVICES

NT HOUSE, MITCHELL STREET,
DARWIN, N.T. 0800
TELEPHONE: (089) 89 6155

SESSIONAL COMMITTEE ON
USE AND ABUSE OF
ALCOHOL BY THE
COMMUNITY

7 SEP 1992

CORRESPONDENCE

G.P.O. BOX 3146, DARWIN, N.T. 0801
RECEIVED
TELEX: AA85253
FACSIMILE: (089) 89 6910

AGENDA ITEM 6.1

Mr E H Poole MLA
Chairman
Sessional Committee on Use and Abuse
of Alcohol by the Community
GPO Box 3721
DARWIN NT 0801

hnc
Dear ~~Mr~~ Poole

Re : THE OPERATION AND EFFECT OF PART VIII "RESTRICTED
AREAS" OF THE LIQUOR ACT

I am writing in response to your letter dated 13 August 1992
regarding Part VIII of the Liquor Act.

The Department of Correctional Services provided the following
data relating to the period 1988 to 1991 for those prisoners
received for the following offences :

- Dispose of liquor in a restricted area
- Sell liquor in a restricted area
- Control liquor in a restricted area
- Supply liquor in a restricted area
- Possess liquor on a restricted area
- Consume liquor in a restricted area
- Bring liquor into a restricted area

Prisoner Receivals

Analysis of the data indicate the following :

Over the past four years there has been a decrease in the
number of offenders imprisoned for the above offences
from 30 prisoners in 1988 to 20 in 1989 and 19 prisoners
in both 1990 and 1991.

In 1988 and 1989 one third of prisoners gave a last known
address as Hermannsburg. In 1990 nearly half of the
offenders gave a last known address of Yuendumu.

In each year :

Between 70 per cent and 80 per cent of offenders were imprisoned for Fine Default

The majority of offenders (over 55 per cent) had a prior record of imprisonment

Between 70 per cent and 80 per cent of offenders received total sentences of less than 1 month

Over 90 per cent of offenders spent less than 1 month in prison

Community Service Orders

The number of Community Service Orders commenced in relation to the above Most Serious Offences were 182 in 1988, 144 in 1989, 194 in 1990 and 135 in 1991.

In the four year period the percentage of orders given for fine default were 54 per cent of total orders in 1988, 40 per cent in 1989, 32 per cent in 1990 and 47 per cent in 1991.

The percentage of orders given as a fine option were 40 per cent of total orders in 1988, 55 per cent in 1989, 60 per cent in 1990 and 40 per cent in 1991.

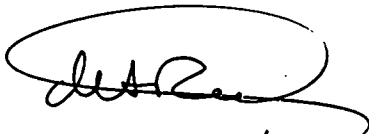
In each year :

Between 35 and 45 per cent of offenders gave a last known address as Alice Springs or Katherine

Over 98 per cent of offenders were Aboriginal

If you require further information the contact officer for the Department of Correctional Services is Teresa Cunningham, Assistant Director Information Services, phone 89 5589.

Yours sincerely



MIKE REED

1/9/92



CHIEF MINISTER

NT HOUSE, MITCHELL STREET,
DARWIN, N.T. 0800
TELEPHONE: (089) 39 6222

SESSIONAL COMMITTEE ON
USE AND ABUSE OF
ALCOHOL BY THE
COMMUNITY

27 JAN 1993

CORRESPONDENCE
G.P.O. BOX 3146, DARWIN, N.T. 0801
RECEIVED TELEX: AA85253
FACSIMILE: (089) 31 2415

File: 17/10/11 - 17/7/13

04 SEP 1992

Mr E H Poole
Chairman
Sessional Committee on Use and Abuse of
Alcohol by the Community
GPO Box 3721
DARWIN NT 0801

Dear Eric

I refer to your letter of 13 August, 1992, regarding the operation and effect of Part VIII "Restricted Areas" of the Liquor Act which has been referred to the Committee for consideration and report by 1 March 1993.

Your comment in relation to the assessment of indicators of problems with alcohol in restricted and non-restricted areas is noted. In this regard I have attached a number of documents which are 'pro forma' returns submitted by all police stations in the Northern Territory for arrest and summons matters, protective custody apprehensions and 'Drink within 2 Kms' statistics.

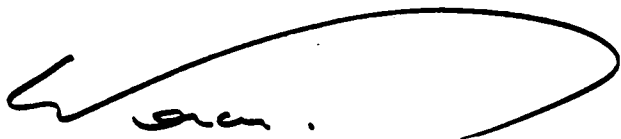
The list of offences included in these returns is extensive which will allow the Committee to expand the list of indicators and be quite selective in its requests for information and statistics. You will note that offences on restricted areas are dealt with specifically on page 2 of Attachment 'A'.

The Northern Territory Police do not currently employ a statistician and consequently there are limitations in the amount of statistical data that can be provided. The returns are processed manually which dictates that requests for information need to be specific and, if possible, restricted to a short period of time.

There is no analysis, per se, of the information provided by the returns, although those returns at Attachments 'C', 'D', 'E' and 'F' are provided to the Drug and Alcohol Bureau for its use. In general terms the information is used by Police to prioritise operational issues and to address specific requests and surveys.

I trust this information will assist the Committee in its deliberations and with the conduct of the proposed community consultations.

Yours sincerely

A handwritten signature in black ink, appearing to read "Marshall Perron", with a large, sweeping flourish that loops back under the name.

MARSHALL PERRON

ARRS-1a

MONTHLY RETURN - ARRESTS AND SUMMONS ACTIVITY

MTH/YR.

OFFENCES	ARRESTS	SUMMONS	DWELL	BUILD	STREET	OTH ↔	NOT AFFECTED BY ALCOHOL				AFFECTED BY ALCOHOL			
							ABORIGINES		OTHERS		ABORIGINES		OTHERS	
							M	F	M	F	M	F	M	F
Murder														
Att. Murder														
Consp - Murder														
Manslaughter														
Grievous Harm														
Bodily Harm														
Common Assault														
Aggrav Assault														
Sexual Assault														
Indec. Assault														
Assault Police														
Assault- Child														
Threaten														
Dangerous Act														
Kidnapping														
Abduction														
Depr of Liberty														
HISC. "PERSON"														
TOTALS :-														

ATTACHMENT 'A'

