

## **4 Evidence about good practices in managing licensed venues in Aboriginal communities: a literature review**

This literature review presents evidence from the literature on reducing harms in licensed venues generally; how Indigenous communities in New Zealand and Canada manage alcohol consumption in remote Indigenous communities, as well as findings from the literature that is specifically about clubs in Australian Indigenous communities.

### **4.1 Introduction**

A large proportion of all alcohol-related assaults occur in or around pubs and clubs across Australia. Licensed premises are a major site for alcohol-related violence and elevated levels of anti-social behaviour across the country (Doherty & Roche, 2003; Fleming, 2008; Graham, K & Homel, 2008; NSW Auditor General, 2008). As a result of this, the literature covering examples of good practice in the management of licensed premises – including licensed clubs – is usually oriented to dealing with high-risk premises, the responsible service of alcohol and how licensees can predict and prevent violence. There is comparatively little published literature that deals with broader issues such as better club management (for example harm reduction strategies, workforce issues or participatory governance structures), or with Indigenous-managed liquor licenses *per se*. However, out of this wider mainstream literature we can extrapolate some useful principles of good policy and practice that are relevant and applicable to Indigenous social clubs. What follows in this section attempts to do that.

We begin with a brief review of mainstream research on the responsible service of alcohol and the prevention of violence in pubs and clubs. We consider relevant developments taking place for Indigenous groups in the USA, Canada and New Zealand. We then examine examples of 'best practice' guidelines for licensed clubs, including Indigenous social clubs in Australia.

### **4.2 General principles of risk-reduction in licensed premises**

The principle underlying best practice in most jurisdictions is for the police and the relevant licensing authority to work closely with licensees in order to promote the responsible service of alcohol and harm minimisation. As the NSW Auditor-General's office observes (2008), although it is important that government agencies and licensees work together on these strategies, and the relationship between licensees and the licensing authority is usually positive, relationships between Police and licensees can sometimes be less constructive.

NSW identified three ways in which alcohol-related incidents could be reduced on or near licensed premises:

- Preventing patrons from reaching undesirable levels of intoxication through the responsible service of alcohol (RSA);
- Introducing strategies that reduce the opportunity for crime, such as extra transport at peak times and when premises close; and
- Responding to incidents after they occur to prevent them from escalating and to deal with offenders (NSW Auditor General, 2008, p.2).

In NSW the Office of Liquor, Gaming and Racing (OLGR) works with licensees in a number of ways, including providing licensees with self-assessment tools ('audit check lists'); running workshops for licensees; and facilitating liquor accords (formal partnerships with licensees) and presenting at liquor accord meetings. Liquor accords are mechanisms set up to enable practical solutions to alcohol-related problems. They usually involve a number of partners such as licensees, local police, city council representatives, health services and the OLGR. Accords can include strategies such as courtesy buses, lockouts at particular times (after which new patrons cannot enter a premises), and public education campaigns. However accords are simply agreements and have no legislated backing: a change of management at a particular premises can undermine an apparently workable accord.

Licensees are encouraged to complete a 'risk matrix' drawn up by the OLGR as a starting point for their own assessment of the risks in each venue and how to minimise these. The risk matrix covers licensees' obligations around signage, licence conditions, minors and intoxication. Of relevance to this discussion about 'best practice' for Indigenous licensed clubs are the following risks, noted from the NSW document (NSW Auditor General, 2008):

1. Risk of signage (on harm minimisation, or house policies) becoming out-dated, being placed in the wrong location, or being removed by patrons;
2. Risk that licence conditions such as trading hours or number of drinks served are undermined by patrons devising new ways to beat the venue controls;
3. Risks around minors: risks that adult patrons supply alcohol to minors, minors use fraudulent ID cards, or responsible adults fail to stay in the immediate company of a minor;
4. Risks around intoxication: too many exits and too many patrons to properly assess all patrons entering a premises; staff too busy to gauge a person's level of intoxication; patrons buying alcohol for an intoxicated person.

#### **4.2.1 How to identify high risk premises**

As a result of the association between licensed premises and violence, New South Wales has implemented several strategies to target high-risk premises. Which premises fit this high-risk category can now be identified from standard data-collection that was put in place following research demonstrating that not all premises were equally associated with alcohol-related trouble. This is known as the 'Alcohol Linking Program', and is a form of problem-oriented policing involving the systematic collection and application of intelligence data to identifying patterns and causes of crime.

In this case, the police collect intelligence data on the last place of alcohol consumption from people involved in police-attended incidents. This helps to pinpoint premises where patrons often have high levels of intoxication. Police complete a simple incident report for every alcohol-related police attendance: the data sheet lists the type of incident (assault/domestic violence/offensiveness etc); the state of intoxication; and the name and address of the last place of alcohol consumption. Among other benefits, the data has enabled police to narrow down and identify the licensed venues that seem to 'produce' the greatest number of alcohol-related crimes. Armed with this factual information, the police are then in a better position to leverage greater cooperation from licensees to improve their practices. Premises that are associated with such activity are subject to police audit and inspections. The project has been running in NSW since 2004 following initial research based in Newcastle (Doherty & Roche, 2003, p.65; Fleming, 2008; Wiggers, jauncey, Considine et al., 2004).

The findings from such a study can be remarkable. In the Hunter region, they found that 30% of premises were responsible for 78% of all incidents associated with licensed premises. In some cases a single outlet would be responsible for up to 190 incidents per year (Wiggers, 2007 ).

In order to make this project work, the Office of Liquor, Gaming and Racing (OLGR) must request the crime data from police. However the Alcohol Related Crime Information Exchange (ARCIE) now in place enables the OLGR and the police to access data from the alcohol linking project, details of every alcohol-related offence, where and when it occurred, and crime infringement notices occurring in the state. Licensing officers are then in a position to caution, educate or take more punitive action with particular licensees. A program such as this works best where there is a high density of outlets, and the aim is to narrow down the focus onto the few highly problematic outlets. Nevertheless, in the context of this research in the NT, it could be implemented on a smaller regional scale to identify the outlet(s) producing the customers who are most strongly identified with alcohol-related crime. Such a

strategy was recommended for the Northern Territory in 1999 (Brady, Maggie & Martin, 1999).

### 4.3 Responsible service of alcohol (RSA)

Clearly the practices of how patrons are served whilst they are in a licensed premises has a great deal of influence on their behaviour during and after their drinking. The movement encouraging responsible service of alcohol (RSA) or responsible beverage service (RBS) started with an initial focus on drink-driving, and has gathered pace since its beginnings in the 1980s (Stockwell, 2001). In the USA server responsibility became an issue because of an increasing number of civil actions brought against licensees who served (and continued to serve) intoxicated drivers who later caused injury or death to third parties. Licensees were deemed legally liable, something that happens less frequently in Australia (Solomon & Payne, 1996).

The UK Home Office has recently published a resource providing examples of good practice in alcohol service: *'Selling Alcohol Responsibly: Good practice examples from the alcohol retail and hospitality industries'* (Home office (UK), 2010a). It is presumably intended to inspire publicans and those serving alcohol with real-life examples of effective schemes already in place to prevent harm in the retail and hospitality industries. It provides key contacts for follow-up. The good practices illustrated in the resource include:

- Preventing underage sales (for example raising awareness among servers of proof of age requirements);
- Building strong community partnerships (for example incentive schemes through awards for premises to improve standards of operation);
- Taking a socially responsible approach (for example checklist of requirements of a corporately socially responsible business, and server training information);
- Keeping staff and customers safe (for example a guide to assessing the risk of violence in licensed premises);
- Supporting National Communications campaigns (for example consumer information for drinking choices, alcohol effects, and public education programs).

In concert with these gently persuasive and positive efforts to improve practices, in 2009-10 the UK Home Office introduced five new mandatory licensing conditions aimed at irresponsible service and at problem drinkers, amending the Licensing Act of 2003 (Home Office (UK), 2010b)<sup>8</sup>. The new conditions were clearly designed to address some extreme selling practices and tackle specific problems. They aim to

---

<sup>8</sup> <http://www.homeoffice.gov.uk/crime-victims/reducing-crime/alcohol-related-crime/index.html>

establish a set of minimum standards in the way in which alcohol is sold in the UK. The conditions are as follows:

- Ban irresponsible promotions
- Ban the dispensing of alcohol directly into the mouth
- Ensure customers' access to free tap water
- Require an age verification policy to be in place
- Ensure that customers may choose small measures of beers, ciders, spirits and wine.

The UK government also introduced Drinking Banning Orders (DBOs - similar to the Banned Drinkers Register in the Northern Territory which was discontinued in September 2012), and Directions to Leave (referring to intoxicated patrons who refuse to leave licensed premises). DBOs are aimed at banning individuals with repeated alcohol-related criminal or disorderly behaviour from being able to purchase alcohol (Home Office (UK), 2012).

Host responsibility and mandated server training are now widespread in this country. However, it must be stated that RSA practices in Australia have generally been lax, with few prosecutions for server-liability offences (Fleming, 2008, p.13). There is great variation between the states and territories in the length of training and the depth of knowledge required; as is often the case in Australia, there is no national uniform curriculum or standard delivery. Costello, Robertson and Ashe (2011, p.15) provide a table showing the RSA requirements (as at 2009) in each Australian state or territory. Relevant to this present study is that in the Northern Territory, all staff members including licensees and managers, security staff and volunteers must have RSA training prior to starting work in a licensed premises.

In NSW it is compulsory for all servers of alcohol to have had RSA training delivered by an approved trainer. This includes staff of all licensed clubs (such as RSL clubs), which must still abide by the Liquor Act 2007 although they are administered under their own Registered Clubs Act (1976). In NSW local area police commands are responsible for training their police in RSA. In South Australia a new code of practice was introduced in 2013 stating that all servers of alcohol, whether volunteers or paid staff members, must have RSA training. This is particularly relevant to clubs, where volunteers are often working behind the bar (Information from Clubs SA).

The OLGR (NSW) lists a number of RSA strategies adopted by licensees (although it does not say what proportion of licensed premises has adopted such principles):

- Offering free water and bar snacks
- Promoting low alcohol and non-alcoholic drinks at discount rates
- Banning liquor shots to discourage rapid consumption

- Having meals available at all times
- Limiting the number of alcoholic drinks purchased per person to slow consumption
- Improving environmental factors (lighting, floor layout) so it is easier to observe patrons
- Ensuring bar staff have completed RSA training and undertake refresher courses
- Having more and better trained security staff to ensure intoxicated persons do not enter premises
- Employing RSA marshals to monitor patrons' behaviour and to identify patrons who are intoxicated or at risk of being intoxicated.

There are numerous examples of licensees failing to apply these strategies rigorously, however. In one instance, a Bourke police sergeant lodged complaints against all licensed premises in the town on the grounds that none of them were applying responsible service practices. There was broken glass outside the premises, a lack of security staff, and intoxicated patrons outside and inside the premises. As a result, extra conditions were placed on the licences, primarily an instruction that RSA should be strictly applied (Bourbon, Saggars, & Gray, 1999, p.20).

The prevalence of such poor adherence to the laws of responsible service led the National Drug Law Enforcement Research Fund (NDLERF) to fund a project entitled 'Why do staff at licensed premises continue to serve patrons to intoxication despite current laws and interventions?' (Costello, Robertson, & Ashe, 2011). Their report is worth noting in some detail, as the authors take a selective look at the literature as well as reporting their own interviews and an on-line survey with participants who worked serving alcohol in Western Australia.

#### **4.3.1 Key Findings of NDLERF 2011 study 'Why do staff at licensed premises continue to serve patrons to intoxication despite current laws and interventions?'**

##### Training: target managers not just staff:

Firstly, the authors of the NDLERF study, Costello, Robertson and Ashe, state categorically that server training in RSA is not a panacea, and that its effectiveness has been repeatedly questioned. RSA training is inconsistent and usually oriented to providing general knowledge and information (rather than specific skills in safe refusal of service for example). The authors cite several research studies advising that training programs need to target the managers and owners of licensed venues rather than just targeting their bar staff. Training of managers should concentrate on establishing and enforcing workplace policies, should emphasise responsibility and duty of care/liability issues, and should support and back up the actions of their staff.

### Managers are influential:

Perhaps the most significant finding of the study was that the actions and attitudes of managers or supervisors were found to be more influential than the policies that might be in place on premises. The role of the manager and the licensee were 'pivotal' in establishing the responsible service culture of the particular venue: they are, in effect, role models (Costello, Robertson, & Ashe, 2011, p.24). The manager's attitude was instrumental in staff decisions to refuse or continue service to intoxicated people, and it was crucial that staff felt that their manager would consistently support their decisions to refuse service.

Reasons why bar staff are less likely to refuse service to intoxicated people (even when they 'know' that they should refuse them) included the perception – or the reality – that managers put economic pressure on staff to make more sales (by over-serving and keeping regulars happy).

### Service favouritism

The research found that over time there was a degree of desensitisation among staff so that local social and cultural norms and attitudes (for example tolerant attitudes to intoxication and bad behaviour) were contagious. This was particularly the case in regional or rural areas (where everyone knows everyone else). There was pressure on staff from 'regulars' and friends to continue to serve them despite intoxication (or to otherwise bend the rules) because they were known to staff. This is known as service favouritism. There may be an inclination 'to value the desires of customers above current laws and regulations in order to maintain both a societal/cultural and economic relationship' (Costello, Robertson, & Ashe, 2011, p.21). Servers who deal more frequently with intoxicated customers are less concerned about civil liability risks. Owners, managers and bar staff all need to be alert to laws, regulations and workplace policies about their duty of care. The research found that servers were more likely to be consistent in their application of RSA if they saw refusal of service as being a responsibility that goes with the job. They needed to perceive it as 'just part of the job'.

### Workplace culture:

The research found that a professionally supportive and healthy working environment produced the conditions within which servers were more likely to refuse service to intoxicated patrons. This is because the existence of a sense of duty and solidarity among supervisors and staff, and being part of a team, translates into positive support for refusal of service and supervisors trusting in workers' decisions. Poor job-related behaviours and lack of knowledge and experience were exacerbated by poor staff management. The research highlighted the need for better business development in

terms of staff recruitment, working environment and work culture for licensed premises and their employees.

### Recommendations:

The authors of the 2011 NDLERF study made the following recommendations:

- Standardise RSA training across the country;
- RSA training to include patron management skills as a preventive measure;
- Work with managers and licensees to improve the culture of the venue through ongoing required training;
- Draw up risk management and prevention plans for all new licence applications and existing licensees;
- Reward licensed premises for positive harm reduction programs by creating a program that rates licensed premises. Apply incentives rather than disincentives. (There is a need to demonstrate to licensees and managers that taking on responsible serving practices will not adversely impact on their profits. If this cannot be done, it is unlikely that venues will voluntarily comply with responsible service laws). A graded accreditation system (a star rating) using essential, desirable and bonus criteria is one idea (Costello, Robertson, & Ashe, 2011, pp.23-26).

With respect to the above comment about profits, the authors of a US Server Intervention Program frankly acknowledge that applying server intervention would be likely to reduce alcohol sales.

This goes against the grain of almost everything business managers and servers have been taught: greater sales mean greater profits. However, a reduction in alcohol sales does not mean your overall profits will decrease, because part of the ASIP [Alcohol Server Intervention Program] effort is to increase food and non-alcoholic beverage sales to customers who would otherwise order the extra alcoholic drink. The profit margin on these other items can be just as attractive as for alcohol, and with careful planning, promotion, and selling by servers, you may even see an increase in overall sales and profits (Glutfelty, 2011, p.6).

In high-risk situations (such as social clubs in Aboriginal communities) it is undoubtedly necessary to work with managers and committees in a similar way – to encourage ways of making money by selling other items and off-setting any reduction in sales as a result of harm reduction strategies.



### 4.3.2 Responsible service in the Northern Territory

In the 1990s numerous incidents highlighted the issue of responsible (or rather the irresponsible) service of alcohol in the Northern Territory. Marshall Perron was the Chief Minister at the time and a crucial advocate of the Living with Alcohol program (1991-1997)<sup>9</sup>. Perron called for drunks to be evicted from hotels and momentum built for further action.