STATION NIHLUNBUY

PERIOD ENDING 31 '07 /8 92

STATION/SECTION RETURN ON ALL ARRESTS AND SUMMONS MATTERS

PL 99
12 83

OFFENCE	PROCEEDED AGAINST		WHERE COMMITTED				DETAILS OF OFFENDERS							
	ARREST	SUMMONS	DWELLING	BUILDING	STREET	OTHER (Give Details)	NON ALCOHOL AFFECTED				ALCOHOL AFFECTED			
							ABORIGINAL MALE	FEMALE	OTHER MALE	FEMALE	ABORIGINAL MALE	FEMALE	OTHER MALE	FEMALE
FALSE FIRE ALM		1		1									1	
EXCEED .08%	4	1			5						1		3	1
DRIVE UNLIC'D	1	2			3				1		1			1
FAULTY H/LIGHTS		1			1									1
FAIL GIVENAY		1			1				1					
FAIL REPORT MVA		1			1				1					
CARELESS DRVG	1				1						1			
DRUGS/ALCOHOL CONSUME	5					5					3	2		
DRUGS/ALCOHOL POSSESS	9					9					7	2		
DRUGS/ALCOHOL POSSESS	10					10					8	2		
DAMAGE PROPERTY	2			2							2			
POSSESS DANGEROUS DRUG		1	1						1					
CULTIVATE DANGEROUS DRUG		1	1						1					
ENTER BUILDING	7				7						7			
STEALING	8				8						8			
FIREARM OFFENCE		4	1		3				1		3			
DRIVING DISQ.	1				1								1	
DRIVING UNREG.	1	1			2				1				1	

7038 0413

ATTACHMENT 'B'

STATION _____
PERIOD ENDING / /

STATION RETURN OF PERSONS TAKEN INTO PROTECTIVE CUSTODY
- S128 POLICE ADMINISTRATION ACT

DATE	ABORIGINAL (Total No.)		OTHER (Total No.)	
	MALE	FEMALE	MALE	FEMALE
7th	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14th	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21st	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
End of Month	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(DRUG & ALCOHOL BUREAU)

MONTHLY RETURN OF N.T. POLICE ARREST AND SUMMONS MATTERS								MONTH OF:1992							
DIVISION	APPREHENDED		OFFENCE COMMITTED IN:-				TOTALS	NOT AFFECTED BY ALCOHOL				AFFECTED BY ALCOHOL			
	ARREST	SUMMONS	DWELLING	BUILDING	STREET	OTHER		ABORIGINES		OTHERS		ABORIGINES		OTHERS	
								MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE
NORTHERN 1															
NORTHERN 2															
NORTHERN 3															
DIVISION TOTAL															
SOUTHERN 1															
SOUTHERN 2															
SOUTHERN 3															
SOUTHERN 4															
DIVISION TOTAL															
TOTALS															

		AFFECTED BY ALCOHOL				NOT AFFECTED BY ALCOHOL				STN.	DIVN.	
		ABORIGINES		OTHERS		ABORIGINES		OTHERS				
		M	F	M	P	M	F	M	P			
GENDER		X		X		X		X	X			
ABORIGINAL		X	X					X	X			
ALCOHOL-AFFECTED		X	X	X	X							
BERRIMAH H.Q.	N1											
ADELAIDE RIVER												
BATCHELOR												
DALY RIVER												
DUN ABUMPT												
WADEYE												
ALYANGULA	N2											
JUNBAL ANYA												
JABIBU												
MANINGRIDA												
NMULUNBUY												
PINE CREEK												
KALKARINGI												
KATHERINE												
LAJAMANU	N3											
MARANBOY												
MATARANKA												
NGUKURU												
TIMBER CREEK												
LICE SPRINGS	S1											
HARTS RANGE												
KULGERA												
NTARIA												
PAPUNYA	S2											
TI TREE												
YUENDUMU												
YULARA												
ALICURUNG												
AVON DOWNS												
BORROLOOLA	S3											
ELLIOTT												
TENNANT CREEK												
WARRECO												
TOTALS :-												

N.T. POLIC



AGENDA ITEM 6.1

MINISTER FOR HEALTH AND COMMUNITY SERVICES

NT HOUSE, MITCHELL STREET,
DARWIN, N.T. 0800
TELEPHONE: (089) 89 6501

G.P.O. BOX 3146, DARWIN, N.T. 0801
TELEX: AAS253
FACSIMILE: (089) 41-0584

File: 17/12-17101

30 OCT 1992

Mr. Eric Poole, MLA
Chairman
Sessional Committee on Use and Abuse
of Alcohol by the Community
GPO Box 3721
DARWIN NT 0801

Dear Mr Poole *Eric,*

The following information is in response to your letters of the 17 July 1992 and 13 August 1992, requesting information about hospital inpatients and the relevant indicators on the effectiveness of restricted and non-restricted areas as defined by the Liquor Act.

Officers of the Alcohol and Other Drugs Program are presently working in conjunction with the Alcohol Policy Unit to establish a long-term monitoring system to assess the effectiveness of the Government's alcohol strategy. A working paper of the components to be established is attached for your information.

Attached are the Early Intervention Unit's screening statistics for the period 1989 to 1992 and a brief summary of previous studies conducted by the unit. It should be noted that no direct comparison may be made between the results of the earlier work and the data currently available from the screening program. The earlier work conducted into hospital inpatients used a number of instruments and, as a consequence there is no standardisation regarding the data available.

Any further information you require can be directed to Gloria Markey, Research and Evaluation Officer, Alcohol and Other Drugs Program on 892694.

Yours sincerely

Daryl W. Manzie
DARYL W. MANZIE

SESSIONAL COMMITTEE ON
USE AND ABUSE OF
ALCOHOL BY THE
COMMUNITY

2 NOV 1992

CORRESPONDENCE
RECEIVED

INDICES FOR THE USE AND ABUSE OF ALCOHOL

Working Paper

October 1992

Data has been divided into two major areas; consumption and consequences.

CONSUMPTION

- . changes in per capita consumption;
(adult, youth, Aborigines, NESB)
- . changes in the proportion of people drinking at harmful and hazardous levels;
- . changes in the consumption of light beer;
 - . patterns in terms of what is being drunk;
 - . changes in types of beverages;

HOW?

Household surveys
School surveys
Community surveys
Liquor Commission sales data

CONSEQUENCES

Consequences has been sub-divided into five areas.

1) Health

morbidity, mortality, after-hour callouts, treatment agencies, hospital inpatients, mental health data, drowning, falls, suicides, perinatal mortality & morbidity, child malnutrition, Acute intoxication - alcohol poisoning, admissions to Accident & Emergency,

2) Economic

employment in hotel industry, workplace, productivity, absenteeism, industrial accidents

3) Injury and Crime

CRIME - homicides, arrests & summons, after-hour callouts, assaults, rape, robbery & burglary,

ROAD TRAFFIC - road fatalities, Random Breath Test's, exceeding 0.08%, drink driving education programs, alcohol-related accidents,

PRISON AND PAROLE - alcohol-related prison sentences, juvenile detentions, home detentions, community service orders

LICENSING - 2km law, drink within restricted area, vehicle forfeiture, serving minors, serving intoxicated;

4) **Welfare**

women's shelters, youth data, child malnutrition, school attendance, child abuse, crisis line calls; clients of treatment service agencies (COTSA),

5) **Quality of Life**

employment, housing, suicides, indicators of social disruption, school attendances, ABS household purchasing,

HOW?

Access established data monitoring systems;

Establish data monitoring systems;

Client records;

Medical/Nursing history;

Sentinel site surveys;

Census surveys;

Special ad hoc research projects;

Qualitative research projects - participant observation, anecdotal evidence, key informants, focus groups,

METHODOLOGIES FOR DRUG AND ALCOHOL RESEARCH

As defined by Rootman, I. & Moser, J. (1984) cited Thomson and English (1991).

Reporting Systems can be classified as event-reporting, case reporting or case registers.

General Population Surveys such as provided by the ABS. Useful information, however, there are some limitations such as cost and there is often doubt about the accuracy of the data collected. Surveys generally under estimate alcohol use because of selective reporting and forgetfulness and also low response rate especially by heavy users.

General population surveys are often the only means to obtaining information, particularly expressed attitudes and perceptions of drug use. They can provide evidence of extent and nature of drug problems and a useful baseline.

Special population surveys focus on particular sub-groups and can be tailored to meet specific needs. Generally can be done at a lower cost than general surveys.

Key Informant Studies entails asking selected individuals to report on practices of groups familiar to them. Has advantages over population surveys in ease of sampling, ease at data gathering, low cost, ease at data handling, produces better estimates of consumption and have potential for community development. However, there is possibility of producing data of questionable value because of faulty recall, lack of knowledge of the informant, exaggeration, or outright prevarication.

Observational Studies the observer is the principle instrument of measurement and most measurement take place in settings that are natural to the subjects being observed. Useful in areas such as drinking establishments, types and locations. Observational studies are seen as being particularly useful in eliciting values, attitudes, beliefs and behaviours not recognised in other research.

References

Rootman, I. & Moser, J. (1984) *Guidelines for investigating alcohol problems and developing appropriate responses*. WHO Offset Publication No. 81, World Health Organisation, Geneva.

Thomson, N. and English, B. (1991). *Drug Use and Related Problems among Australian Aborigines and Torres Strait Islanders: current and potential data sources*. Aboriginal and Torres Strait Islander Health Series No. 6, Australian Institute of Health.

Summary of previous studies conducted by the EIU at RDH

Where	When	N	% at risk
medical	May 87	70	total 14% male 21% female 6%
surgical	March 87	23	total 17%
orthopedics 1	May 86	109	total 38% male 36% female 12%
orthopedics 2	Sept 86	78	total 41% male 48% female 19%

**Early Intervention Unit Screening Statistics
1989-1992**

total numbers screened

	1989/1990	1990/91	1991/1992
male	546	791	629
female	314	577	400
total	960	1368	1029

total numbers at risk of those screened

	1989/1990	1990/1991	1991/1992
male	385	398	336
female	105	132	129
total	490	530	465

% at risk of those screened

	1989/1990	1990/1991	1991/1992
male	70.5%	50.3%	53.4%
female	33.4%	22.9%	32.2%

total interventions

	1989/90	1990/1991	1991/1992
male	385	398	398
female	105	132	127
total	490	530	425



17/10/1

MINISTER FOR LANDS AND HOUSING

Minister responsible for:
WORK HEALTH AUTHORITY
TERRITORY INSURANCE OFFICE
ABORIGINAL AREAS PROTECTION AUTHORITY

NT HOUSE MITCHELL STREET.
G.P.O. BOX 3146. DARWIN, N.T. 0801
TELEPHONE: (089) 89 6299
FACSIMILE: (089) 81 9516

Mr E H Poole MLA
Chairman
Sessional Committee on Use and
Abuse of Alcohol by the Community
GPO Box 3721
DARWIN NT 0810

18 NOV 1992

Dear Mr Poole

Thank you for your letter of 30 October 1992 requesting a breakdown of tenant responsibility maintenance figures in each centre.

The following figures provide a breakdown of tenant responsibility charges in Northern Territory Housing Commission dwellings, per urban centre, for 1991/92. The method of statistical collection does not enable separate identification of the number of dwelling units involved or the proportion of costs that may be attributable to alcohol.

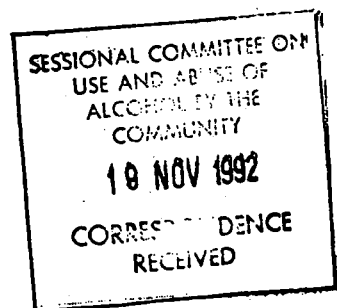
Darwin	\$258,000
Nhulunbuy	\$ 5,000
Katherine	\$ 96,000
Tennant Creek	\$ 45,000
Alice Springs	\$108,000
	<hr/>
	\$512,000

Unfortunately similar statistics for Aboriginal communities are not collected.

I trust this breakdown of information will be of assistance to you and your Committee.

Yours sincerely

MAX ORTMANN



APPENDIX 5

**PART VIII "RESTRICTED AREAS" OF THE
*LIQUOR ACT***

NORTHERN TERRITORY OF AUSTRALIA

LIQUOR ACT

As in force at 27 September 1993

TABLE OF PROVISIONS

Section

PART VIII - RESTRICTED AREAS

Division 1 - Declaration of Restricted Area

- 73. Interpretation
- 74. Power to declare restricted area
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- 76. Application for declaration
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- 81. Decision after hearing
- 82. Notice of declaration
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- 85. Commission to ensure publicity of declaration
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- 87. Commission may grant permits
- 88. Guest of permit holder may consume liquor
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- 91. Consideration of application
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- 93. Permit revoked on breach of condition
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- 95. Powers of search and seizure
- 96. Forfeiture
- 97. Delivery of thing seized to Chairman
- 98. Claim to be made to Chairman
- 99. Forfeit if no claim
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- 100A. Release of seized vehicle, &c., pending prosecution
- 101. Disposal of forfeited things

PART VIII - RESTRICTED AREAS

Division 1 - Declaration of Restricted Area

73. INTERPRETATION

(1) In this Part, "relevant area" means a specified area of land which is the subject of an application for that area to be declared a restricted area.

(2) Where the Commission declares, under section 74(2), that a restricted area is restricted in respect of liquor other than a type of liquor, in this Part, "liquor" does not, in respect of that restricted area, include that type of liquor.

74. POWER TO DECLARE RESTRICTED AREA

(1) Subject to this Act, the Commission may declare that a specified area of land shall be a restricted area.

(2) The Commission may, upon the declaration of a restricted area, declare that the restricted area is restricted in respect of liquor other than a specified type of liquor.

75. LIQUOR NOT BROUGHT INTO, &c., RESTRICTED AREA

(1) Subject to this Part, a person shall not -

- (a) bring liquor into;
- (b) have liquor in his possession or under his control within; or
- (c) consume, sell or otherwise dispose of liquor within,

a restricted area.

(1A) Subsection (1), other than paragraph (c) so far as it relates to the sale of liquor in a restricted area, does not apply to liquor that is being or will be -

- (a) brought into a restricted area; and
- (b) administered within a restricted area,

for the purposes of worship associated with the celebration of the Holy Communion or any other religious service by a person approved by the Commission (for the purposes of paragraph (a) or (b) or of both (a) and (b)).

(2) In any proceeding for an offence against this section, a certificate, purporting to be signed by a person who claims in the certificate to be the Registrar or a Deputy Registrar, stating that a place was or was not, at a specified time, within a restricted area is evidence of the facts stated.