In 1991 a Sessional Committee into the Use and Abuse of Alcohol by the Community found that financial pressures on licensees were leading to aggressive marketing, and even the Northern Territory Hotels and Hospitality Association called for the industry to cooperate with government to combat alcoholism in the NT. The government provided funding for the Association's free course on responsible service of alcohol for all bar and liquor serving staff (Bonney & Brister, 1996). However despite the industry's apparent support for a collaborative effort to reduce harm, it objected to new restrictions on happy hours, free liquor and drinking competitions, and to the penalties for breaches of the Act.

Hotels in the NT continued to struggle to comply with their responsibilities to serve alcohol responsibly, and in 1995 the Walkabout Hotel in Nhulunbuy was found guilty of serving beer to a woman with a blood alcohol level of .35% (an employee of Macs Liquor was also charged after selling liquor to a customer with a high BAL). Later that year, the Manager of the Walkabout proposed to the Liquor Commission that licensees should have plastic cups of iced water available at the bar; there should be greater price differences between full strength and light beer; and that more sobering up beds were needed (Bonney & Brister, 1996, p.4). Since 1996 in the NT there has been greater onus placed on licensees and staff to ascertain the sobriety of their customers, and it has been made an offence to serve alcohol to intoxicated persons.

In 2006 a Liquor Supply Plan was introduced in Alice Springs as part of the Alcohol Framework (Northern Territory of Australia, 2004) and the Alice Springs Alcohol Management Plan (2006) (see Symons, Gray, Chikritzhs et al., 2012, p.23). The Liquor Supply Plan included (reiterated) the following measures relating to RSA:

- All staff involved in the service of alcohol must hold a Responsible Service of Alcohol Certificate within one (1) month from commencement of employment (with a reasonable period permitted for current staff to obtain certification);
- A holder of a Responsible Service of Alcohol Certificate must be on premises at all times during trading hours. Hotel type premises that have separate drive through bottle shops are required to have a person who holds a Responsible

---

<sup>9</sup> *Living with Alcohol* was a comprehensive public health strategy to address alcohol related harm, funded by a levy on alcohol products containing more than 3% alcohol by volume (National Drug Research Institute, Curtin University, and the Lewin-Fordham Group 1999).

Service of Alcohol Certificate in the bottle shop area in addition to the main area of the licensed premises.

Responsible Service of Alcohol accreditation can now be accomplished online in the Northern Territory for a fee of \$56.00 with the William Angliss Institute, or for \$50.00 with the International College of Advanced Education. The ICAE created a course to meet the needs of bar-tenders, bar managers and publicans.<sup>10</sup>

#### **4.3.3 Good practice in physical environment and amenity**

Apart from the principles of good practice around the responsible service of alcohol, we know that the physical environment within which drinking occurs has an effect on drinking behaviour and aggression. International research has demonstrated that the level of amenity in licensed premises (such as cleanliness, ventilation, layout, seating, type of entertainment) is associated with levels of violence.

The décor and upkeep of a bar sends a message to patrons about the behaviours expected of them. A physical environment that is messy or unclean contributes to a general ambiance of permissiveness, which in turn may influence aggression, according to Graham et al (Graham, K, Benardes, Osgood et al., 2006). In their study, aggression was more likely to occur when bars or clubs were crowded, noisy, smoky and unclean, with plenty of movement, dancing, sexual activity and highly intoxicated patrons, security staff who may lack professional boundaries, and large numbers of patrons hanging around after closing time.

Research by Ross Homel and Jeff Clark (Homel & Clark, 1994) on predicting and preventing violence in pubs and clubs (and based on fieldwork observations of 36 premises) found some specific predictors of aggression and violence – or at least correlations with aggression and violence. These predictors included: the presence of a disco, hostility, swearing, roughness and bumping; bar crowding<sup>11</sup>, inadequate numbers of bar staff relative to crowd; Pacific Islander bouncers; staff intervention with intoxicated patrons, refusal of service, and low levels of server responsibility. Bouncers were not responsible for initiating assaults, however they often inflamed the situation or ignored it, partly because they were frequently employed ‘straight off the gym floor’ and had minimal skills in communication and non-violent conflict resolution. Staff interventions with intoxicated patrons increased the likelihood of aggression, especially if they were intimidatory. Homel and Clark’s research observed that instead of offering a non-alcoholic drink, food, or alternative transport to such

---

<sup>10</sup> <sup>10</sup> <http://www.ahant.com.au>

<sup>11</sup> Homel distinguishes *bar crowding* from *overall* crowding: bar crowding has to do with movement and concentration within the premises, as opposed to the overall density of patrons.

patrons, staff usually just refused service, precipitating arguments, verbal abuse and (directly or indirectly) physical violence (Homel & Clark, 1994).

Research in the UK found that assaults on licensed premises were associated with:

- Frustrations arising from insufficient serving areas, poor layout, uncomfortable sound, heating or lighting levels;
- Poor layout, including large open spaces that can lead to the contagion of aggression;
- Inadequate flow patterns restricting customer movement without physical contact (increasing spillage, jostling and conflict);
- Siting and design of the bar not allowing for staff to control their own space (cited in King & Richards, 2003).

An Australian literature review (Doherty & Roche, 2003, cf also King & Richards, 2003) identified many similar problems and suggested solutions:

**Table 3.1 Suggested solutions for design issues**

<b>Crowding</b>	<b>Consider design issues when deciding maximum patron numbers; ensure compliance with maximum numbers; maximise traffic flow</b>
<b>Lighting</b>	Ensure that lighting balance is not irritating (too bright), nor encourages offending (too dim)
<b>Ventilation</b>	Ensure premises are not too hot (or smoky)
<b>Bars</b>	Ensure that bars are accessible and do not interfere with patrons' movement
<b>Staff</b>	Ensure adequate staff/patron ratio supported by good communication systems (for example security guards with walkie-talkie)
<b>Physical hazards</b>	Remove obstacles such as seating in high traffic areas

#### **4.3.4 Ideas for good practice from mainstream clubs**

A guide published in South Australia is designed to help licensed social clubs manage themselves well. Clubs SA published *Roles and Responsibilities for Licensed Clubs* in 2012. The guide dovetails with South Australian liquor legislation, and is designed to give the directors of clubs one resource that overviews all their responsibilities, in a situation in which there are around 1200 licensed clubs, some of which are very small

and staffed by volunteers. Clubs SA is a peak body with voluntary membership. It is affiliated to the national organisation Clubs Australia and, like the Australian Hotels Association, there are branches in each state and territory, including Clubs NT.

*Roles and Responsibilities for Licensed Clubs* deals with a wide range of issues including corporate governance, directors' and committees' roles and responsibilities, club constitutions, occupational health and safety issues and industrial relations. It seems that many clubs have out-of-date constitutions that need to be updated. The constitution is where you list the meeting procedures, rules about annual general meetings, record keeping, who is auditor etc. Clubs SA organises managers' meetings about three times a year: these are designed to keep club managers up to date with compliance issues, with guest speakers discussing a range of issues such as energy efficiency and tax issues. There is a monthly newsletter to members of Clubs SA.

South Australia's Office of Liquor and Gaming (which is now part of an overarching department called Consumer and Business Services) keeps records of the membership of the governing committee of all clubs that hold a liquor licence. All such members are required to pass a police probity check.

#### **4.4 International Indigenous initiatives in operating licences**

Australia is alone in experimenting with having long-term licensed clubs or taverns under community control located within discrete Indigenous communities. In Canada there are scattered examples of native-owned and run liquor stores and bars, but it is more common for First Nations Canadians to apply for special occasion licenses, which allow them to run short-term bars at events on reserves. In New Zealand, Maori also make use of special licences in order to sell alcohol on marae.<sup>12</sup> Particularly in the USA (and to a lesser extent in Canada), Indigenous corporations own hotels and casinos on their land which sell alcohol, but these venues are designed to attract a wider customer base onto their reserves in order to create wealth locally. This means that such drinking venues often (but not always) have a racially mixed character in which locals mingle with a wide range of visitors and tourists, whereas the most obvious result of the development of social clubs in Aboriginal communities is that that they constitute drinking environments for a very particular, and largely segregated, clientele.

Because it is not common for Indigenous groups in developed countries such as Canada or New Zealand to own and manage licensed drinking venues in their communities, there is a relatively small pool of research literature on good practice internationally. However, there are examples from New Zealand and Canada of good practice in host responsibility in managing Indigenous-run licensed events. These

---

<sup>12</sup> A *marae* is a communal meeting place used for religious and social activities

would best be described as instances in which communities have instigated regulated occasional consumption as a harm reduction strategy – a compromise between being completely dry on the one hand, and having alcohol permanently available on the other. In Canada some communities have designed their own regulatory policies to support moderate drinking and to cut down on alcohol related problems (Dell & Lyons, 2007). In New Zealand, Maori have produced similar guidelines for licensed events on marae.

#### **4.4.1 New Zealand: Maori marae**

The history of alcohol use among Maori demonstrates that cultural forms and activities have not necessarily precluded the consumption of alcohol, and this is a feature of Maori culture that persists today. Social customs including drinking alcohol were adopted by many Maori, so that it was customary for alcohol consumption (usually a cap of whisky) to accompany talking about history, and to be a catalyst for discussion and the recounting of oral testimony (Na Bradford Haami, Appendix in Hutt, 1999, p.109). In the 1960s in rural communities home brew or bottles of whisky were presented as gifts by visitors to their hosts (Hutt, 1999, p. 78), and beer parties were held following a burial – usually away from marae. Ceremonial gatherings (hui) often now include a visit to the pub, and speakers at hui are sometimes inebriated.

Alcohol is now accepted on some marae, although most of them forbid alcohol consumption other than for special occasions. Marae are used for social and ceremonial gatherings, which include weddings and 21st birthday parties – these usually involve drinking. Few marae have total prohibitions, indeed in 1996 wine was being produced commercially on a Wellington marae (Hutt, 1999, p. 80). In the past, controls over alcohol on marae were much stricter. In the early 1900s for example, Maori councils in a number of districts had powers to make by-laws on sanitation, drunkenness, gambling and so on, and the first of these by-laws to be enacted, in 1901 (at Horouta on the East Coast), banned bringing alcohol onto the marae. By so doing, the council built on a long tradition of alcohol controls and regulation emanating from earlier local committees of Maori elders.

#### Short term alcohol licences on marae

Marae have been permitted to have licences since 1974, when an Inquiry into the Sale of Liquor in New Zealand allowed this to happen. It was thought that within marae alcohol could be ‘sold and consumed within the cultural context of Maoritanga’ (Hutt, 1999, p. 78). On these occasions, residents seek and obtain short-term licences to sell and serve alcohol. Special licences in New Zealand, as in other countries, are available for the temporary or intermittent sale of alcohol at an occasion or event, or at social gatherings of varying kinds. The responsible supplier is legally required to ensure host responsibility is followed at all times (which includes requirements such as the

provision of substantial food as long as alcohol is being served; the provision of non-alcoholic drinks; and free non-alcoholic drinks for designated drivers).

Accepting the reality of alcohol on marae, since 1994 the Manaaki Tangata [‘Caring for people’] program of the NZ Alcohol Advisory Council (ALAC) has been providing guidance for the service of alcohol at community events in an attempt to minimise harm and encourage moderation. The Manaaki Tangata program is in effect the ‘indigenisation’ of the existing mainstream principles of host responsibility in New Zealand, and is designed to assist Maori to develop and implement policies that ensure safer drinking practices in homes, marae and sports clubs ([www.alac.org.nz/maori/manaaki/index/html](http://www.alac.org.nz/maori/manaaki/index/html))

### Host responsibility and safe service

The focus of Manaaki Tangata is on ownership of the responsibility for alcohol control, and is based on the notion that both hosts and guests have an equal responsibility to promote safer drinking practices – making use of the strong Maori tradition of hospitality, of offering the best to one’s guests (the term manaaki can mean ‘to care for’, ‘to support’ and ‘to give hospitality to’). The Manaaki Tangata guidelines state clearly that ‘Alcohol is used frequently as a symbol of Maori hospitality, and it is now often an automatic gesture to offer manuhiri [visitors] a drink or to provide alcohol when entertaining and socialising’ (Manaaki Tangata, 1994). ‘Manaaki Tangata’ seems to be synonymous with host responsibility.

The Manaaki Tangata program provided a resource kit with guidelines for safer alcohol use at home, marae or sports clubs; brochures; a directory of Maori alcohol health promotion workers; a newsletter;+ and promotional T-shirts. Awards for promoting sensible attitudes towards alcohol have been given to clubs and inter-marae competitions, for the implementation of four harm reduction practices:

- Food – providing an adequate supply of non-salty foods
- Non-alcoholic beverages – providing a variety of non-alcoholic drinks including tea and coffee
- Drive safe – providing alternative transport options for drivers at risk
- Games and activities – providing alternatives to drinking (New Zealand Alcohol Advisory Council (ALAC), 1994).

The advice provided to Maori wanting to serve alcohol includes how to develop a Manaaki Tangata policy on safe service and consumption, and a pro-forma of such a policy for people to complete and display at their venue. The items recommended for inclusion in the policy are as follows:

- The policy should include when alcohol is served (what types of occasions)
- Length of time alcohol will be served

- Location of where alcohol is to be served
- That food will be provided at all times (before, during and after drinking)
- That non-alcoholic drinks will be available
- That low alcohol beer will be available
- Those who serve alcohol are aware of their responsibilities on the Sale of Liquor Act
- Training for those serving alcohol
- Not serving alcohol to young people underage
- Not serving people who are drunk
- Organising activities for children
- Strategies for dealing with drunken people
- What other activities are to be provided
- What is to be done to ensure everyone gets home safely.

The Manaaki Tangata ‘best practice’ guidelines for hosting a special (licensed) event are as follows:

1. Provide food before, during and after alcohol is served
2. Serve alcohol responsibly and provide non-alcoholic drinks (if someone looks like they’ve had too much, encourage them to eat some food, take time out, or offer them a bed for the night)
3. Avoid serving underage drinkers (encourage parents and guardians to keep an eye out for underage drinkers)
4. Managing those who drink too much (list of signs to look out for; offer food to take the focus off drinking; make sure they don’t drive home)
5. Provide a wide range of activities (band, singing, cultural group, talent quest, karaoke to lessen the focus on alcohol)
6. Organise activities for children (ensure they are not left unattended in cars outside; have a roster for babysitting; provide activities, entertainment and a sleeping room with an adult supervising)
7. Get everyone home safely.

The Manaaki Tangata program dates from the mid-1990s. More recent reports from New Zealand confirm that short term licences on marae are well managed and respected by the people. They have good support systems in place (including police and local authority processes and support); and often these licences go through a thorough process of consultation within the communities as part of marae policy in general. If serious incidents occur the police become involved; less serious problems are said to be dealt with by the wider marae families (Pers. Comm. 13/5/12, Matiu Julian, Maori Manager, ALAC).

At present ALAC provides two kinds of funding under the Manaaki Tangata program: community funding, and workforce training grants.

#### **4.4.2 Managing special occasions permits on Canadian First Nations reserves**

In Canada, First Nations communities on-reserve have opted for a variety of alcohol control regimes, ranging from complete bans in dry communities, to different types of alcohol permits in ‘moist’ communities (Smart & Ogborne, 1996). In the latter case alcohol use is only permitted in private homes rather than in community space – an arrangement that has caused a decline in community social life (such as participating in feasts and Powwows) as people opt to stay home where they can consume alcohol (Gliksman, Rylett, & Douglas, 2007, p. 1853).

A solution to this situation for some reserves has been to apply for a special occasion permit (SOP). A Special Occasion Permit has been required since the 1970s in Ontario any time liquor is offered for sale or served anywhere other than in a licensed establishment or a private place (such as a residence).<sup>13</sup> First Nations communities have used these SOPs to serve alcohol legally at weddings, sports banquets or fund-raising events. So instead of these First Nations communities deciding to open a permanent licensed club, as has been the case in Australia, they are licensing specific facilities (such as sports fields, skating rinks, indoor sports facilities) for specific occasions, including renting out their facilities to individuals and groups from neighbouring communities (Gliksman, Rylett, & Douglas, 2007). The permit-holder assumes responsibility for the safety and sobriety of those attending.

The disruptive use of alcohol at some of these special functions in one Reserve (Mattagami in Ontario) led the Chief and Council to appoint a committee to develop a policy for such events. Policy was made in this instance by a widely representative committee (including police, legal aid, community health and NNADAP<sup>14</sup> representatives, the chief, and a consultant from the Addiction Research Foundation<sup>15</sup>). Deliberations took seven months, and involved a thorough review of research findings, information on managing drinking in recreational settings, activities by other communities and past experiences. They examined the Liquor Licence Act and looked at suitable facilities, collected opinions and ideas from the community and identified concerns.

---

<sup>13</sup> <sup>13</sup> The Alcohol and Gaming Commission of Ontario issues Licensee Information Sheets for running Special Occasion Permits events: [www.agco.on.ca](http://www.agco.on.ca)

<sup>14</sup> <sup>14</sup> NNADAP = National Native Alcohol and Drug Abuse Program

<sup>15</sup> <sup>15</sup> The Addiction Research Foundation is now known as the Centre for Addiction and Mental Health.



The resultant alcohol management policy (AMP)<sup>16</sup> (adopted in 1993) is to provide responsible management practices at drinking permit events in Mattagami.<sup>17</sup> It includes:

- a listing of where drinking permit events may and may not take place
- a ban on under-aged youth from such events
- the policy requires low- and non-alcoholic drinks to be available
- the policy requires signs to be posted about the serving of intoxicated people, and other server issues which remind the operators of their responsibilities.

Most permit drinking events are operated by volunteers with limited experience in managing drinking environments, so the Mattagami AMP requires that servers receive training in recognising when a person is intoxicated, and how to prevent this.

Having an AMP has offered a compromise between different (and sometimes antagonistic) Indigenous positions on alcohol use, with a balance of 'wet' and 'dry' events, and an insistence that low- and non-alcoholic drinks be available (Gliksman, Rylett, & Douglas, 2007; Lauson, Gliksman, Douglas et al., 1998; Narbonne-Fortin, Rylett, Manitowabi et al., 2001). The principles guiding Canadian alcohol management policies, and the licensed occasions on which they are used, appear to be very similar to the Maori Manaaki Tangata policies.

At Wikwemikong, the AMP designated specific facilities as being suitable for hosting alcohol-related events (for example the hall and the concrete surface of the ice skating rink), while banning alcohol from the lobby and locker rooms. Their policy designated all beaches, parks, sports fields and church halls as alcohol-free zones, and stated that adult events taking place in youth facilities or schools should also be alcohol-free ((Narbonne-Fortin, Rylett, Manitowabi, et al., 2001).

In the 1990s four Ontario First Nations communities implemented alcohol management policies as a way of tightening up how and when licensed events operate. Policies were adopted in Moose Cree First Nation (1992), the Unceded Aboriginal reserve of Wikwemikong (1993), Mattagami First Nation (1993), and Aamjiwnaang First Nation (1994), with populations ranging from 126 to 2,500. It is important to note that these four communities approached and received assistance in the policy-making process from the field staff at the Centre for Addiction and

---

<sup>16</sup> In Australian alcohol policy literature, the initials 'AMP' frequently refer to Alcohol Management Plan. These are not to be confused with Canadian Alcohol Management Policies (AMPs).

<sup>17</sup> These Canadian examples of Alcohol Management Policies (AMP) are primarily directed at managing serving practices at licensed events, whereas an Australian Alcohol Management Plan (AMP) is a broader plan for regulating the availability of alcohol in a community, including whether it is available at all and if so, how that availability is managed.

Mental Health in Ontario. Each community set up a special committee separate from the Band Council to formulate and debate policy and become familiar with the laws for operating licensed events.

#### Problems and monitoring

After two years of operation, problems in these Canadian alcohol management policies included one community reporting difficulties in enforcing the policy rules because their facilities were rented out to other people from surrounding communities. In another instance the Band Council sometimes undermined the rules by granting special permission to favoured groups. Overall stakeholders believed that events were well organised using the AMP and that alcohol-related problems had been reduced, with fewer fights and fewer underage participants being served alcohol (Lauson, Gliksmann, Douglas, et al., 1998). It appears that these improvements have been sustained over time (Gliksmann, Rylett, & Douglas, 2007).

In these Maori and First Nations Canadian examples, it is hard to establish how people have dealt with enforcement or cautioning people who disregard or flout these informal rules. It is important to remember that these are indeed informal policies and forms of community regulation, relying in effect on the degree of respect paid to those who created the policies, and dependent on the tacit agreement of others to abide by them.

Short-term special licences such as these are, naturally, available in Australia, and each state or territory has its own regime. In Queensland the Office of Liquor and Gaming Regulation issues Community Liquor Permits to unlicensed organisations who wish to sell or supply liquor on a temporary basis or a one-off occasion. An individual over 18 years can apply on behalf of a non-proprietary club, organisation or association as long as the purpose is not to make money for themselves. Commercial operations or individuals may apply for a permit as long as the profit from liquor sales is donated to a registered charity or organisation. In Queensland, an Event Management Plan is required for such licences; but there are relatively weak requirements for servers to have had RSA training (Government, 2010).

#### **4.5 Alcohol outlets in remote Indigenous communities in Australia**

Since the 1970s some remote Indigenous communities have had clubs and pubs that have sold alcohol to the local community. There is no uniformity in the development of these outlets – they did not arise as a result of a particular policy. The history of each one is governed by local factors. However, once established, many clubs and canteens have followed quite similar trajectories in terms of consumption patterns and the issues they encounter in response to pressures within the community for access to alcohol, and externally from regulatory and other bodies to minimise any harm that may be caused by the alcohol they sell.

Since the 1970s the general trend has been for starting with modest trading hours and conditions, which expanded to longer hours and a higher likelihood of takeaway; followed by progressively tighter limitations on opening hours and products sold. A second general trend is that management and accountability structures for such outlets tend to be problematic.

One group of community based alcohol outlets are to be found in the Cape York region of Far North Queensland. These were formally established after 1971 when regulations were gazetted under the 1971 *Aborigines Act*. They were originally set up and run by the Department of Aboriginal and Islander Affairs (DAIA). The Director was empowered to own liquor facilities and hold liquor licences, thereby controlling conditions of sale and supply (Cape York Justice Study, 2001). Some years later control was transferred to Aboriginal Community Councils (which were also set up under the Act). Initially only beer was sold, and canteens were open for two to four hours a day. The premises were described by Fitzgerald as ‘open-sided sheds lacking seating, food or any of the social amenities required under the Licensing Act. Parameters were marked out, often by logs, as the established premises’ (Cape York Justice Study, 2001).

The other setting for licensed premises in remote communities is the Northern Territory. As in Queensland, these outlets began in the 1970s with the establishment of Sports and Social Clubs in several communities. Over the decades several communities have opened licensed clubs for varying amounts of time, most of which have been in the Top End. By 2013 only eight licenced premises remain open in remote Indigenous communities in the Northern Territory. All are in the Top End, and four are on the Tiwi Islands.

#### **4.5.1 Regulatory environment**

##### **4.5.1.1 Queensland**

In the 1970s, profits from canteens went into a Welfare Fund, which was spent ‘on a range of administrative functions’ (Cape York Justice Study, 2001). As the politics of self-determination unfolded through the 1980s and 1990s, community councils were given increasing control over the management of canteens. This was done through the application of community by-laws (*Community Services Act – (Aborigines) 1984*), the power of which overrode the requirements of the Queensland *Liquor Act*. This meant that community councils could control the opening hours, what products were sold, and how any profits arising were spent.

Under this regime the hours of opening were extended, takeaway was allowed, and the range of products was extended beyond beer. The canteens generated considerable profits, which made them an important part of the economy of each individual community. The profits made were controlled by the community council,

and came to be an important source of discretionary revenue in an environment in which most council funds were from government and subject to accountability requirements. This created pressure to increase profits from the canteens, which was achieved by extending their trading hours and terms of trade.

The Fitzgerald Cape York Justice Inquiry noted that the co-location of the control of the sale and consumption of alcohol, and the other responsibilities of community councils were not comfortable bedfellows:

*There are major contradictions between the commercial imperatives of running a liquor outlet, and the responsibilities of the councils relating to welfare and to law and order. The community council has the responsibility for the welfare of the residents on one hand, and on the other, running the wet canteen as its main enterprise. This enterprise is threatened by calls to shut it down or vary the trading hours, and by the demand that maintains the sly grog trade. It has been recommended that the contradiction inherent in the councils' roles of community responsibility and managing the canteen be addressed. Martin recommends that the conflict between the various current roles of councils in the sale and control of alcohol in these communities could be minimised. This would involve separating responsibility for developing and implementing local policies and by-laws to control the supply and consumption of alcohol from responsibility for its actual sale (Cape York Justice Study, 2001, Vol. 1, p. 51).*

In 2002, in response to the Fitzgerald Inquiry, the Queensland government introduced a policy entitled 'Meeting Challenges, Making Choices', one priority area of which was dealing with alcohol misuse. This was to be achieved by introducing new restrictions on alcohol availability; empowering Community Justice Groups to impose sanctions on community members who misused alcohol; divesting community councils of responsibility for managing licensed venues in communities; and introducing a range of measures to enhance capacity in education, primary health centre-based interventions, and treatment/rehabilitation (Queensland Government, 2002). New initiatives relating to the supply and management of alcohol were to be governed by Alcohol Management Plans devised through a consultative process on a community by community basis.

An evaluation of the new policies conducted in 2005, three years after the policies were introduced, reported mixed findings. It noted that new restrictions on alcohol availability had taken effect in 18 of 19 communities targeted by the reforms and that, overall, there had been a reduction in assaults and injury. However, the report was critical of what it saw as poorly planned and conducted implementation of the reforms. It concluded that, while progress had been made in reducing availability of alcohol, attempts to transfer control over canteen licenses from community councils

to separate 'Canteen Management Boards' had failed, and the promised additional resources for intervention and rehabilitation had not eventuated (Queensland Government (Department of the Premier and Cabinet), 2005).

In 2008 the Queensland Government introduced further legislative changes, under which community councils would henceforth be prohibited from holding canteen licenses (Queensland Government, 2008). The practical effect of these changes was that licensed canteens ceased to operate in almost all communities. These changes were also linked to the Cape York Welfare Reforms, which have been the responsibility of both the Australian and Queensland governments. It is now the responsibility of the Office of Liquor and Gaming Regulation (OLGR), which will consider any new licence applications lodged for restricted area communities. The Liquor Licensing Division can place conditions on licensed premises in a restricted area to ensure the responsible service and consumption of alcohol. They are also empowered to determine licence conditions for existing licences and to ensure that each Canteen adheres to those conditions.

#### Alcohol Management Plans

Since their introduction from 2002, Alcohol Management Plans in Queensland have generated continuing controversy and, more recently, a legal challenge. However, two studies of assaults and injury rates, based on medical evacuations from Cape York communities, suggest that they have had a beneficial impact on health and wellbeing in these communities, with retrievals for serious injury falling to their lowest level in 15 years (Margolis, Ypinazar, & Muller, 2008; Margolis, Ypinazar, Muller et al., 2011).

Notwithstanding these trends, in December 2012 the recently elected Liberal National Party Queensland Government announced that these Community Alcohol Management Plans would be reviewed (Queensland Government Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, 2012). The Reviews was to consider the following:

- Previous reviews and the evidence base regarding alcohol misuse and the causes of high levels of violence
- The strength of community leadership and capacity to manage alcohol misuse and reduce alcohol-related harm
- The effectiveness and impacts of current AMP supply and demand strategies to reduce alcohol-related harm
- The impact of AMPs on community members and regional centres

- Future strategies to manage alcohol misuse and reduce alcohol-related harm, in each community, with a view to transitioning from AMPs<sup>18</sup>.

#### **4.5.1.2 Northern Territory**

Regulation of liquor licences in remote communities in the Northern Territory has followed a very different path. Until 2015 it was the responsibility of the Licencing Commission (LC), now the NT Department of Business, or its predecessors. Prior to 2015 the LC was an independent statutory authority with extensive powers to regulate and enforce the Territory's racing, gaming and licensing legislation, and act as an independent tribunal to resolve complaints through a formal process. However in January 2015, in order to 'cut red tape and simplify processes for licensees' it was abolished (Northern Territory Licensing Commission, 2015). The aims of the Liquor Act 2012 are stated as:

*1) The primary object of this Act is to regulate the sale, provision, promotion and consumption of liquor:*

*(a) so as to minimise the harm associated with the consumption of liquor; and*

*(b) in a way that takes into account the public interest in the sale, provision, promotion and consumption of liquor.*

*(2) The further objects of this Act are:*

*(a) to protect and enhance community amenity, social harmony and wellbeing through the responsible sale, provision, promotion and consumption of liquor;*

*(b) to regulate the sale of liquor in a way that contributes to the responsible development of the liquor and associated industries in the Territory; and*

*(c) to facilitate a diversity of licensed premises and associated services for the benefit of the community (Northern Territory of Australia, 2012).*

During the period prior to the 2007 NTNER communities who wished to have a liquor licence had to apply to the LC, and demonstrate that the whole community supported the proposal. The LC then set the condition under which the licence operated.

Unlike Queensland, the NT did not develop any uniform response to its regulation of licenced clubs in remote Indigenous communities. LC involvement in each licence was triggered by a complaint (most often from police), or an application to vary trading conditions from the licensee. The LC has then used the provisions of the Liquor Act and its established due process to address the issues before it.

Through this event triggered supervision process the LC addressed similar issues in each community. The principal elements that have arisen, and over which the LC has made decisions, are:

- Whether the licence permits take away sales;
- Trading days and hours;
- Limits on the volume any individual is allowed to purchase per day;
- Stipulations intended to slow down patrons' drinking by limiting the number of drinks they can have in front of them at any one time;
- Limits on the products sold – a limitation to beer in the beginning, and this has progressed to light and mid-strength beer only;
- Requirements for training for management, bar staff and security staff.

The general trend has been for progressively tighter requirements. The case study below presents a summary of the dealings of the LC with one club (extracted from the hearing documents made available by the (then) Alcohol Policy and Strategy Unit). It demonstrates the ongoing series of complaints and responses, and shows the interaction between the efforts of the licensee and the LC. These excerpts are drawn from interactions that took place between 2002 – 2009.

**CASE STUDY 2002 – 2009 LICENSING COMMISSION INTERACTIONS WITH ONE COMMUNITY LICENSED PREMISES**

**Sept and Nov 2002 – Complaint from police – list of 41 incidents:** Heard Jan 2003

- Lack of trained security resulting in excessive intoxication
- Lack of enforcement by Nominee of licence conditions
- Nominee permits staff to drink excessively for several hours after closing
- Nominee and executive fail to respond to community concerns
- Patrons are served well past point of intoxication

Led to following licence conditions

- Employ non local security personnel: Mon – Wed – 2; Thurs – Sat 3
- Nominee shall be present bet 5 – 7 every trading day
- Cooked finger food available – 6 – 7pm and free of charge, enough to cater for everyone
- 6 – 7pm not more than 1 cup of beer per patron at any one time
- Club will close for funerals and ceremony
- Staff drinks are prohibited
- Club will be closed on Wednesdays – trial for 6 months (references Tennant Creek experience)

**Feb 2003**

Request by the local government to suspend closure of the club on Wednesdays:

- Being done in isolation was causing problems at other clubs
- Closure during the consultation for the AMP was causing confusion
- Community was not consulted and did not agree to the Wed closure
- Wed arvo exodus to other drinking venues might see a fatal accident
- Wed arvo was seeing high absenteeism as people were driving to other places.

Request denied

**July 4 2005**

Clubs requested change in T/A hours to 5 – 6.30. Aim to stop people getting their takeaway before Club opening time because patrons are arriving at the Club already intoxicated. Granted, but changed to 4 – 6pm, with all alcohol having to be purchased and removed by then. Change to make them uniform with other clubs.

**Sept 2005**

Director of licensing brought 4 complaints on Dec 2004: 2 about serving people while they were intoxicated. 2 about fitness of person to hold the licence. Both dismissed due to circumstantial evidence.

However Commission noted its concern: 43 *'about the obvious relationship between persons drinking at the Club and domestic violence, suicide attempts and other callouts attended by Police and Clinic. The general tenor of the evidence before us seems to support the conclusion that most of the problems within the community on the nights when the Club is open involves a person or persons who have earlier been drinking at*



47: To this end we formally request a written report from the licensee within 3 months of the date of this decision documenting what steps the licensee has taken and intends to undertake to address the problem of binge drinking at the Club and to assist in bringing about a change to social drinking.

Not made a license condition. Notes that they will visit after they receive report to talk it through.

**June 5, 2006**

Licensee requested a hearing in order to:

Variation of the license condition to prohibit the sale of heavy beer on licence. Trial for 6 months and to be reviewed.