76. APPLICATION FOR DECLARATION

An application for a specified area of land to be declared a restricted area shall -

- (a) be lodged with the Registrar;
- (b) be in writing;
- (c) be signed by the applicant;
- (d) include a description of the relevant area in sufficient detail to enable the Commission to identify the location of the proposed restricted area;
- (e) include a statement of the applicant's reasons for desiring the relevant area to be declared a restricted area; and
- (f) if the applicant desires the relevant area to be declared a restricted area in respect of liquor other than a type of liquor - state the type of liquor.

77. CONSIDERATION OF APPLICATION

(1) The Commission shall, as soon as reasonably practicable, consider an application made under section 76 and shall -

- (a) refuse the application where the Commission is of the opinion that the application is of a frivolous, irrelevant or malicious nature; or
- (b) conduct a hearing.

(2) Where the Commission decides to conduct a hearing pursuant to subsection (1)(b), the Registrar shall, as soon as reasonably practicable, inform -

- (a) each licensee whose licensed premises are located in the relevant area;
- (b) each applicant for a licence whose premises, in respect of which a licence is sought, are located in the relevant area;
- (c) each licensee who, in the opinion of the Registrar, may be affected adversely by a declaration of the relevant area to be a restricted area;
- (d) where the relevant area forms the whole or part of a municipality - the clerk of the council for that municipality; and
- (e) where the relevant area forms the whole or part of a community government area - the clerk of the community government council for that community government area,

of the location of the relevant area and the time and place of the hearing.

(3) A hearing pursuant to subsection (1)(b) shall be held -

- (a) at a place within the relevant area; or
- (b) at a place in the vicinity of the relevant area which, in the opinion of the Chairman, is convenient for persons who may desire to express an opinion regarding an application in accordance with section 78.

78. OPINIONS REGARDING APPLICATION

(1) A person may express an opinion regarding an application for a specified area of land to be declared a restricted area -

- (a) by submitting an opinion in writing to the Chairman; or
- (b) subject to subsection (2), by appearing in person at a hearing conducted pursuant to section 77(1)(b).

(2) Where a person notifies the Chairman in writing, not later than 7 days before the date fixed for a hearing to be conducted pursuant to section 77(1)(b), that he wishes to be heard with respect to an application for a specified area of land to be declared a restricted area, he is entitled to appear before the Commission and to express an opinion regarding the application.

79. COMMISSION TO ASCERTAIN RESIDENTS' OPINIONS

(1) Where the Commission decides to conduct a hearing pursuant to section 77(1)(b), the Chairman shall, prior to that hearing, take all such steps as are, in his opinion, necessary to -

- (a) inform the people who reside in the relevant area of the time and place of the hearing;
- (b) inform such people that a person may express an opinion regarding the application in accordance with section 78;
- (c) ascertain opinions of such people regarding the application;
- (d) where the relevant area forms the whole or part of a municipality - ascertain the advice of the council for that municipality regarding the application; and
- (e) where the relevant area forms the whole or part of a community government area - ascertain the advice of the community government council for that community government area regarding the application.

(2) For the purposes of subsection (1)(c), the Commission may conduct such investigations and cause to be conducted such investigations as it thinks fit.

80. COMMISSION TO CONSIDER OPINIONS EXPRESSED REGARDING APPLICATION

In deciding whether to grant an application for an area of land to be declared a restricted area, the Commission shall -

- (a) consider the opinions regarding that application expressed or ascertained pursuant to sections 78, 79(1)(c) and (2); and

- (b) where the relevant area forms the whole or part of a municipality or a community government area - consider any advice regarding the application ascertained pursuant to section 79(1)(d) or (e), as the case may be.

81. DECISION AFTER HEARING

(1) Subject to section 80, after the Commission has conducted a hearing in relation to an application for an area of land to be declared a restricted area, the Commission shall -

- (a) refuse to declare the relevant area to be a restricted area and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant;
- (b) declare an area of land to be a restricted area; or
- (c) declare an area of land to be a restricted area in respect of liquor other than a type of liquor.

(2) A declaration by the Commission under subsection (1)(b) or (1)(c) may be in relation to -

- (a) the relevant area; or
- (b) land that in area is equal to, greater than or less than the relevant area.

(3) The land referred to in subsection (2)(b) shall include a part of the relevant area.

82. NOTICE OF DECLARATION

(1) The Commission shall, within 14 days of declaring an area of land to be a restricted area, cause to be published in the *Gazette* and in a newspaper or newspapers nominated by the Commission notice of the fact that the declaration has been made.

- (2) The notice of the declaration shall include -
 - (a) a description of the restricted area in sufficient detail to identify the location of that area of land;
 - (aa) if the restricted area is restricted in respect of liquor other than a type of liquor - a statement to that effect identifying the type of liquor;
 - (b) a copy of section 75; and
 - (c) such other particulars as may be determined by the Commission.

83. COMMENCEMENT OF DECLARATION

A declaration of an area of land to be a restricted area shall have effect on and from -

- (a) the date of the publication of the notice referred to in section 82 in the *Gazette*;
- (b) the date on which it is published in a newspaper or newspapers in accordance with that section; or
- (c) such date as is specified in the declaration,

whichever is the latest.

84. REVOCATION OF DECLARATION

A declaration of an area of land to be a restricted area may be revoked by the Commission at its discretion.

85. COMMISSION TO ENSURE PUBLICITY OF DECLARATION

Where an area of land is declared to be a restricted area, the Commission shall take all such steps as are, in its opinion, necessary to cause to be posted and to be kept posted at -

(a) the place where a road or other customary access route enters the restricted area; and

(b) the customary departure locations for aircraft flying into the restricted area,

a notice stating that it is an offence to bring liquor into, to be in possession or control of liquor or to consume, sell or otherwise dispose of liquor within the area.

86. NOT AN OFFENCE TO TRANSPORT LIQUOR THROUGH RESTRICTED AREA

(1) It shall not be an offence under section 75 where a person brings liquor into, or has liquor in his possession or under his control within, a restricted area, for the purpose only of transporting that liquor to a destination outside a restricted area.

(2) In any proceedings for an offence under section 75, the onus of establishing a purpose of a nature referred to in subsection (1) shall be on the accused.

Division 2 - Permits

87. COMMISSION MAY GRANT PERMITS

(1) Subject to this Part, the Commission may grant a permit to a person -

(a) who resides in; or

(b) who is temporarily living in, or intends to temporarily live in,

a restricted area.

(2) Subject to subsection (3), the holder of a permit may -

(a) bring liquor into;

(b) have liquor in his possession or under his control within; or

(c) consume liquor within,

the restricted area to which the permit relates.

(3) The Commission may issue a permit subject to such conditions as it thinks fit.

88. GUEST OF PERMIT HOLDER MAY CONSUME LIQUOR

A person who -

- (a) does not reside in the restricted area to which a permit relates; and
- (b) is a guest of the holder of a permit on or at premises which are owned or occupied by that holder of a permit,

may consume liquor at the invitation of that holder of a permit on or at those premises.