Reasons: 8 high rates of suicide and many of the deceased having high blood alcohol levels – 94 attempted suicides from Nov 2004 – June 2006 and 6 successful. Connection between high rates of alcohol related harms and nights on which the Club is open.

Request accepted: Notes that if problem drinkers migrate to other clubs they may have similar conditions imposed on them.

**Sept 2009:** Hearing into several complaints: ‘Numerous breaches over Oct – Nov 2008:

- Underage drinking on the premises
- Serving people who are intoxicated
- Only 2 non local security staff when licence requires 3’

Nominee did not contest complaints.

Despite the NTNER licence conditions the club still regularly experiences the following:

- Intoxicated patrons on premises
- Patrons regularly trying to have more than 6 cans
- Patrons regularly trying to have more than one can in possession
- Patrons regularly attempting to stock pile cans
- Patrons regularly trying to take cans out of the premises

Club has tightened up the ticket system – security issuing tickets, creating servery lanes so serving is more orderly, put signs around with the rules, put in camera surveillance. Nominee made point that if the LC suspended the licence they needed to make sure that the patrons understood why, and that what they try to do is serious, and leads to club closure.

26. *‘Whilst the Club Committee have generally been disinterested in trying to improve the culture binge drinking at the Club, various measures and in particular the full strength beer ban imposed by the Commission did result in a significant improvement in patrol conduct at the Club and a decrease in after hours police call outs. More recently however, there appears to have been an increase in binge drinking at the Club despite all of the restriction imposed in the licence conditions’.*

27. *‘The Commission is now presented with the information that the trading conditions at the Club appear to be at best, not conducive to the socialising of alcohol in a community friendly manner, or at worst, a debasing swill by those hardened to over consumption. The Commission is presented with the unedifying spectacle of many drinkers not so much enjoying the occasion as drinking to get drunk.’*

Commission imposed a 4 day suspension, and required that a photo id system be introduced to curb accessing more than 6 cans. Considerable discussion on ways to make ‘the ticket’ system more effective in limiting people to 6 cans.

Commission members to visit to explain their decision and ramifications to Committee and other stakeholders.

The above example demonstrates the dialogue between the LC and one particular licensed premises. It is clear that the Commissioners are trying to arrive at conditions that will help to create a safe and responsible drinking environment – which was part of their role as described by the Liquor Act 2012.

Whilst it is clear that the LC endeavours to achieve its mandate in the remote context, there are also examples of cases where it accepted more high risk practices than would be tolerated in an urban environment. The following example is from 2002, and is the response of a Commissioner to a complaint by the police that the nominee was selling take away liquor to people who did not hold the appropriate permits:

*Because the law allows for any person or group to seek a liquor licence and because the Commission appreciates that the management skills of licensees in most communities need time to develop, we are inclined to allow, at least initially, a lower hurdle for Aboriginal licensees. We don't turn our minds as to whether our attitude is discriminatory. We simply believe it is necessary to provide an opportunity for local management of what can be a valuable community resource (Northern Territory Licensing Commission, Reasons for Decision, X Sports and Social Club, Darwin, February 2002).*

The Commissioner here refers to the club as a 'valuable community resource'. This point of view also has reinforcement in the Liquor Act which sets out aims to contribute to the responsible development of the liquor industry, and to promote licenced premises to the benefit of the community. The following excerpt is part of the same decision:

*'The Commission and myself spend many hours embroiled in the alcohol debate. Much of the debate revolves around the excess consumption of liquor by Aboriginal people. There are many people, both Aboriginal and non Aboriginal who argue that there should not be clubs on Aboriginal communities. There is research published by academic institutions that grimly details the deleterious effects of some clubs or so-called wet canteens. Nevertheless the Commission continues to defend its position and continues to approve licensed clubs in communities because the law allows Aboriginal people to seek such clubs as a matter of community choice.*

*The Commission sees no value in prohibition. Indeed we are amazed it has advocates. There are Aboriginal clubs that are well managed, and have been so for extended periods (Northern Territory Licensing Commission, 2002).*

The issue which confronted the Commissioners of the LC is one of balance – what price is reasonable for a community to pay in order for its members to have access to

alcohol? At times the LC appears to come down strongly in favour of the right to access alcohol:

*19: ‘ We have considered the whole history of these particular licensed premises, the health concerns expressed about the X<sup>19</sup> children and the more general concerns about the impact of liquor on X Communities. We have heard the strong submissions put forward by other complainants that the licence breaches and general history of the Club are sufficient reasons to cancel the licence.’*

*20: Had there been no change in management following the numerous breaches of licence in 2004 cancellation of this licence would have been highly likely. Whilst the change in management has not been without its difficulties and with full acknowledgement of the licence breaches on 4 separate occasions in 2005, we have reached the conclusion that the penalty imposed against the Club should not be the ultimate penalty of cancellation of their licence. We reach this conclusion after careful consideration of many significant factors.’ (Northern Territory Licensing Commission, 2005).*

The dilemma of the LC in trying to find a balance in regulating licenced clubs has been noted in the research literature. As researchers from Curtin University commented, many Indigenous people drink in settings which permit lower standards of behaviour and higher levels of intoxication (Bourbon, Saggars, & Gray, 1999, p. 20). Because Indigenous social clubs are in effect small-scale ‘Aboriginal pubs’, they are at risk of these lower standards and higher tolerance of poor conduct. In 1999 Bourbon, Saggars and Gray found that many licensed Aboriginal canteens and social clubs were poorly maintained rugged structures of corrugated iron and concrete floors and that that club managers appeared to be unaware of the influence of poor amenity on patrons’ behaviour.

Since that time the managers of social club premises have tried to create better environments with outdoor garden areas, barbeques, and areas that can cope with influxes of visitors. The (now closed) Tyeweretye Club in Alice Springs and the Gunbalanya club were cited as examples of such positive developments (Bourbon, Saggars, & Gray, 1999, p. 21). At the time of this research all clubs were pleasant places with good amenities.

The 2007 NTNER Act made some changes to the conditions covering licensed social clubs that are described in the Introduction of this report.

---

<sup>19</sup> The name of the community has been removed for reasons of confidentiality.

#### 4.5.1.2.1 Ideas for Sports and Social Clubs: Creating Safer Drinking Environments – a guide published by the Living with Alcohol program (1996)

Despite an absence of any over-riding policy approach to licensed clubs in remote Indigenous communities in the NT, there was an attempt to foster better management practices. In 1996 the Living with Alcohol program published *Ideas for Sports and Social Clubs Creating Safer Drinking Environments* (Hunter & Clarence, 1996). This was the first (and still is the only) published document about the role that licensed social clubs can play in creating safe alternatives to drinking away from the home community. It is in effect a best practice guide to running a licensed club.

Social clubs are described in the guide as being:

- a means of keeping people in the community to consume alcohol in a safe environment (harm reduction); and
- a means of creating income to be shared by the community for community projects (social enterprise).

*Ideas for Sports and Social Clubs* sets out the basic principles of responsible service and management of a licensed social club and makes the following recommendations:

##### Governance:

Club committee: The club committee or club management is responsible for supervising all operations of the club. Some committees are made up of serving members of the community council. The guide recommends regular community meetings to deal with issues concerning the operations of a club.

A House Policy: this outlines the club's practices, procedures and conditions, summarising the Code of Conduct and the Code of Practice (see below).

##### Signage:

Clubs should display regulation signs saying they are not allowed to serve intoxicated or underage drinkers. They need to display the name of the licensee, the hours of opening, and the conditions of the licence.

Management:

##### A Code of Conduct:

A code of conduct is a list of publicly displayed rules for patrons about behaviour in the club. This can include listing banning orders for alcohol-related offences; dress requirements; no spitting; no racial taunts; no arguing; no fighting; no re-entering premises drunk; no aggressive threats etc.

##### A Code of Practice:

A code of practice is a list of publicly displayed rules for staff and licensees about selling and drinking alcohol in the club. This can include the penalties for staff who

break the rules of alcohol service, such as serving drunks or providing book-up when it is prohibited; lists of acceptable trade practices such as promotions, happy hours etc.; unacceptable practices such as multiple free drinks; promotions encouraging excess; and it should set out the club's safe transport policy.

Underage drinking:

Staff should ask for proof of age if necessary. Club rules should explain how to deal with underage drinkers and accompanying family members.

Working environment and staff morale:

There should be enough staff and supervision for the premises, and staff should have access to regular training and regular staff meetings.

Managing intoxication:

Proper training teaches staff how to recognise when a person is drunk and how to deal safely with them. For example staff can: ensure another staff member is close by; show concern for the safety of the drunk person; speak to them privately; be polite and non-judgmental; arrange for transport or help home; call the manager or police if the situation becomes hard to handle. The guide provides details of where accredited training courses are available.

Security staff:

Their role is to prevent drunk or underage people from entering, to remove troublemakers. Trained crowd controllers are now regulated by the industry. They should have identifiers such as arm bands, uniforms. The guide recommends keeping an incidents book documenting fights etc. that occur in or near the club.

Harm reduction:

Venues are encouraged to charge a cheaper price for light (low alcohol) beer.

Provision of coin-operated breath testers (breathalysers) – these allow customers to measure their breath alcohol levels. They are useful as a guide to safe driving and also as an educational tool.

Education programs can be conducted on the premises, run by the police or health staff, concerning blood alcohol levels, safe and unsafe levels of drinking.

Entertainment and environmental factors:

The guide mentions the importance of good lighting and ventilation, seating, comfort for customers, spaciousness, no crowding, the provision of games and entertainment

such as pool, darts, TV screens, juke box, bands and family entertainment. The use of plastic drinking cups or non-glass containers is recommended.

Food:

Food slows down the effects of alcohol and makes money for the venue; salty snack foods should be avoided; self-cook BBQs are one way to make money; proper meals with meat and vegetables. Wine could be available if served with a meal in a bistro or dining area.

Safe Transport:

Have a policy on safe transport home. Discourage people from driving after drinking. Provide a bus or 'Sober Bob' program. Provide free soft drinks to designated drivers.

Limits on availability:

Clarence and Hunter (1996) provide examples of the restrictions and rations in place at different clubs. These include maximum daily beer rations, takeaway limits for individuals, and rewards for those who drink light beer.

With hindsight, we can see that several important issues were not covered in the 1996 *Ideas for Sports and Social Clubs* publication. These include:

- necessary criteria to be met before establishing a club
- the discussions that must be had before a social club is introduced, such as honest consideration of the advantages and disadvantages, how to access governance support and advice, and whether there is a sunset clause for the club
- a community in which a club is proposed should be able to demonstrate that it has sufficient social capital to make such a venture work safely (that is a functional local board, a literate, cohesive community with employed people, good school attendance, functional services such as health
- advice about how to manage breaches of rules (for example, options for temporary banning orders, and how to enforce them)
- options for managing and distributing revenue from sales of alcohol and food; introducing some checks and balances
- alternative mechanisms for social clubs to raise funds (for example sales of non-alcoholic drinks, coffee and by providing proper meals)
- governance matters (for example the composition of social club committees, fit and proper person checks, their powers, overarching supervision).

Response to the publication of Ideas for Sports and Social Clubs

This guide was distributed to existing Aboriginal licensed clubs at the time, although it appears that there was no specific follow-up in the form of workshops or any formal

‘roll-out’ of the ideas in it. It does not appear that Aboriginal social clubs have ever been audited for harm and risk reduction, or for the application of principles of best practice such as those listed in the guide. However, for the duration of the Living with Alcohol Program (1991-1997), program staff visited clubs in any community they were in, and there were attempts to conduct alcohol awareness in clubs. Even if there was some activity at the time or immediately following the production of *‘Ideas for Sports and Social Clubs’*, there are frequent changes in staff and committee memberships in communities. Any form of on-site training, alcohol awareness or skilling-up club managers or committee members needs to be conducted regularly to account for this.

A recent list of venues promoting a Sober Bob program (promoting a designated driver, which is one of the recommendations in the guide) shows only three Aboriginal social clubs out of eight potential sites. As at 2012, the three clubs with a Sober Bob program are: Milikapiti Sports and Social Club, Pirlangimpi pub and Peppimenarti Club.

#### **4.5.1.3 Recommendations from other research reports**

As mentioned above, very little research has been done on beer canteens and licensed clubs. However a review of liquor licensing regulation across all states and territories and Indigenous Australians by Curtin University in 1999 recommended, with respect to beer canteens and licensed clubs:

- That, where it does not occur, all licensed club managers ensure compliance with laws regarding responsible service of alcohol;
- That, where it does not occur, licensing authorities assess whether applications for new club licences are likely to affect nearby dry communities. Residents of those communities should be notified of the application and representatives of licensing authorities should solicit opinions of those residents in addition to opinions of residents where clubs will be located;
- That a review be conducted into the contribution of social club profits to basic community infrastructure; and
- That, where it does not occur, liquor licensing authorities should investigate ways to support communities wishing to undertake research into the health and welfare impacts of clubs (Bourbon, Saggars, & Gray, 1999, pp. 41-42).

This project was funded by the Commonwealth Department of Health and Family Services, but it appears that these recommendations made in 1999 were not acted upon.

#### **4.5.2 Making the decision to have an alcohol outlet**

Alcohol control is a highly divisive issue in any community (in Sydney’s Kings Cross for example), but it is particularly so in smaller Indigenous populations of relative isolation. Decisions about alcohol inevitably touch on a range of community factors

such as the composition of families, leadership, power, social cohesion and demographics, not to mention the personal consumption habits of influential individuals. A community's control over itself can be 'gutted by inter-family feuds and other historical conflicts', any of which may be sufficient to disable a community from reaching a consensus, as Alaskan researchers noted (Lonner & Duff, 1983). As described above, many communities have a long history of different measures being tried with varying levels of success and enforcement. Others are too divided to organise themselves well enough to make workable decisions.

When licensed social clubs or canteens were first instigated in Aboriginal communities in the 1970s and 1980s, there was little or no attempt made to assess how prepared people were to manage such facilities, to assess whether people had a good grasp of the different options available to them, or were equipped to deal with the inevitable conflicts brought by vested interests, let alone cope with the potential for disruptive alcohol-related behaviours. Rudimentary 'votes' occurred in some instances and community meetings took place in others – which often resulted in sizable pockets of disgruntled residents (usually women) feeling that their views had not been heeded. Women seem not to have supported the establishment of licensed clubs in communities.

Discussions around local controls over alcohol inevitably pit the victims of alcohol-related violence (usually women and the elderly) against the offenders, who are usually young and middle-aged men.

Some communities find decision-making around alcohol control relatively easy, while others find it more difficult. Some, such as Elliott, have in the past successfully conducted opinion polls or votes on different options, and the (largely Aboriginal) population has retained a high level of activism and local control (Walley & Trindall, 1994). It is perhaps useful to list the attributes most likely to predict successful decision making:

- A secure, activist and strong community council
- A council which is not itself typified by abusive use of alcohol
- Consolidation or unanimity, among all community power bases
- A population marked by stability in terms of racial composition, migration, economy, goals and rates of problems
- A community desire and ability to identify problems, set goals, establish priorities, establish solutions and take action as a community
- A history of other difficult goal-directed actions taken which indicate that the community can exercise self-control (Lonner & Duff, 1983, pp. xi-1).

These attributes were listed in the context of communities in Alaska deciding on local options, but they have universal application. One difficulty confronting Aboriginal



communities in the Northern Territory is the advent of the Shire system of local government and the dissolution of local community councils. How can communities mobilise local opinions and views about existing licensed social clubs in the absence of a local representative body such as a council?

Apart from the need for stronger local government to enable proper debate and transparency in decisions around local alcohol licenses, in Canada the First Nations communities had access to ongoing advice. In communities in Ontario with special licences, their band councils sought the support of a provincial alcohol research and training organisation, as well as a federal government Indigenous alcohol and drug program, to help them with expert advice and background research and to provide them with long-term support in their alcohol management arrangements.

#### **4.5.3 Alcohol Management Plans**

AMPs are simply locally-negotiated plans designed to help communities manage alcohol use and cut down on harms affecting their residents. They take a more holistic approach to reducing crime and violence than a Liquor Accord (which concentrates on managing restrictions and related problems around licensed premises; cf Fleming (2008, pp. 22-25)).

Alcohol Management Plans (AMPs) have been in place in Queensland for several years (since the mid-2000s) and have been discussed and drawn up in the Northern Territory since around 2006. They have also been in place in Western Australia, for several years. There is only one AMP in place in New South Wales and that is in Bourke.

The relevance of AMPs to this literature review resides in the fact that an AMP may include a proposal for a new licensed social club or, if a community already has such club, the AMP may nominate harm reduction provisions that relate to that club. In November 2012 FaHCSIA circulated a series of draft Minimum Standards for Alcohol Management Plans in the Northern Territory, inviting comments. The draft minimum standards include setting out the principles that AMPs should be developed and discussed through local consultations with stakeholders (including drinkers and non-drinkers), and that their purpose is to reduce alcohol-related harm. If a community has a licensed social club then the minimum standards document states that the AMP should nominate the hours of sale, types of alcohol sold and amounts permitted to be sold. It should 'specify measures to encourage responsible drinking and discourage binge-drinking'. The AMP should also consider strategies involving any local liquor supply in close proximity to the community concerned, and where possible should engage with the manager of such an outlet (Minister for Families Community Services and Indigenous Affairs, 2013).

In the latter instance, it is possible that this more formalised process of constructing an AMP which has the support of government or other agencies, may give a

community additional leverage in their dealings and negotiations with managers of relevant nearby liquor outlets.

## **4.6 Research literature on Aboriginal licensed social clubs**

Most of the research cited here was done prior to the year 2000. It therefore presents findings about the clubs and canteens from the period when they operated with little supervision. Indeed the findings referred to below contributed to the increased regulation that has since been implemented.

### **4.6.1 Consumption patterns**

D'Abbs examined apparent per capita consumption in 1994-5 for seven of the eight NT communities with licensed clubs, using purchase into store figures from the Liquor Commission and population estimates. The figures showed high consumption levels in all but one of the communities. Consumption in communities with clubs was reported to be 183 per cent higher than the NT level – which in itself was 32 per cent higher than the Australian average. People were drinking the equivalent of 5.8 standard drinks per day for female drinkers and 9.3 per day for male drinkers (d'Abbs, 1998, pp. 681-682).

These data suggested to d'Abbs that having a social club keeps consumption at a steady, high level, with people drinking more frequently, rather than the irregular, explosive binge drinking pattern that characterises much Indigenous drinking in towns.

In Cape York canteens there is also evidence of extremely high levels of consumption. Martin, using sales data, estimated per capita consumption of alcohol by persons aged 15 and over in four Cape York communities in 1996/97 to be between 35 and 43 litres of absolute alcohol per year. The corresponding figure for Queensland a whole (in 1992/93) was 10.9 litres, and in Australia as a whole 9.03 litres. In other words, per capita consumption levels in Cape York communities appeared to be more than four times the national average. As Martin points out, these figures suggest that virtually all drinkers in these communities, on average, are consuming alcohol at extremely hazardous or harmful levels (Martin, 1998).

This estimate also includes consumption related to alcohol that was purchased through sly grogging, as well as at the canteen. It is not possible to measure consumption solely from alcohol purchased through the canteens, however it is likely to be very high.

These consumption figures are also drawn from the era before the tightening of licensing conditions that has been occurring since 2002 in Queensland. It is therefore likely that consumption levels have declined since this data was collected.

#### **4.6.2 Health impacts**

Health impacts are driven by two factors – those that accompany acute intoxication, primarily trauma; and health effects of chronic high consumption. Any discussion of health impacts of clubs and canteens must acknowledge that it is difficult to tease out the impacts of alcohol consumed at the licensed premises, and that consumed as illicit or ‘sly grog’.

The results of long term high consumption of alcohol are well documented. Given the level of consumption documented above, it is no surprise that research in communities with clubs has found evidence of high levels of alcohol related harm. One study in an NT community with a club found that the long-term consequences of high-level consumption to be elevated liver function tests, and higher risks of insulin resistance, hyper-lipidemia, impaired glucose tolerance and diabetes (Hoy, Norman, Hayhurst et al., 1997).

A study of health indicators in Cape York Health Service District (HSD) presented disturbing data on the extent of alcohol related violence, and concluded that the rate of hospital separations for interpersonal violence in Cape York HSD increased from 692 per 100,000 in 1993/94 to 901 per 100,000 in 1998/99 (Martin, 1998). Further, Gladman et al (1997) studied injury in five Cape York communities and found that, far from encouraging responsible drinking, the daily pattern of alcohol-associated injuries was influenced by canteen opening hours and drinking days following the payment of pensions and CDEP. Days of canteen closure and low attendance had low numbers of alcohol-related injuries. Overall and age-pecific injury rates for a community with a canteen were double those in a community without a canteen. The study found that over 50% of all injuries, and 88% of all assault injuries, were associated with alcohol. Furthermore, injury patterns were clearly related to the cycle of Community Development Employment Project (CDEP) and Social Security payments, with high rates on paydays and the day following, with a marked decline on Sunday when the canteen was closed (Gladman, Hunter, McDermott, et al., 1997).

Fitzgerald also gives details of research on foetal alcohol syndrome (FAS), and points out that with such high levels of consumption it is highly likely some people born in community with these levels of consumption will exhibit symptoms of the syndrome (Cape York Justice Study, 2001).

#### **4.6.3 Economic impacts**

High levels of consumption mean that a considerable amount of money is being spent purchasing alcohol. D’Abbs calculated the total beer sales in the seven NT clubs in 1994/95 to be 882,259 litres. Using an estimated cost per can of heavy and light beers he suggested that more than \$8million would have been spent across the seven communities during the year (d’Abbs, 1998). This is in a context in which average

incomes are low. With this extent of spending on alcohol it is likely that the ability to purchase other vital commodities such as food is affected.

In the NT the advent of the Basics Card in 2008 has meant that much less money can be spent on alcohol for many residents of communities with clubs.

#### **4.6.4 The rationale for having clubs and canteens in remote Indigenous communities**

As well as addressing the health and economic impacts of canteens and clubs the research considers the arguments for and against having licensed premises in remote Indigenous communities. There are three main arguments that have been used to support proposals for licensed social clubs in bush communities:

- Clubs promote civilised drinking patterns and ‘teach’ moderation
- Clubs prevent drinkers from leaving home communities to seek alcohol elsewhere
- Clubs keep revenue earned from alcohol sales within the community, for community use.

##### **4.6.4.1 Clubs “promote civilised drinking patterns”**

When beer rations, canteens and social clubs were first introduced into Aboriginal communities from the mid-1970s there were little if any attempts to ‘teach’ people ‘how to drink’, to introduce people to different types of alcohol and what they consisted of, or to engage in any formal ‘instruction’. Drinkers were provided with (usually) a ration of beer, and it was assumed that the limited quantity alone would succeed in producing moderate or ‘civilised’ drinking behaviour (Brady, M., 2014).

D’Abbs reviewed the literature to 1998 on consumption patterns in communities with licensed clubs. Briefly he noted the following. The 1986-7 Drug Use Survey of Northern Territory Communities (Watson, Fleming, & Alexander, 1988) found that if a community had a club there was a greater proportion of drinkers, and that (unsurprisingly) drinkers tended to drink more frequently than in communities without clubs. In communities with clubs, 64 per cent of drinkers reported drinking on 4-7 days per week, compared with 31 per cent drinking that often in the communities with no clubs, and nearly 2 per cent in those where there was a permit system. In another community with a licensed club, Hoy et al (1997) found that 85 per cent of males and 25 per cent of females were current drinkers, 90 per cent of them consuming alcohol six nights per week, with 62 per cent of males consuming 10 or more drinks while their money lasted.

Martin (1998), who examined the canteen at Aurukun in Cape York in some detail, showed that drinking did not become more ‘responsible’ over time, and noted that

arrest rates and criminal offences escalated dramatically once the canteen was established (despite licit and illicit alcohol being available before this time). People drank to the limit of available alcohol.

At this stage we can only conclude that the research conducted prior to uniform regulation of licensed clubs and canteens in remote Indigenous communities gives no evidence that they have functioned to moderate the way in which their patrons drink, or any evidence to support the original idea that clubs would promote 'civilised' drinking patterns.

#### **4.6.4.2 Clubs “prevent drinkers from leaving home communities to seek alcohol elsewhere”**

In 1987 d'Abbs reviewed the NT Restricted Areas Legislation, which was used to prohibit alcohol from some remote communities, for the Drug and Alcohol Bureau and the Liquor Commission (d'Abbs, 1987). He addressed the often-made assertion that dry areas in remote communities are the prime cause of Aboriginal movements into towns (to drink) – and that ipso facto, if alcohol was available in their own communities, they would not travel to town.

d'Abbs observed (as have many others) that Aboriginal people from bush communities go to town for a variety of reasons, and he found that people who come from open (wet) as well as dry communities go to town and drink (d'Abbs, 1987, p. 86).

In order to try and answer the question of whether dry areas caused more Aboriginal people to drink in town and be apprehended for alcohol incidents in town, d'Abbs analysed changes in Aboriginal Protective Custody Apprehensions (APCAs), and usage of Sobering Up Shelters (SUS) in towns and in bush communities. What he found was variation between regions. In Alice Springs and Darwin there was an urbanisation of APCAs, but in the Tennant Creek region this did not occur. He concluded that in all likelihood the dry areas declarations (in the early 1980s) at certain times and places had stimulated more drinking in towns, but 'this is neither a universal nor inevitable outcome of the dry area system' (d'Abbs, 1987, p. 84).

The findings from SUS client records provided contrary findings. They showed that around 50 per cent of Darwin SUS clients came from beyond the greater Darwin area. Belyuen community accounted for the highest number of clients as a proportion of the population, but d'Abbs attributes this to Belyuen's close proximity to Darwin – only 145 kms by road or a short ferry ride away. However, it was significant that apart from Belyuen, the three communities with the highest per capita rates of use of SUS in Darwin were three communities which all had licensed clubs: Nauiyu Nambiyu (Daly

River), Milikapiti and Wadeye.<sup>20</sup> On the basis of these figures d'Abbs concluded it would be hard to argue that 'the presence of a licensed club on a community helps to reduce the prevalence of drinking in towns' (d'Abbs, 1987, p. 92).

On the contrary, d'Abbs proposed that becoming dry (and having no club) had made some communities more, rather than less attractive to live in. By example he reported that Rockhole (outside Katherine) and Bulla Camp (55km west of Timber Creek) both attracted population growth when they became restricted alcohol areas in 1982 and 1983 respectively (1987, p. 90).

A study at Yalata, South Australia, in 1981-2 also suggested that an in-community liquor licence did not prevent travel to other locations for more alcohol. Brady and Palmer (1984) were observers of the beer ration at the Yalata canteen, which had been licensed to the Lutheran church in 1968, the first Aboriginal community to be granted a liquor licence.

The Yalata beer-only canteen opened in 1969 and lasted until 1982. Although the regime changed over time, by 1981 on Mondays, Wednesdays and Fridays three cans per person were sold to those on 'the list'. Cans were unopened and could be collected on behalf of others. The system was clearly open to abuse. From 1976 when the Eyre Highway was sealed and Nundroo roadhouse opened 60 kms away, Yalata men left the community in order to purchase alcohol there as well<sup>21</sup>. While some beer was consumed by Yalata men in the public bar at Nundroo, port was the preferred drink and was purchased as takeaway supplies to be consumed at impromptu drinking camps located in the scrub anywhere along the highway between Nundroo and Yalata. Nundroo managers reported that sales of port were almost entirely to Yalata Aborigines and that in 1976 port sales amounted to approximately 60 cartons (720 bottles) per week. This was seven years after the commencement of the Yalata canteen.

The Yalata canteen however, was not a 'social club' in the ideal sense. Other than in the early years of its operation (when people reportedly had soft drinks and sandwiches as well as beer, and there were tables and chairs), the canteen was just a large empty recreation hall with a cement floor, from which the beers were given out. Whether it would have made a difference to peoples' decisions to seek more alcohol elsewhere if the canteen had been a more salubrious 'club', it is impossible to say. As Brady and Palmer document, among Yalata drinkers of the time the aim of drinking was to become inebriated, and it was difficult to achieve that state on three rationed cans of beer – although winnings at the Two-up games did allow for the accumulation

---

<sup>20</sup> Two of these clubs have since closed.

<sup>21</sup> Adult (drinking age) population in 1977 was 226 according to the Lutheran superintendent; in 1981 the Census count was an adult population of 165. Estimated number of drinkers was 80 men and 20 women (Brady and Palmer 1984:32).

of more cans, and the beer – in those days – was full strength. Becoming ‘full drunk’ needed access either to more beer or to fortified wine (port).

In agreement with d’Abbs’ observations in the NT, Brady and Palmer observed that Yalata people regularly travelled to the nearest sizable town Ceduna for many reasons - to attend hospital, court, annual events and shopping. Many stayed at informal ‘half-way’ camps in or near town and several Yalata people remained there, taking on drinking as an all-engrossing way of life and becoming more estranged from their home community.

The study of injury in Cape York communities with and without canteens showed that keeping adults ‘in the community’ to drink had negative consequences. Late afternoon and early evenings were high-risk times of day for children to be injured, and coincided with larger numbers of adults drinking at the canteen. The study found that adult supervision of children was compromised by large numbers of adults drinking at the canteen, especially following paydays (Gladman, Hunter, McDermott, et al., 1997).

#### **4.6.4.3 Clubs “keep the revenue from alcohol sales within the community”**

Martin (1998) provides one of the few definitive accounts of alcohol sales and net profits, from communities in Cape York in the 1990s. He shows that considerable profits were made in four Aboriginal communities, ranging from \$100,000 to over \$1 million per year. He noted that community councils had considerable discretion over how these profits were spent. He also noted the ‘major contradictions’ between the commercial imperatives of running a liquor outlet, and the responsibilities of Councils relating to welfare, law and order (Martin, 1998, p. 4). He saw these as presenting ‘clear and irresolvable conflicts of principle’.

Martin’s data also show that while the canteen profits may remain within the community, the establishment of a canteen was implicated in a major shift in expenditure patterns in the community he studied. There was a significant reduction in expenditure on basic foodstuffs and other items from the store: a shift away from expenditure on basic sustenance to expenditure on alcohol. Children were given cash to buy takeaway foods rather than having food prepared for them, and sales of alcohol continued to trend upwards. Martin also found that having a canteen did not reduce the expenditure on illicit alcohol: in the mid-1980s an average of between \$7000 and \$10,000 per week was spent on illicit alcohol, an amount only marginally affected by the availability of alcohol at the canteen. The illicit resellers of alcohol continued to make large profits, with cartons of beer that sold in town for \$25 having a standard price of \$240 on the illicit market.

Having large funds to disburse may also trigger unrest, distrust and argument within a community. D’Abbs (1998) observed that these difficulties of governance and

concentrations of power stem from the high turnover and thus the high income generated by licensed clubs. Social and political issues include the following:

- Managers of clubs have a virtual monopoly of control over a highly valued resource
- The high levels of expenditure provide the club's managers and board members with an economic power base in a community not matched by any other institution
- Clubs in communities are subjected to much weaker accountability requirements than those of most companies
- Usually the administrative infrastructure is poorly developed, and lacks trained staff
- The populations to which clubs are accountable have difficulty enacting proper scrutiny over procedures as a result of low literacy and numeracy
- Populations are polarised between those supporting the right to drink and others who are anti-alcohol. A club allows the interests of the drinkers to take priority over those of non-drinkers in a community
- The economy of the community can become alcohol-driven, with club profits representing 'untied' grants
- Clubs can create a symbiotic relationship in which the drinkers become dependent on the club (for their social life and entertainment) and the club relies on maintaining high levels of consumption for its continued economic prosperity.
- The more successfully managed a club is, the more likely it is to become a powerful economic and political institution in the community.

While members of club committees or boards may not be able to derive personal financial benefit from the club, they do derive a personal benefit in another form: in the form of 'social power'. These less obvious and more insidious political problems of governance, accountability and financial decision-making need careful attention. It may be possible to suggest ways of avoiding the more problematic consequences.