89. PERSON MAY DELIVER LIQUOR TO PERMIT HOLDER AT HIS REQUEST

A person may, at the request of the holder of a permit -

- (a) bring liquor which is owned by, or ordered under a contract of purchase by, that holder of a permit into; or
- (b) have such liquor in his possession or under his control within,

the restricted area to which the permit relates, for the purpose only of delivering the liquor to that holder of a permit.

90. APPLICATION FOR PERMIT

(1) An application for a permit may be made by a person referred to in section 87(1).

(2) An application pursuant to subsection (1) shall -

- (a) be lodged with the Registrar;
- (b) be in writing;

- (c) be signed by the applicant; and
- (d) include a statement of the applicant's reasons for desiring a permit.

91. CONSIDERATION OF APPLICATION

(1) The Commission shall consider an application for a permit and shall -

- (a) conduct such investigations and cause to be conducted such investigations of the application as it thinks fit; and
- (b) take all such steps as are, in its opinion, necessary to ascertain opinions regarding the application of the people who reside in the restricted area to which the application relates.

(2) In deciding whether to grant an application for a permit, the Commission shall consider the results of any investigations under subsection (1)(a) and the opinions ascertained pursuant to subsection (1)(b).

92. DECISION AFTER CONSIDERATION

Subject to section 91(2), after considering an application for a permit, the Commission shall -

- (a) issue a permit in a form approved by the Commission, subject to such conditions as are determined by the Commission under section 87(3); or
- (b) refuse the application and direct the Registrar to forward notice of the refusal together with a statement of the reasons for refusal to the applicant.

93. PERMIT REVOKED ON BREACH OF CONDITION

Where the holder of a permit contravenes or fails to comply with a condition of his permit, in addition to any penalty to which he may be subject for an offence against section 75(1) as a consequence of that contravention or failure -

- (a) that permit shall be revoked forthwith; and
- (b) the holder of that permit shall surrender it to an inspector or a member of the Police Force upon demand made by that inspector or member of the Police Force.

94. REVOCATION OF PERMIT BY COMMISSION

A permit may be revoked by the Commission at its discretion.

Division 3 - Seizure and Forfeiture

95. POWERS OF SEARCH AND SEIZURE

(1) Where an inspector is satisfied that there is reasonable ground for suspecting that an offence against this Part has been, is being or is likely to be committed, he may, without warrant, and with such assistance as he thinks necessary -

- (a) enter, with such force as is reasonably necessary, at any time, any premises, vehicle, vessel, aircraft or place and for that purpose, stop and detain any vehicle, vessel or aircraft;
- (b) search the premises, vehicle, vessel, aircraft or place and any person found in or on them or it and any person whom he reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;
- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
- (d) seize, take, detain, remove and secure any vehicle, vessel or aircraft, or any receptacle containing liquor, or any receptacle that he reasonably believes to contain liquor, or any thing that he finds on any premises, vehicle, vessel, aircraft or place or on any person searched, if he has reasonable grounds to believe that it is evidence of or otherwise relates to any offence that has been or is being committed against this Part;

- (e) require the master or other person in charge of a vehicle, vessel or aircraft to cause it to stop or to bring it to a place in the Territory and to remain in control of it at that place until an inspector permits him to depart from that place;
- (f) stop, detain and search any person upon whom he believes, on reasonable grounds, that there is something that is evidence of or otherwise relates to an offence against this Part; and
- (g) take such action as is reasonably necessary to prevent the commission of an offence against this Part.

(2) Before commencing a search under subsection (1), if there is a person who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, an inspector shall produce his identity card, issued under section 18(3), to that person and to any person he is about to search.

(3) A person shall not refuse or fail to comply with a requirement made by an inspector under subsection (1)(e).

(4) A female shall not be searched under this section except by a female.

(5) This section, other than subsection (2), applies to and in relation to a member of the Police Force as if the member were an inspector.

(6) In this section "enter", in relation to a vehicle, vessel or aircraft, includes board.

96. FORFEITURE

(1) A thing seized under this Part and not released under section 100A is, by force of this section, on the conviction of a person for an offence in connection with which it was seized, forfeited to the Territory.

(2) A forfeiture under subsection (1) shall be in addition to and not part of a penalty imposed under this Part.

97. DELIVERY OF THING SEIZED TO CHAIRMAN

A thing seized under this Part shall, as soon as practicable, be delivered to the Chairman by the inspector or member of the Police Force who seized it.

98. CLAIM TO BE MADE TO CHAIRMAN

Where a thing seized is delivered to the Chairman, if no prosecution is instituted within 30 days in respect of the use or possession of the thing or, if the thing seized is liquor, in respect of the carriage, possession, control, sale or other disposal of the liquor, the Chairman shall, by notice in writing, require the person from whom the thing was seized or a person appearing to the Chairman to be the owner of the thing to claim delivery to him of the thing seized.

99. FORFEIT IF NO CLAIM

If no claim is made within 30 days of the date of service of the notice referred to in section 98, the thing seized is forfeited.

100. CLAIMS TO BE DEALT WITH SUMMARILY

Where a person served with a notice under section 98 makes a claim for the delivery to him of a thing seized under this Part, the Chairman shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the *Justices Act*.

100A. RELEASE OF SEIZED VEHICLE, &c., PENDING PROSECUTION

(1) The owner or other person who, but for its being seized, would be entitled to possession of a vehicle, vessel or aircraft seized under this Part may, before the trial of a person for the alleged offence in connection with which it was seized, apply to the Minister for its release to the owner or that other person, as the case may be.

(2) The Minister may, in his absolute discretion, after considering the recommendations of the Chairman and being satisfied that the applicant was not knowingly involved in the act constituting the alleged offence in connection with which it was seized and had no reason to suspect that the vehicle, vessel or aircraft might be used in connection with the commission of the alleged offence, release it to the applicant on such conditions relating to its production as evidence at the trial of the alleged offence as the Minister thinks fit.

101. DISPOSAL OF FORFEITED THINGS

All things forfeited under this Part may be destroyed or otherwise disposed of in such manner as the Chairman thinks fit, including, with the approval of the Minister where, in the case of a vehicle, vessel or aircraft, the Minister is of the opinion that the person was not knowingly involved in the act constituting the offence as a result of which it was forfeited and had no reason to suspect that it might be used in connection with such an offence, by selling or otherwise returning it to a person who, immediately before the forfeiture, had a legal or equitable interest in the vehicle, vessel or aircraft.

APPENDIX 6

**ANALYSIS OF PART VIII "RESTRICTED AREAS"
OF THE *LIQUOR ACT***

ANALYSIS OF PART VIII "RESTRICTED AREAS" OF THE *LIQUOR ACT*

NB: The numbers quoted indicate the relevant section of the Act.