#### **4.7 Key findings**

- There is considerable literature on strategies to reduce violence at clubs and pubs, much of which is relevant to clubs in remote Indigenous communities
- Responsible service of alcohol practices are seen as key to reducing levels of intoxication and associated violence
- Australia is alone in having clubs in remote Indigenous communities where Indigenous residents are the primary client group – Canada and New Zealand both have a system of occasional licensed for special occasions, and have



developed support for responsible practices and governance arrangements for licensed events

- The NT produced a best practice guide in 1996, however it was not well distributed, and seldom used.
- No Australian research has been done on the management and impact of clubs and canteens since the year 2000
- Existing research (prior to 2000) on the impact clubs and canteens on per capita alcohol consumption, health and economic indicators in remote Indigenous communities in both NT and QLD found high levels of negative impacts. All studies noted that it was very difficult to tease out impacts of alcohol consumed at clubs, compared to that bought elsewhere
- Three rationales are often presented as the reasons to have clubs in remote communities. They are to teach people to drink in a moderate manner; to keep people at home, as oppose to travelling to towns to access alcohol; and to keep money within community control through spending it at community controlled premises, rather than external outlets.
- Studies done on the extent to which these rationales hold true in practice suggests that residents of communities with clubs don't learn to drink in moderation and still travel to towns to access alcohol. Money is spent in communities, but spending patterns change to increased spending on alcohol and a decrease on food, and changes to take away food rather than home cooking.

## **4. Patterns of alcohol consumption in communities with clubs**

This chapter examines drinking patterns and drinking levels associated with community-based clubs, drawing on two sources of data: first, wholesale supplies of liquor to the licensed outlets under review; second, responses to some questions in the community survey. Both data sources are described in the earlier chapter on methods. Wholesale supplies are used to estimate per capita consumption by persons aged 15 years and over in community-based clubs, and to compare these estimates with corresponding estimates for the NT as a whole, and for Australia as a whole. They are also used to examine trends in sales from clubs between 2005 and 2012. Responses to questions in the community survey shed light on several inter-related aspects of the role of clubs in communities, in particular:

- Their place as a source of liquor purchased by community residents, as compared with other sources located outside the community;
- The extent to which the presence of clubs may have moderated, increased or otherwise affected drinking patterns in the community;
- Community residents' views on changes imposed on clubs under the NT National Emergency Response, in particular reduced trading hours and bans on selling full-strength beer.

### **4.1 Background: the changing context of clubs in communities**

As noted in the previous chapter, clubs and other licensed outlets emerged in a number of Indigenous communities in the NT in the 1970s, each operating under locally generated conditions. This situation changed in 2007 when, under the NT National Emergency Response (NTNER), all licensed outlets in 'prescribed areas' were subjected to new trading conditions, the net effect of which was to sharply reduce permitted trading hours and restrict sales to light and mid-strength beer only. Of the seven communities with clubs that make up the present study, all but one – Kalkaringi – are classified as 'prescribed areas'. These outlets are permitted to trade for no more than 12 hours per week, spread over four days as follows:

- Tuesday and Wednesday: 4.30 – 7.30pm
- Friday and Saturday: 5.30 – 8.30pm

(Current trading conditions incorporate some variations on these regulations, and are shown in detail in Appendix 3. One small community has voluntarily reduced its trading hours even further in light of staffing and cost issues). Warnkurr Sports and Social Club at Kalkaringi is permitted to trade every day except Sunday, for a total of

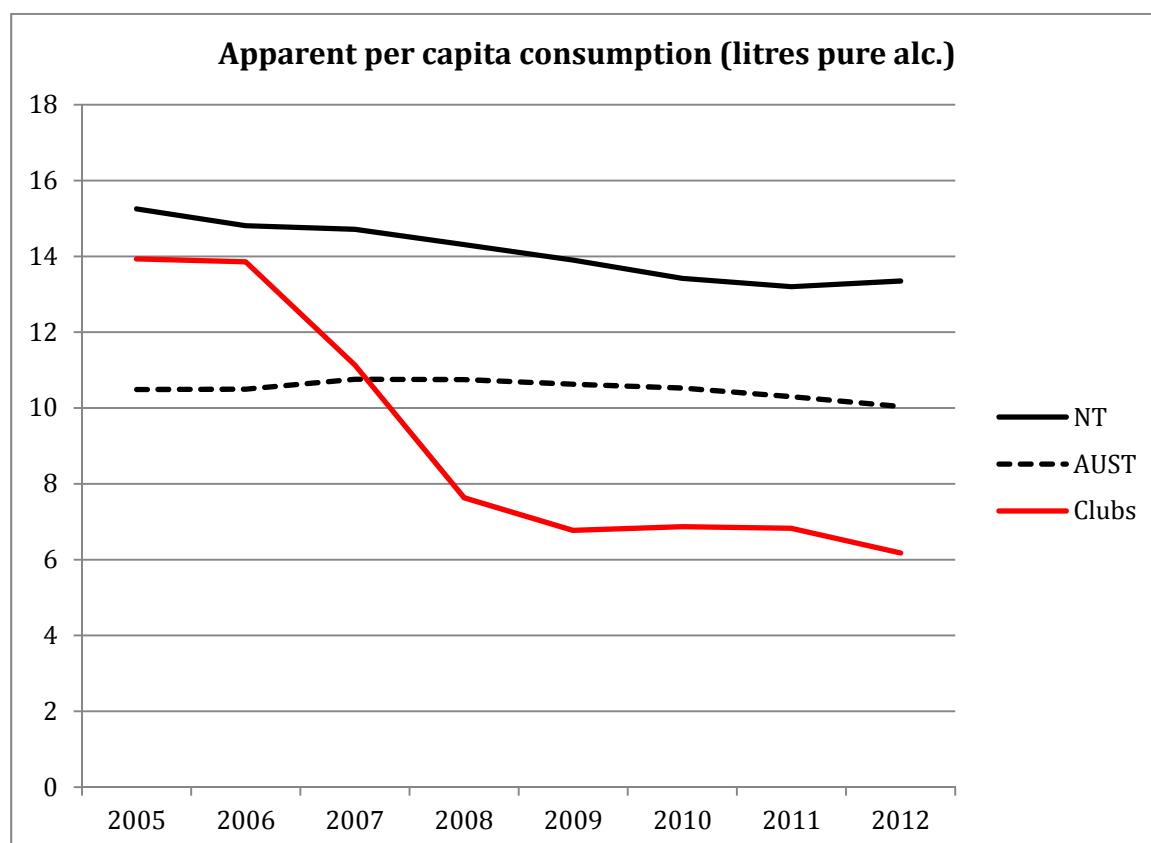
29.5 hours. It can sell full strength beer and is not required under the licence to serve meals. However, in recent years the Club has voluntarily reduced its trading hours well below the permitted level.

## 4.2 Trends in apparent per capita consumption in community-based clubs

Figure 4.1 compares trends in apparent per capita consumption by persons aged 15 years and over in clubs in communities with apparent per capita consumption in the NT as a whole, and in Australia as a whole. The figures on which the graphs are based are shown in Table 4.1.

It is important to note that the per capita estimates for ‘clubs’ cannot be taken as estimates of per capita consumption of alcohol by residents of those communities, since (a) not everyone in the community drinks liquor, and (b) not all of the liquor consumed by residents of a community is purchased at the local club. However, these figures do tell us something about the place of clubs in communities that have them.

**Figure 4.1: Trends in apparent per capita consumption of alcohol by persons aged 15 years +**



**Table 4-1: Apparent per capita consumption of alcohol by persons aged 15 and over (litres of pure alcohol)**

Year	NT (a)	AUST (b)	Clubs (c)
2005	15.25	10.49	13.93
2006	14.81	10.50	13.86
2007	14.71	10.76	11.13
2008	14.31	10.75	7.63
2009	13.9	10.63	6.77
2010	13.42	10.53	6.87
2011	13.2	10.30	6.82
2012	13.35	10.04	6.17

(a) Source: (Northern Territory Government Department of Business, 2013)

(b) Source: (Australian Bureau of Statistics, 2014) Note that ABS figures are based on financial years, while NT and the 'Clubs' figures are based on calendar years.

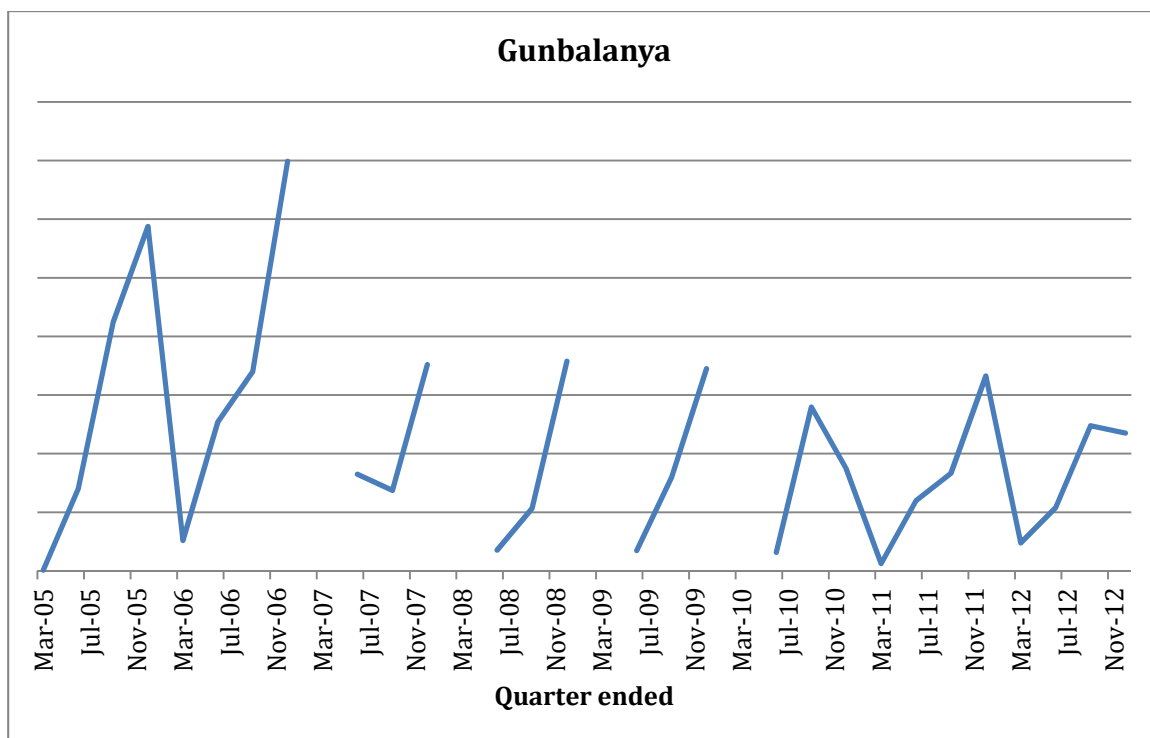
(c) The per capita estimates for clubs in each year are based on the number of outlets for which data was available in that year.

Three clear inferences can be drawn from Figure 4.1. Firstly, prior to the 2007 NTNER, apparent per capita consumption in the clubs under review was similar to the level in the NT as a whole, which in turn was almost 50% above the national rate (45.4% higher in 2005; this is a long-standing feature of NT society.) Secondly, following the NTNER, consumption at clubs in communities fell sharply, to a level significantly *below* the national average. Thirdly, since that time (at least, throughout the period covered by this study), consumption levels in clubs have remained below both the NT and Australian per capita levels.

### **4.3 Trends in wholesale supplies of alcohol to clubs in communities**

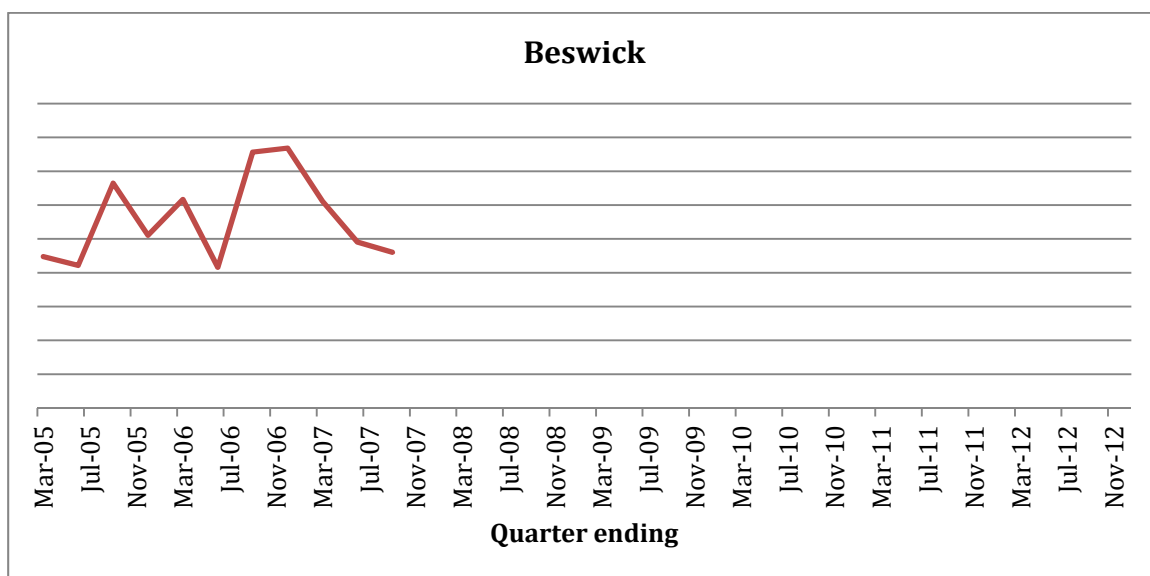
In the graphs below, trends in quarterly total alcohol supplies, expressed as litres of Pure Alcohol Content (PAC), are shown for each of the outlets. Gaps are shown. To respect commercial confidentiality, the actual amounts sold have been removed from the vertical axes of all of the graphs, leaving the graphs showing trends in sales over the period.

**Figure 4.2: Wholesale supplies of liquor to Gunbalanya Sports & Social Club (litres of PAC)**



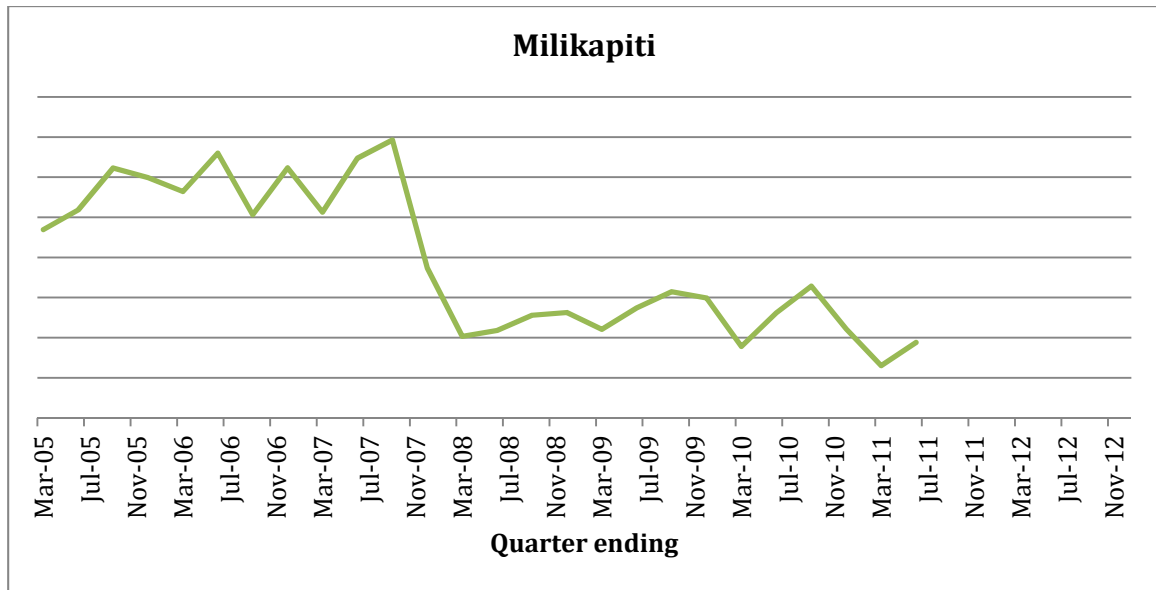
Note the sharp decline in 2007, followed by a continuing, but less marked, downward trend.

Figure 0.3: Trends in wholesale supplies of liquor to Beswick Community Store (litres of PAC)



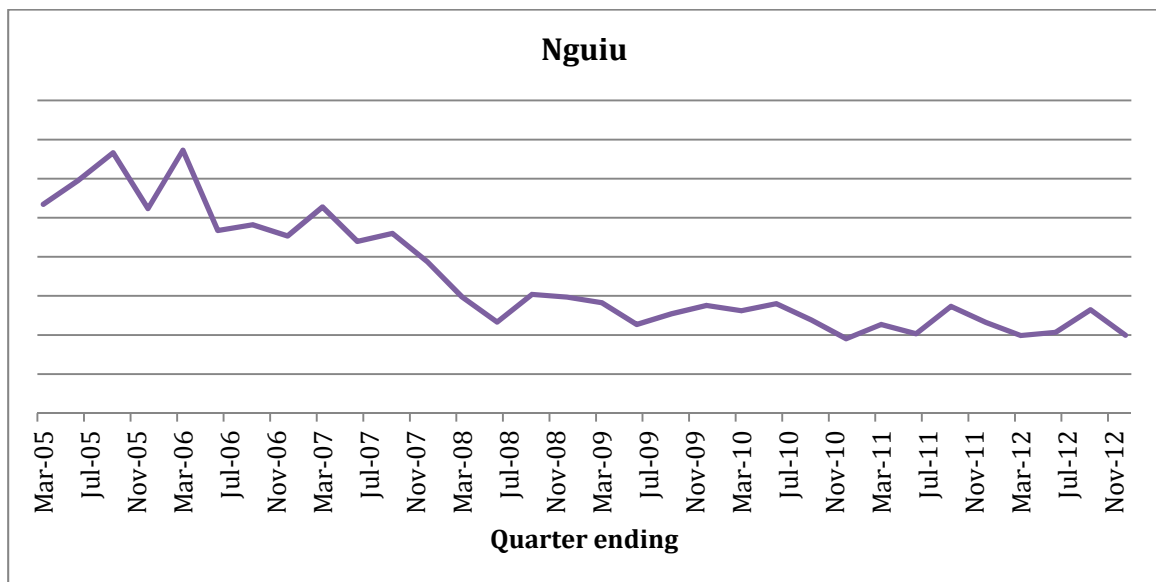
The graph suggests that sales may also have declined in 2007, but it is impossible to tell from the limited information available whether this marked a change or simply normal fluctuation.

Figure 0.4: Trends in wholesale supply of liquor to Milikapiti Sports & Social Club (litres of PAC)



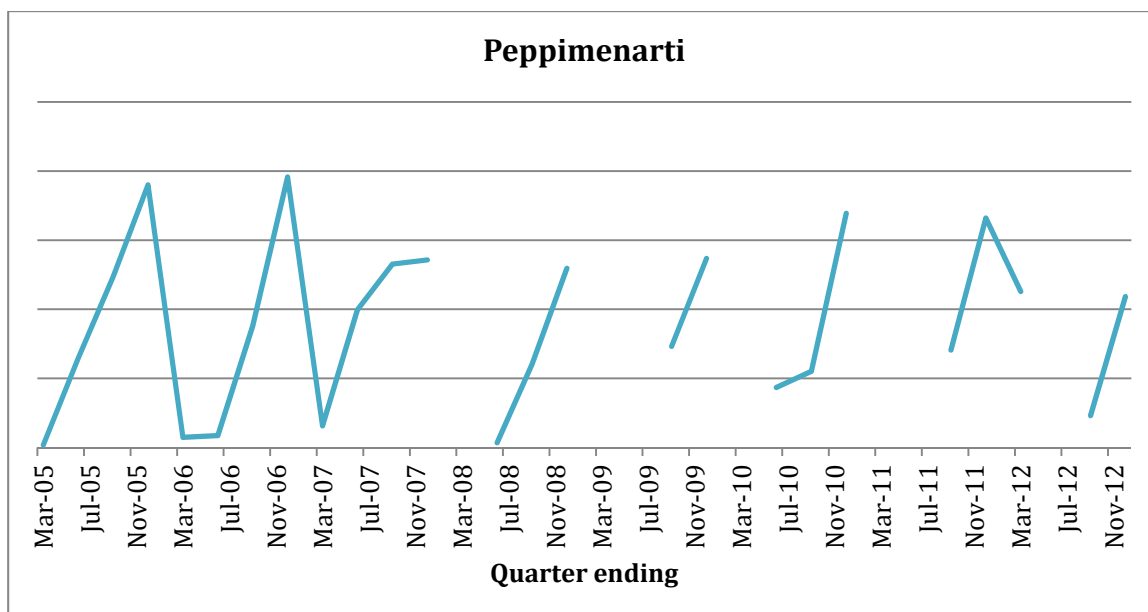
Milikapiti Sports and Social Club also shows a steep decline in 2007, to a level that was subsequently sustained, at least up till mid 2011.

Figure 0.5: Trends in wholesale supplies of liquor to Wurrimiyanga (Nguiu) Club (litres of PAC)



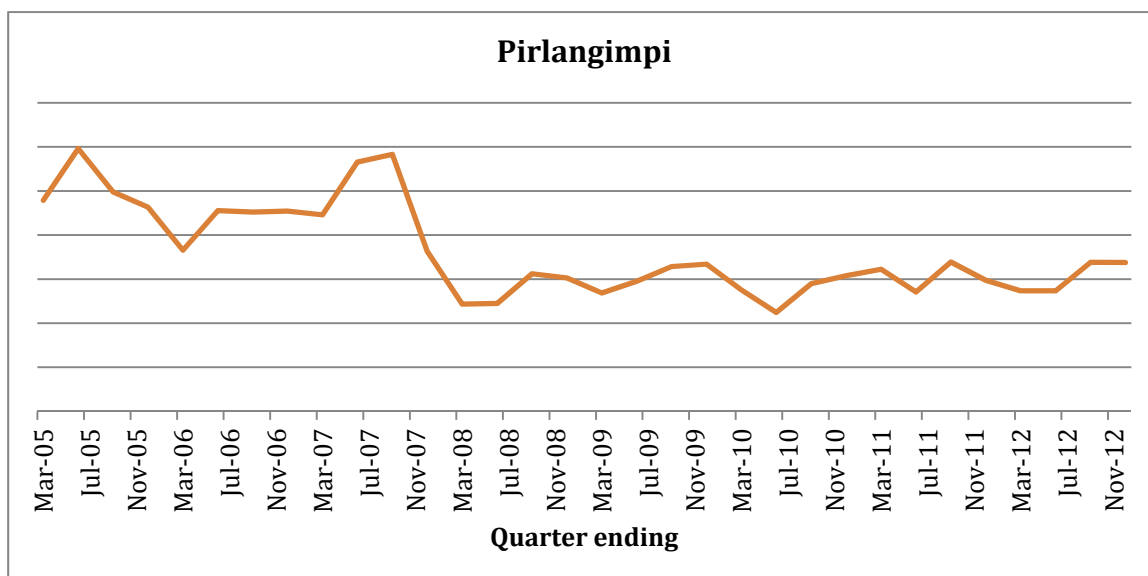
In Nguiu, too, sales declined in 2007 and subsequently remained stable. In this instance, however, it appears that the decline commenced in 2006, when the club ceased selling full-strength beer as a result of a decision by the NT Licensing Commission.

Figure 0.6: Trends in wholesale supplies of liquor to Peppimenarti Club (litres of PAC)



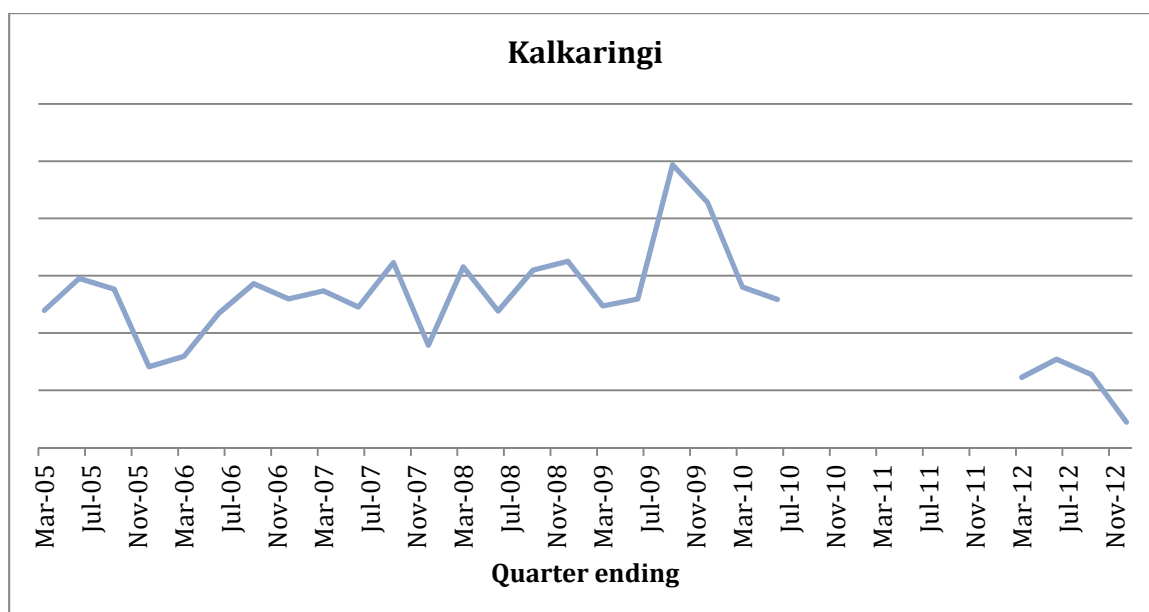
In Peppimenarti, sales post-2007 are generally below pre-2007 levels, although the decline is not great and caution is needed in interpreting the data in light of data gaps.

**Figure 0.7: Trends in wholesale supplies of liquor to Pirlangimpi Community Club (litres of PAC)**



Pirlangimpi Community Club also displayed a decline in sales in 2007, with a subsequent levelling off for the remainder of the period under review.

**Figure 0.8: Trends in wholesale supplies of liquor to Warnkurr Sports & Social Club, Kalkaringi (litres of PAC)**



This is the one club that displays a different trend to the others: there was no decline in sales in 2007. Sales appear to have peaked in late 2009, after which they may have declined, although the significant gap in records in 2010 and 2011 precludes more definitive interpretation.

Overall, setting aside Beswick Community Club where the data was not provided, and Warnkurr SSC in Kalkaringi, which displays a different trend, the remaining five outlets all recorded a significant decline in wholesale supplies in 2007 – the year in which the Commonwealth Government introduced restrictions on trading conditions under the NTNER. Moreover, the lower levels of sales post-2007 appear to have been sustained for the remainder of the period under review.

Four key changes introduced under the NTNER are likely to have combined to produce this impact. The first is the change in opening hours described above. The second is the shift from full strength to mid-strength beer. The impact of this is explored further below. The third is the abolition of take away sales from outlets that previously allowed them. The fourth change is Income Management, under which half of income received through Centrelink is quarantined from spending on alcohol or tobacco. Residents in all of the communities included in this review were made subject to Income Management. However, as we have seen, in one community – Kalkaringi – the licensed club was not subjected to reduced trading hours. This provides an opportunity to examine the impact of Income Management in the absence of other changes to trading conditions. As Figure 4.8 above shows, wholesale supplies of liquor in Kalkaringi did not decline in 2007, following the introduction of Income Management, suggesting that, in itself, Income Management may not have been as significant a factor as the changes in trading conditions.



#### 4.1 The place of licensed clubs in the community: responses from the community survey

Consumption patterns as revealed by wholesale supplies data were complemented by responses to a number of questions in the community survey that sought to explore the ways in which licensed clubs were perceived and utilised by drinkers and others in the community. Respondents were asked, firstly:

*‘If you have drinkers in your family where do they buy most of their grog from?’*

- a. *The club*
- b. *The roadhouse*
- c. *Another community*
- d. *Town*

The responses to this question indicate that the club is by no means the major outlet for many community residents, as Table 4.2 shows.

**Table 0-2: Major sources of liquor purchased by community members**

Community	N=	Most grog bought from (%)			Total
		Club	Other outlet(s)	Not stated	
1	51	1.9	96.1	2.0	100.0
2	51	60.0	30.0	10.0	100.0
3	49	22.4	63.3	14.3	100.0
4	51	35.3	52.9	11.8	100.0
5	58	48.3	44.8	6.9	100.0
6	38	89.5	10.5	0.0	100.0
7	53	43.4	43.4	13.2	100.0

The data above suggest that only two clubs supply more than half of the alcohol consumed by community members. This is indicative only, as it is based purely on self-report.

The trends revealed by wholesale supplies data, presented above, suggests that consumption in several clubs varies according to the season. In the Wet some communities become cut off, and at those times people drink more at the club. The community survey was conducted during the Wet season, which may have resulted in more people answering that they got most of their beer at the club than would have been the case if the question had been asked in the dry season.

Apart from drinking at the club, there are three other patterns of drinking for community members– permits; bringing alcohol into the community illegally (sly grogging); and buying and drinking alcohol away from the community.

#### **4.1.1 Liquor permits**

All of the communities in the study have alcohol permits as well as alcohol sold through the club. Alcohol bought through permits is purchased at a takeaway outlet (away from the community), and must be consumed at home. Different communities have different rules about whether or not the purchaser of 'permit alcohol' is allowed to share it with non-permit holders.

Amounts of alcohol that can be bought through the permit vary. In three of the communities in the study community members have alcohol permits that allow them to purchase either 24 cans of mid strength beer, 12 cans of heavy, 12 cans of mid-strength UDL, or three bottles of wine each week. In at least three of the other communities, the main (and in one the only) purchasers of alcohol through the permit system are non-Indigenous community residents.

Qualitative feedback suggests that people prefer to purchase alcohol through permits because it is cheaper than the club, and there is more flexibility about when you can drink it. People also appreciate the variety of alcohol that can be bought through their permits. In some communities the limiting factor is that you have to have a debit card to be able to pay for the alcohol, and many people don't have one.

It is likely that in two of the communities most of the alcohol drunk by residents is either purchased through permits or drunk at the club. However the other five communities report considerable quantities from additional sources.

#### **4.1.2 Sly grog**

The other major source of alcohol that makes its way to the community is through sly grogging. People buy alcohol at outlets in town or at a roadhouse, and bring it to the community, or to the drinking spot. Survey respondents and police suggested that a lot of the alcohol drunk this way is spirits: *'People bring rum home. You can't hide a 30 pack in your trousers!'*

Police in one community reported that most of the alcohol related issues that they deal with are the result of smuggled spirits, as opposed to beer consumed at the club. The pattern is for people to bring in a bottle of spirits and drink it quickly before they get caught with it. Consequently they are very drunk and make trouble. Feedback from residents supported the perception that the stronger alcohol bought from other outlets causes trouble: *'Cars can still come in the wet season, that's when people get really drunk, on grog running beer[full strength].'*

### 4.1.3 Drinking away from the community

There is considerable feedback from community residents that many of the heavier drinkers in communities leave to get full strength beer and spirits from other outlets: *'Heavy drinkers and alcoholics go to town to get heavy grog like VB and rum. They go there because they can get grog more often that way. They go to town when they get paid.'*

There was similar feedback that some of the heavier drinkers have left the community for long periods: *'People have left to drink in the long grass. Alcoholics couldn't get the alcohol they need where they live, and they left. More than 50 have left.'* One woman summarised it like this: *'Alcoholic mob in town; moderate drinkers at the club.'* Some people also commented that some of those who left after the NTNER are now returning.

However many people also mix and match where they purchase their alcohol from: *'The drinkers in my family group buy most of their grog from the club but also go to the road house at least once a month to buy 15 slabs and also Bundy and then sit at the grid in the heat with the beer all stacked up in the sun.'*

Practical issues such as access to vehicles have a major impact on how often people drink at their club, and how often they go to other outlets. It's clear that many people adapt their drinking to where they are: *'I drink all over the place. Heavy cans. Then when I come back I drink light can.'*

Qualitative data indicate that the motivation behind the non-club drinking is twofold – a wish to drink alcohol other than mid strength or light beer, and the desire to drink more: *'They would like to get more drunk.'*

Clearly community residents have options about where, when and how they drink. Given this, it is interesting to consider why they choose to drink at the club when the alcohol is more expensive, there are limits on how quickly they can drink and what behaviour is tolerated. Qualitative feedback suggests that part of the reason is access. When people do not have a vehicle, and want to drink, they go to the club. However there is also considerable feedback that people like the atmosphere at their club. They appreciate the entertainment, the socialising and the food. As one survey respondent put it: *'The grid [drinking spot beyond community boundary] is boring.'*

This issue is discussed in further detail in the section on 'Do clubs function to keep their residents staying at home', below

#### 4.1.4 Impact of the club on individuals' alcohol consumption

The material above makes it clear that the club constitutes only one part of people's drinking habits. With this in mind, survey respondents were asked: *'How much grog would people drink if the club wasn't here?'*

**Table 0-3: Responses to 'How much grog would people drink if the club wasn't there?'**

Response	Frequency	Percent
A lot less	40	11.0%
A little bit less	57	15.8%
About the same	38	10.5%
A little bit more	33	9.1%
A lot more	134	37.0%
Don't know	43	11.9%
No response	17	4.7%
<b>Total</b>	<b>362</b>	<b>100.0</b>

The responses show a diversity of opinion, with a little under half of respondents (46.1%) thinking that without the club people would drink more. There are no significant differences between the responses of men and women, or drinkers and non-drinkers.