73. Definition of a restricted area, and of alcohol which is restricted.
74. The Commission may declare an area restricted.
75. No one can take alcohol into an area declared restricted, have it in his possession or drink or sell it (except for altar wine).
This part also states that a certificate signed by the Registrar or Deputy Registrar is sufficient evidence of the status of an area.
76. How applications should be lodged.
77. After an application is received the Commission can either refuse it (when it considers it is not "serious") or conduct a hearing. At this stage all licensees likely to be affected have to be notified. Also, the local council is to be told of where the hearing will be held and when.
The hearing is to be in the relevant area or in its vicinity, that is an area the Chairman decides is convenient for interested persons.
78. Anyone can either write to the Commission or appear at the hearing with their views on the matter. In the latter case, the person has to notify the Chairman in writing of his/her intention at least seven days before the hearing.
79. The Commission shall inform residents of the area of the hearing and their right to express an opinion. It is beholden on the Commission to obtain their opinions, as well as that of the local government representatives.
80. These opinions have to be taken into account in the decision.
81. Once the hearing is held and opinions considered an area will be declared restricted or not, and if so with what specifications. This decision can refer to the area of land originally applied for, or part thereof.
82. The Commission needs to *Gazette* the decision within 14 days, and place it in the relevant newspapers, noting a full description of the land and the restrictions imposed. The power to impose restrictions (section 75) also needs to be stated.

83. The restrictions come into effect when gazetted or as specified in the *Gazette*.
84. The Commission can revoke any declaration at its discretion.
85. The decision to declare a restriction should be well publicised, for car or airplane access.
86. Anyone can take alcohol into a restricted area if it is only being transported through and they can prove it. (The onus of proof is on the accused)
87. Permits can be granted to anyone who is permanently or temporarily living in a restricted area, allowing them to take alcohol there, have it there or drink it there.
It is up to the Commission to issue permits according to conditions it sees fit.
88. Additionally, someone who does not live in the area but is a guest of someone who has a permit is also allowed to drink with the permission of that person.
89. Where people are given permits it is allowable for someone to supply alcohol to that area where it is ordered by or for the permit holder.
90. How permits are to be applied for by a person referred to in section 87 above, and the information to be contained in the application.
91. In deciding an application the Commission is to investigate as it considers necessary, and take any information uncovered into consideration in making the decision.
92. The Commission then grants a permit (under whatever conditions it deems appropriate) or refuses the application.
93. Any permit holder who breaches the conditions of the permit has the permit revoked, and it is to be surrendered to a police officer or Liquor Commission inspector, on demand.
94. The Commission can, at its total discretion, revoke a permit.
95. Empowers an inspection at his/her own discretion, to, without warrant, search, seize, detain any person (or vehicle), where it is considered alcohol is being carried/consumed/held contrary to restrictions imposed by this part of the *Liquor Act*. In doing so inspectors are to show identification and authority. The section applies to a police officer as if he/she were an inspector.

96. Anything seized (e.g. vehicle) as being used to contravene the relevant part of the Act is forfeited. (Except where disallowed by the Minister—see section 100A).
97. All forfeited things are to be delivered to the Liquor Commission Chairman.
98. When goods are seized and no prosecution is commenced in 30 days the Liquor Commission Chairman is to send a notice to the owner requiring him/her to claim delivery of the goods.
99. If no claim is made by the owner in 30 days the thing is forfeited.
100. A claim made under section 98 by an owner of goods is to be referred by the Liquor Commission Chairman to the courts for decision.
- 100A. Pending prosecution for an alleged offence an owner of, or person entitled to possess, any goods seized may apply to the Minister responsible for the Liquor Commission for the release of the seized goods.
Where the Minister is satisfied that the applicant was not knowingly involved in the offence and after consideration of recommendations from the Liquor Commission Chairman he may order the goods released, subject to any conditions for the goods to be produced as evidence at the trial, as required.
101. Any goods forfeited can be disposed of in any way the Chairman sees fit. The Minister's approval is required when the goods are cars, boats or planes. In their case the Minister must be convinced that the owner was knowingly involved in the act contravening this legislation.

APPENDIX 7

**LIST OF NORTHERN TERRITORY
RESTRICTED AREAS
AS AT 12 NOVEMBER 1993**

**LIST OF NORTHERN TERRITORY
RESTRICTED AREAS
AS AT 12 NOVEMBER 1993**

Restricted Area	Location	Date of Declaration	Permits
Daly River Mission	Mission lease at Daly River	1.07.79	68 permits
Port Keats	Area South of Moyle River to border of Daly River Reserve	23.7.79	159 permits to Catholic Priest and Europeans only
Milingimbi	Whole of Milingimbi Island including Milingimbi township	1.08.79	No permits
Lajamanu	16km radius from Police Station	1.10.79	72 permits
Dagaragu	Pastoral Lease 805, community area of Dagaragu (Wattie Creek) NT Portions 1383, 1384, 1459 and Reserve No. 1348	15.10.79	Permits
Numbulwar	Area extends from the Parson's Range and Wakayiwangu Creek in the West to the Gulf of Carpentaria coast in the East and from Strawbridge Creek in the North to Warrakunta Point in the South. The area includes Numbulwar and all outstations	1.11.79	No permits
Maryvale	201.1ha being community residential area, NT Portion 1475	1.12.79	No permits
Ali Curung	440sq.km being NT Portion 599 which includes Ali Curung township	17.12.79	15 permits
Willowra	Whole of NT portion 594	17.12.79	No permits
Stirling (Wilora)	266.9ha being NT Portion 1628	17.12.79	No permits
Alcoota	Community residential area of 236.4ha being NT Portion 1648, Alcoota Station excluding homestead	17.12.79	No permits
Ti-Tree	Area 9km South of Ti-Tree township adjacent to the Eastern side of Stuart Highway	17.12.79	No permits
Hodgson Downs	176ha being NT Portion 1507. The area is near, but does not include Hodgson Downs Homestead	11.02.80	No permits
Eley Station	Community living area of 587.3ha being NT Portion 1508. Area is near, but does not include Eley Station Homestead	11.02.80	No permits

Northern Territory Restricted Areas as at 13 September 1993 (Cont.)

Restricted Area	Location	Date of Declaration	Permits
Roper Valley Station	Community area of 684.9ha being NT Portion 1718. Area is near, but does not include Roper Valley Station Homestead	11.02.80	No permits
Urapunga Station	341.5ha being proposed NT Portion 1545. Area is near, but does not include homestead	11.02.80	No permits
*Umbakumba (Groote Eylandt)	Area around Umbakumba to Mamaimandja Point	1.07.80	Permits for wine/spirits, open for beer
Angurugu (Groote Eylandt)	Community area around Angurugu <i> The remainder of Groote Eylandt is restricted except for Alyangula and Bartalumba Bay which are open areas for consumption of liquor</i>	1.07.80	7 permits
Yirrkala	Radius 2km from North West corner of main office block in Yirrkala	1.07.80	30 permits
Hodgson River Station	Whole of Hodgson River Station being Pastoral Lease 667	1.09.80	2 permits
Areyonga	South East corner of Haasts Bluff Reserve including Areyonga Community	1.10.80	3 permits
Napperby Station	Whole of Napperby Station being 5'542sq.km, Pastoral Lease 655 and 656	1.10.80	2 permits
Anningie	Whole of Pastoral Lease 622 being Anningie Station excluding area 100m radius around homestead	1.10.80	No permits
Mbungbara	Aboriginal community at Mbungbara near Narwietooma Station 230.7ha NT Portion 1224	1.10.80	No permits
Croker Island	Whole of Croker and Darch Islands including township of Minjilang	1.11.80	No permits
Gapuwiyak (Lake Evella)	Area between coast at Buckingham Bay and inland towards Koolatong River, includes Gapuwiyak and its outstations	1.12.80	No permits
Ngukurr	South Eastern corner of Arnhem Land including Ngukurr and outstations	14.12.80	22 permits
Papunya	Large area from Eastern boundary of Haasts Bluff reserve to WA border includes Papunya and most of its outstations, but excludes Haasts Bluff Community	14.12.80	No permits
Goulburn Island	North Goulburn Island, South Goulburn Island, Sims Island and area of mainland between Waminari Bay and Anuia Bay	14.12.80	No permits
Yuendumu	Whole of Aboriginal reserve	14.12.80	44 permits
Pularumpi	Aboriginal community at Pularumpi excluding Pularumpi Community Centre	1.01.81	85 permits