People who that felt that there would be less drinking without the club tended to point out the following arguments: *'If there was no club, some people would think twice about drinking, some would leave, but not the majority.'* Along these lines some respondents commented: *'I guess just get on with our lives.'* One person felt more strongly: *'People would do other things more - like go fishing and hunting. The club pulls people away from their culture.'*

Those that thought it would be about the same tended to point out that different people would respond in different ways: *'Alcoholics - about the same as they will drink anyway. Some people get the shakes and have to get to town to get grog. Moderate drinkers would drink a lot less because they would stay here and stay at home.'*

Those who thought that there would be more drinking tended to think that if there was no club people would travel to access alcohol elsewhere: *'I think more – they would go to town to the long grass. They like beer.'* Respondents reported that some would leave permanently, and others would leave for a while and return when they were sick or broke (or both). Many survey respondents also commented that people would drink more heavy beer and spirits while they were away: *'People would go to*

*families [to stay] where there is heavy grog and drink more.’ Another person pointed out that: ‘They would go to another community to drink where there is no limit.’*

There was also significant comment that sly grogging would increase: *‘They would spend the same amount of money to get more and it would be heavy and more would come into the community.’*

Many people expressed concern about family members travelling to access grog: *‘People would go right back to town, they’d be like long grass people, no good. Too many accidents, people getting lost, we don’t know where they are.’*

In thinking about the issues involved with having alcohol available in their community, some people commented that it was better to have a club than not: *‘The club holds people here’* and *‘I really hated the club before but I think now it is better to have people in the community as much as possible and not in town.’*

#### **4.1.5 Responses to changes in the opening hours for the clubs**

With the history of changes to trading conditions in mind, survey participants were asked ‘Are you happy with the opening hours of the club?’ Table 4.4 presents the responses to this question.

**Table 0-4: Responses to changes in permitted opening hours of clubs**

<b>Response</b>	<b>Frequency</b>	<b>Percent</b>
<b>Happy with how it is now</b>	187	51.7
<b>Prefer less hours</b>	4	1.1
<b>Prefer more hours</b>	156	43.1
<b>Don’t know</b>	12	3.3
<b>No response</b>	3	0.8
<b>Total</b>	362	100.0

These responses indicate that a small majority (52%) of those surveyed like the change to shorter trading hours. However a sizeable minority (43%) would like to see their club open for longer hours.

Qualitative data indicate a number of factors driving this response. The overall tenor of the comment was encapsulated by this woman: *‘Good enough, 4:30-7:30 plenty of time to drink. We don’t want Monday and Thursday [opening hours], it was imposed on us but everyone has got used to it.’* Considerable numbers of respondents who supported the shorter hours commented that the community was quieter since the

change, and they appreciated that: *'In the past, they were off drinking 6 days a week, never think about their kids, having clothes and good sleep'. And: 'Now it's running really well cos Mondays and Thursdays families having a break and time together. They should keep it going. 4.30 - 7.30 is good, they can still have their beer and come home and behave themselves and have time with family.'*

At the core of much of the feedback on opening hours is an attitude to drinking that is clearly held by some respondents – that the purpose of going to the club is to get drunk: *'Hours are not long enough – I can't get drunk.'* In recognition of this attitude some people argue that the short hours that the clubs are open each day encourage binge drinking, and longer hours would slow people down: *'Because people try to drink as much as they can in the short time available. If there were longer hours, they would slow it down a little.'* However other people's opinion was that people would drink as much as possible whatever the hours, and therefore shorter hours were preferable: *'Not longer. People jam in as many beers as possible in the time.'* In a similar vein, other people commented that the short hours gave a feeling of having to rush, and that particularly on pay days, there were long queues at the bar, which limited how much could be drunk.

Feedback on the opening hours that comes from a different angle noted that the opening hours were right across dinner time, which makes it difficult for parents:

*'The club is open between 4:30 - 7:30. I have kids and this is dinner time for them, showers and bed, ready for school. But I like going to the club, if the club was open at different times I would be able to look after my kids not get my aunty in so I can go to the club, I like my grog. I cook before I go.'*

It is quite likely that other parents also struggle to balance children's dinner time and going to the club. One non-drinker complained that she looked after a family member's children every day because their mother was at the club. This woman fed the children herself. Presumably there are some children with less supportive extended families who do not get well fed. Despite these comments researchers at all the clubs reported looking for, but not seeing, children waiting outside for their parents for more than a few minutes. In fact staff at one club commented that if they see children waiting for a long time for their parents the parents are banned.

Several people also gave their opinion that it was essentially an argument that should revolve around Aboriginal people's right to drink – even though that may bring more alcohol-related problems. They felt that no other alcohol outlets are limited to the same extent: *'We should have 5-6 days per week. Because shouldn't treat Aboriginal people any differently. 'But I know we'll have more problems' (if there is more access to grog). I don't agree with the rules imposed by the Government'*.

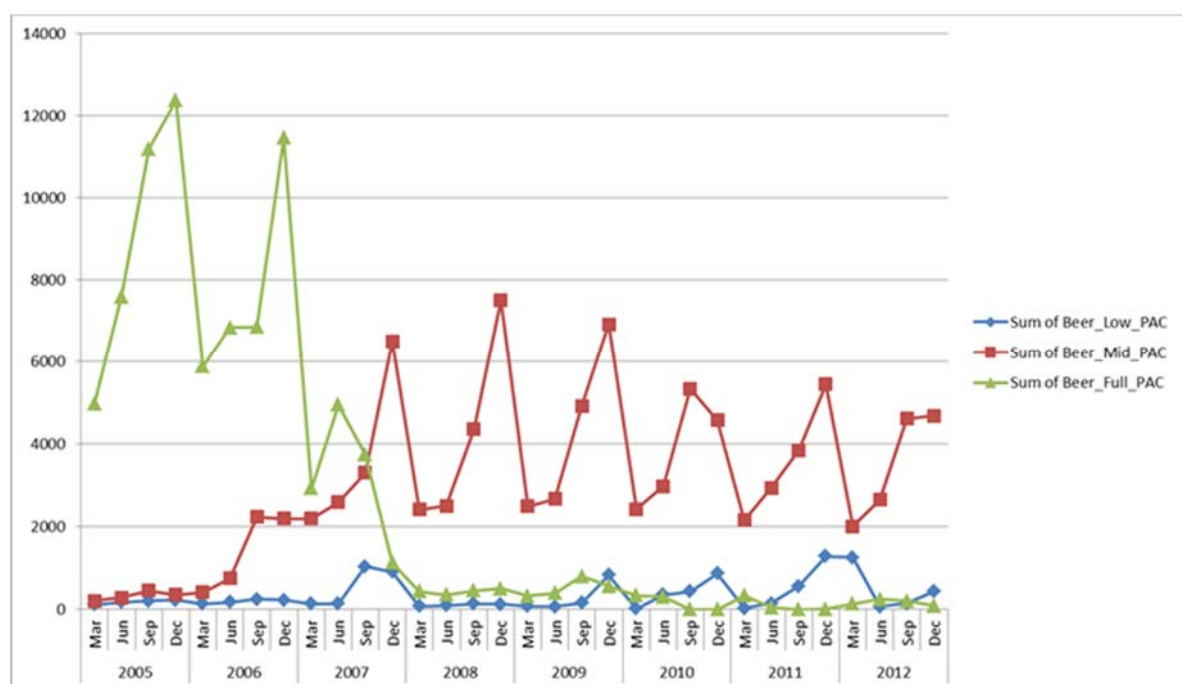
One club manager made an interesting point. He was counting the club takings from the previous night as he was interviewed, when he noted that there was a lot of coinage, which he interpreted as many of the patrons being down to the last of their money. He noted that changes in the opening hours would have limited impact on the amount of alcohol consumed because the key limitation is in fact money, not opening hours. One survey respondent corroborated this: *'Enough hours, enough days. I go to the club when I've got enough money - money's the problem.'*

There is clearly a complicated set of factors that impact on the amount of money people have to spend at the club. The discussion of the impact of Income management given above suggests that quarantining 50% of income does not impact on sales of alcohol through the club. This suggests that people put a high priority on spending their income at the club. However there must be a fairly regular limit on available funds across the whole community when the total income is taken into consideration.

#### 4.1.6 Alcohol sold by the clubs – Full strength, mid-strength and light beer

Under the NTNER, in addition to shortening opening hours, six of the seven clubs in the study had to limit themselves to selling only light and mid-strength beer, where previously full strength beer had been the preference of most patrons. The figure below presents the aggregated wholesale sales of each strength of beer, expressed as litres of pure alcohol. Missing data is not represented in this graph, and affects the accuracy of the total figures presented.

**Figure 0.9: Aggregated wholesale supplies of full, mid and light strength beer, all clubs, 2005-2012**



Source: PAC Wholesale supply, 2005-12, NT Licensing Commission<sup>22</sup>

The data show the decline in sales of full strength beer. Despite the missing data it is clear that prior to 2007 full strength beer was the main drink. Interestingly sales appear to have been declining before the introduction of the mandated change in October 2007. This is accompanied by a rise in sales of mid-strength beer. This is likely to have been partially caused by two clubs stopping selling full strength beer in 2006 because of a change in their license conditions.

However the switch to mid-strength beer continues to cause controversy, and feelings in some areas of the community run high on the issue. Survey respondents were therefore asked 'Are you happy with the sort of drinks your club is allowed to sell?' Table 4.5 below presents their responses.

**Table 0-5: Are you happy with the sort of drinks your club is allowed to sell?**

<b>Response</b>	<b>Frequency</b>	<b>Percent</b>
<b>Yes</b>	199	59.0%
<b>No</b>	144	39.8%
<b>Don't know</b>	13	3.6%
<b>No response</b>	6	1.7%
<b>Total</b>	362	100.0

The majority of respondents (59%) reported that they are happy with the clubs switching to mid-strength beer. In contrast almost 40% said that they were not. This response is something of a surprise, and suggests that while some people are being very vocal about their displeasure with the switch, more people are quietly happy about the change.

There is considerable variation in this result when it is analysed across the communities. For three clubs in the Tiwi Islands<sup>23</sup> the result is reversed, with 54% of respondents reporting that they are not happy with the change, and 46% who are. When the Tiwi Island clubs are excluded the result swings more heavily to those who are happy with the current regime, with 71% reporting they are happy, and 29% who are not.

<sup>22</sup> Please note some quarterly data is missing. The data for 2005–6 is complete. The main impact of the missing data is in the quantity of mid strength sold from 2007-12.

<sup>23</sup> Analysis of the data for the fourth club in the Tiwi Islands has not been done due to very small numbers.



There is a small difference between genders, with women more likely to be happy than men, but this difference is not significant. There is however a significant difference in the responses of drinkers and non-drinkers, with 50.5% and 70.5% respectively reporting being happy with the change. It is interesting to note however that this still indicates that half of the survey respondents who drink are happy with the switch.

Qualitative data suggest that one of the key reasons so many respondents like the switch to mid-strength beer is that they feel that it has decreased the level of violence in their community: *'When you could drink heavy beer and as many as you liked - the ladies used to fight their husbands and the husbands would fight their wives. They would spend all their money at the club. When it went to 6 cans limit and light/medium beer there was less fighting.'*

Some people also indicated that having mid-strength meant that their community is functioning better: *'Happy with that [light beer]. We changed, we're good. The light can is real good - people used to get real drunk before and hangover, crook, couldn't go to work. Now people come to work no hangover, it's good.'*

All the police interviewed fully supported the change away from full-strength beer: *'Never go back to the heavy days. At its height the police were attending up to 30 DV incidents a month and now it is down to 5 or less.'*

On the other hand, as described above, not all survey respondents were happy, and many would like to be able to access heavy beer in their community. The following comment typifies this feeling:

*I'd love that [selling full-strength beer] - I'm a VB man - I don't drink wine or spirits. I'm too used to the heavy, the light ones don't agree with me. I get bloated. I've been drinking heavy all my life. That's why I go to town now and then. A lot of people go to town because of that - some go to town for weeks on end, end up in long grass broke and hungry. Some people from here, because after a while you get a craving. Main reason why people want light here is because of domestics[domestic violence]. But now run risk of getting caught by police and having accident getting heavy [beer]. Some people don't need heavy cans, light is enough for them.*

This man describes how he leaves the community so that he can drink heavy beer, and this is not uncommon. However there is some feedback that people who have left because of the switch are slowly returning: *'Heavies are no good. Light is much better. But when they did away with heavies lots of people went to town when they couldn't get them. They are slowly coming back now.'* And: *'the change to mid strength lost a lot of customers but they are coming back now.'*

Feedback suggests that people are becoming accustomed to mid-strength beer. In one community our researchers watched the ‘permit alcohol’ being unloaded from the barge. As described above, permits allow consumers to purchase either 12 cans of full-strength beer, or 24 cans of mid-strength beer once a week. At least two thirds of the beer purchased at this community was mid-strength, which suggests that people are choosing it in preference to full strength. Several people commented that a particular brand of mid-strength was ‘their beer’.

On the other hand, some drinkers indicated that they would like to be able to drink something other than beer. Several people commented that they don’t go to the club because they don’t like beer – they like pre-mixed spirits: *‘Should be able to get UDL lights, don’t know why they stopped that. Not heavy beer - people still get drunk alright on mids, better off keeping light otherwise people start getting violence, won’t work with heavy beers.’* And: *‘Should be UDL lights for the ladies, because there is only beer some of the ladies don’t go, better when there are more ladies in the club.’*

#### **4.1.7 The place of clubs in the community: key points**

- *Residents of communities with clubs purchase significant quantities of alcohol at other outlets as well as what they buy at the club.*
- *Qualitative feedback indicates that people drink elsewhere because they like to drink other products, and because they want to drink more alcohol than they are allowed at the club.*
- *Heavier drinkers are more likely to leave the community to purchase full strength beer and spirits at other outlets.*
- *Residents adapt their drinking habits to where they are – drinking full strength beer at some outlets, and mid-strength in their community.*
- *One of the reasons people choose to drink at their club is because they enjoy the socialising, food and options for entertainment.*
- *There was diversity of opinion on the impact of the club on individual drinking.*
- *The most common response was that if there was no club, people would drink more.*
- *People felt that if there was no club, people would drink in riskier places like the ‘long grass’.*
- *Some people commented that the club functions to keep people in their community, where they are safest.*
- *Some people would welcome the closure of the club because there would be more cultural activities like hunting and fishing.*
- *A small majority (52%) of survey respondents reported that they are happy with the shorter opening hours, while 43% would like to see longer opening hours.*

- *There was considerable comment that the shorter trading hours had led to fewer alcohol related problems in the community.*
- *Some respondents commented that it was good that the club wasn't open on Thursdays, because that is when people buy most food at the Store.*
- *Prior to the enforced switch to mid-strength beer most patrons chose to drink full strength beer.*
- *In the communities on the Tiwi Islands, 54% of survey respondents reported they that were not happy with the change to mid-strength, and 46% reported that they were happy.*
- *In the remaining four communities, 71% of respondents reported that they were happy with the switch to mid-strength beer at their club.*
- *The reasons that people like mid-strength are:*
  - *You feel OK the next morning after you've drunk it*
  - *People are turning up to work after evenings at the club*
  - *There is less trouble in the community since the switch to mid-strength (although this might be more attributable to the shorter opening hours)*
- *There is considerable feedback that people would like the clubs to be able to sell light and mid-strength pre-mixed spirits such as UDL.*