Northern Territory Restricted Areas as at 13 September 1993 (Cont.)

Restricted Area	Location	Date of Declaration	Permits
Elcho Island	All of Elcho and surrounding islands and area of mainland around Gapuwiyak restricted area	1.01.81	No permits
Barunga	Township and area East of Barunga	15.04.81	No permits
Santa Teresa	Whole of Pastoral Lease 627	1.08.81	No permits (Catholic priest excepted)
Kalano Farm	67ha being Lot 508, Town of Katherine	17.08.81	No permits
Docker River	Area known as Peterman Aboriginal Land Trust, except for the area South of 25.5 latitude	24.08.81	No permits
Yarralin	Aboriginal community living area of 50'450ha on Victoria River Downs Station	24.08.81	No permits
Old Top Springs	Community living area of 140ha on the Armstrong River, 10km from Wanda Inn	1.09.81	No permits
Utopia	1'958sq.km being Pastoral Lease 637 (Utopia)	1.10.81	No permits
Mainoru	Circle of 10km radius from SW corner of station manager's residence except circle of 100 m radius from same centre	12.10.81	No permits
Bathurst Island	Whole of Bathurst Island excluding Nguui Ullintjinni Club	1.11.81	No permits (Catholic Priest excepted)
Rockhole Community	14.7ha contained by Special Purpose Lease 423, 15km from Katherine	1.07.82	No permits
Hermannsburg	All those parcels of land held in the names of Urana Land Trust (NT Portion 12078); Ntaria Land Trust (NT Portion 2079); Ltalaltima Land Trust (NT Portion 2075	19.11.82	No permits
Beswick	6.5km radius from store	1.06.83	14 permits
Maningrida	7km circle from Council offices	1.08.83	582 permits
Five Mile Camp	Area around 5 Mile Camp bordered by Roper River to the North and Roper Highway to the South	12.09.83	No permits
Bulla Community	From East Baines River North along Victoria Highway for 2.1km then 7.4km East and South along fenceline to river then West along river to highway	11.11.83	No permits
Kalkaringi	Town of Kalkaringi (Wave Hill township) contained within Pastoral Lease 805	15.11.83	77 permits
Milikapiti	27sq.km around Milikapiti being whole of Milikapiti Community Government area, excluding Milikapiti Sports & Social Club	13.02.84	497 permits
Ramingining	520sq.km around Ramingining	27.06.84	No permits

Northern Territory Restricted Areas as at 13 September 1993 (Cont.)

Restricted Area	Location	Date of Declaration	Permits
Tara	Part of Neutral Junction Station being North East of Barrow Creek Racecourse	17.07.85	No permits
Oenpelli	Area around Oenpelli including township and outstations, but excluding Nabarlek and Gunbalanya Sports & Social Club	6.11.85	65 permits (Europeans only)
Finke	Town of Finke excluding NT Portion 453 (Racecourse)	18.12.85	No permits
Murray Downs	Land SE of Murray Downs Homestead within NT Portion 2286 (Murray Downs Station) area of 84.72ha more or less being NT Portion 1600	18.12.85	No permits
Mount Allan Station	Northern Part of NT Portion 313 and 405 then South to 50m North of Tanami Road then South easterly to border of Napperby Station	12.03.86	No permits
Wilgie Beach	Area being part of NT Portion 1646 adjacent to Mount Norris Bay road	11.11.87	No permits
Ukaka	Area containing 120ha being NT Portion 2440, Tempe Downs Station	25.03.88	No permits
Urlampe	Area containing 5'349ha being NT Portion 2868, Tobermorey Station	25.03.86	No permits
Mutitjulu	Area containing 501ha near Ayers Rock	11.05.88	No permits
Kybrook Farm	Area containing 97.16ha being NT Portion 1028 and being within Jindare Pastoral Lease	5.07.89	No permits
Angula and Mulga Bore	Area South of Sandover Highway within Artartinga Pastoral Lease being NT Portion 3525	20.09.89	No permits
Atitjere	Area within Mt Riddock Pastoral Lease being NT Portion 2431	4.10.89	No permits
Village Sorry Camps	Area containing 1.14ha, 5.69ha and 4.6ha being Lots 1004, 2056 and 2057 in Tennant Creek	6.12.89	No permits
Ngalpa Ngalpa Camp	Area containing 3.99ha being Lot 1271 in Tennant Creek	6.12.89	No permits
Canteen Creek	Area containing 121'000ha being near Kurundi locality but wholly within the Wakaya-Alyawarra land claim	16.05.90	No permits
Alpurrurulam Community	Area containing 999.9ha being NT Portion 1949 within Lake Nash Pastoral Lease	20.06.90	No permits
Animburra Community	Area within Airleron Pastoral Lease containing 783.9ha being NT Portion 3697	15.08.90	No permits
Amanbidji	The whole of Pastoral Lease 706 being NT Portion 846 containing 2'830sq.km	10.10.90	No permits

Northern Territory Restricted Areas at at 13 September 1993 (Cont.)

Restricted Area	Location	Date of Decaration	Permits
Imanpa Community	Area within Mt Ebenezer Pastoral Lease comprising 3'250ha	21.11.90 (12-month period)	No permits
Warjilpungara Camp	Area containing 11.53ha being Lot 2051, Town of Tennant Creek	21.11.90 (12-month period)	No permits
Kunuyungku	All that parcel of land in the Tennant Creek locality, comprising an area of 294sq.km or thereabout	26.12.90	No permits
Urapunga Pastoral Lease	All the Southern section of NT Portion 745, excluding NT Portion 1545 and an area circling the homestead by a 1km radius	16.01.91	No permits
Binjari Community	Area containing 281.8ha being NT Portion 3362 within the Manbulloo Station	19.06.91	No permits
Wunara Community	Area containing 13'350ha being NT Portion 3750	27.11.91	No permits
Tanami Downs Station	Area containing 4'205sq.km being NT Portion 872	29.01.92	No permits
Mistake Creek	Area containing 27.70ha being NT Portion 3543	29.01.92	No permits
Mamakala	Area containing 640ha North of Arnhem Highway approximately 20km from Jabiru	25.03.92	No permits
Mudginberri	Area containing 650ha approximately 15km from Jabiru	25.03.92	No permits
Warjilpungara Camp	Area containing 11.53ha being Lot 2051, Town of Tennant Creek	23.04.92	No permits
Marlinja Community	Area containing 214ha being NT Portion 3624	1.07.92	No permits
Ammaroo (Aherrenge Aboriginal Land Trust)	Area containing 2'771ha more or less being NT Portion 3834 and being more particularly delineated on survey land 589/77 lodged with the Surveyor General Darwin	21.07.93	No permits
Ammaroo (Atwengerrpe Aboriginal Land Trust)	Area containing 1'578ha more or less being NT Portion 3802 and being more particularly delineated on survey plan S89/59A lodged with the Surveyor General Darwin	21.07.93	No permits
Jabiru	That part of Lot 2317 on the Southern boundary of the township of Jabiru particularly being an area of 4'000sq.m fully fenced containing 2 houses		No permits
Nyirrip	NT Portion 1739	4.10.93	No permits

APPENDIX 8

**SPECIFIC LIQUOR PERMITS CONDITIONS AT
COMMUNITIES PROVIDING FOR PERMITS
AS AT 12 NOVEMBER 1993**

**SPECIFIC LIQUOR PERMITS CONDITIONS AT
COMMUNITIES PROVIDING FOR PERMITS
AS AT 12 NOVEMBER 1993**

File No.	Location	Conditions
3/5	Maningrida	AA,AL,BG,BD
3/6	Milingimbi	No permits
3/7	Bathurst Island	AA,AE,AH - Open/AA,AE,AF,AH,BE - Restricted
3/8	Dagaragu	AA,AC,AD,AH
3/9	Port Keats	AA,AE (Europeans only)
3/10	Gapuwiyak	AA,BU,AH,BI
3/11	Daly River Mission	AA,AE
3/12	Oenpelli (Europeans only)	(Europeans only) AA,AC,AP,AS,AH - Ordinary/AC,AD,AP,CD,CH,CC - Local
3/13	Lajamanu	AA,AE,AT,AU,AW,AX,AY
3/17	Numbulwar	No permits
3/22	Angurugu Area	AJ,AN,AD,AQ,AR
3/24	Umbakumba	AJ,AM,AD,AG,AQ,AR
3/26	Milikapiti	AA,AE,AH,AZ,BA
3/34	Ngukurr	AA,AE
3/35	Yirrkala	AA,AE
3/53	Pularumpi	AA,AE,BE or AA,AE
3/59	Beswick	AA,Ae
3/80	Kalkaringi	AA,AE

TRANSPORT

- AA** Liquor may be taken into the restricted area.
- BB** Liquor may not be taken into the restricted area.
- AJ** Liquor may be taken into Groote Eylandt restricted area for consumption at Angurugu.
- AK** Liquor may be taken into the Groote Eylandt restricted area for consumption at Umbakumba
- AL** Liquor may not be taken into the restricted area by aeroplane, motor vehicle or any other means except the schedule wet barge service.
- BY** Liquor may not be taken into the restricted area unless purchased from the Milikapiti Sports Social Club as take-away.
- CC** Liquor may not be taken into the restricted area unless purchased from the Gunbalanya Sports and Social Club.

LOCATION

- AC** In his/her own home.
- AD** In the home of another permit holder at his invitation.
- AE** In his./her own home and in the homes of the other permit holders at their own invitation.
- AI** For the consumption by him/her in the construction camp site.
- AM** In his/her own home at Umbakumba.
- AN** In his/her own home at Angurugu.
- AO** In the Catholic church during church services.
- AP** Within the boundaries of the Oenpelli restricted area, except within 2km of the Gunbalanya Sports and Social Club.
- BG** In the visiting 'officers' accommodation and the homes of other permit holders at their invitation.
- BH** In the contractors' quarters.
- BK** At own residence and at social functions in the Lajamanu restricted area.
- BL** At Kalkaringi Police Station.
- BM** At Pularumpi Police Station.
- BT** Lot 8 Transport and Works house.
- BU** Telecom site, caravan site and contractors' demountable.
- BX** At police residence.
- CF** At designated campsites at Oenpelli.

SPECIAL

- AF** Possession and consumption of beer only is permitted.
- AG** The possession and consumption of wine and spirits is permitted.
- AH** Liquor shall not be sold or supplied to any person, Aboriginal or non-Aboriginal.
- AQ** Liquor shall not be consumed outside the home.
- AR** All liquor is to be removed from the permit holder's home prior to any period of absence which is of more than seven days.
- AS** Liquor shall not be supplied to any person other than a guest (a non-resident of Oenpelli) or ordinary permit holder.
- AT** Beer, wine and spirits may be consumed.
- AU** All liquor that is transported into the settlement by the permit holder is to be in unopened packages or cartons (unopened beer cartons). Under no circumstances is beer to be brought into this settlement by the permit holder as **loose** or **individual** cans. Liquor is only to be carried into settlement as in condition above.
- AV** If the permit holder is convicted of any liquor related offence in the courts, the permit shall be revoked.
- AW** If the permit holder is arrested for being drunk more than twice in any year, the permit shall be revoked. (This type of problem usually stems from an official complaint made by a member of the community which is usually associated with violence or breach of the peace or just causing general annoyance in the community and police action has been taken).
- AX** If any person, not being a permit holder, is found to have been drinking in a permit holder's home, whether this person or persons are charged with an offence or not, this permit is to be revoked.

- AY** If any liquor found in Lajamanu is found to have been supplied to other persons (other than permit holders) either directly or indirectly by the permit holder or from the permit holder's home, this permit it to be revoked.
- AZ** No trouble is to be caused as a result of the possession and consumption of liquor in accordance with this permit.
- BA** Maximum of two cartons per week is permitted.
- BB** A limit of six 375ml containers of beer per person in any one 24 hour period, Monday to Friday.
- BC** All beer which is consumed under this permit is to be purchased from the club.
- BD** The permit holder may, from one schedule wet barge take delivery of either:
- (a) two cartons (2 x 25 375ml containers) of beer;
or
 - (b) two casks (2 x 4l) of table (unfortified) wine;
or
 - (c) one carton (1 x 24 375ml containers) of beer
and
one cask (x1 x 4l) of table (unfortified) wine.
- BE** The possession and consumption of one carton of beer per week is permitted.
- BF** The possession and consumption of liquor is permitted.
- BI** Liquor is to be kept secure at all times.
- BJ** This permit is valid for employees of Bruce Constructions Pty Ltd, namely Peter Bruce (Principal), Deion Hogan, David Godfrey, Brett Hagger or other employees from time to time.
- BN** Wine and beer only may be consumed.

- BO** Two cartons of beer and 4.5l of wine per week may be consumed.
- BP** Five litres of wines and spirits per month may be consumed.
- BQ** This permit authorises the possession of wine only.
- BR** Beer and spirits only.
- BS** A limit of one carton of beer as take-away on Saturday during authorised take-away hours.