

# Northern Territory Licensing Commission

## Reasons for Decision on Application by Alice Springs Town Council for a Public Restricted Area

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<b>Applicant:</b>	Alice Springs Town Council
<b>Date of Decision:</b>	9 May 2007
<b>Legislation:</b>	Part V111 Divisions 1B, and 2 of the <i>Liquor Act</i>
<b>Members:</b>	Richard O'Sullivan (Chairman) Helen Kilgariff Brenda Monaghan

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### Background

- 1) On 19 September 2006<sup>1</sup> changes were made to the *Liquor Act* (the Act) to enable part or all publicly used space<sup>2</sup> in any Northern Territory city, town, community or region to be declared a Public Restricted Area. Once declared and publicised, consuming liquor in a public restricted area is prohibited unless a specific permit has been obtained<sup>3</sup>. Such an area excludes private premises as defined under the *Liquor Act* (the Act).
- 2) The permit required to allow consumption of liquor in such an area is obtained by the person or organisation hosting the function or event rather than the person drinking. There are many situations in which the Commission might grant a permit including the following:
  - a) An organisation might be granted a permit to allow the public to consume liquor at a community festival or a sporting event on public land; or
  - b) A couple may seek a permit to allow their guests to drink champagne at their wedding ceremony at a local park within the declared area.
- 3) If someone without a permit breaches the legislation and proceeds to drink within the declared area, then they face various penalties. Police can routinely confiscate and dispose of any remaining liquor but in addition they also have a wide discretion to decide whether a further penalty should be imposed such as an "on the spot" fine of \$100 by way of infringement notice or the issue of a contravention notice for a fine of up to \$500.<sup>4</sup>
- 4) In response to the introduction of these new legislative provisions, the Licensing Commission received an application from the Alice Springs Town Council on 2 October 2006. The Council asked that the entire Municipality be declared a Public Restricted Area except for the picnic area adjoining the Telegraph Station<sup>5</sup>. There are twenty-one (21) Town Camps within and on the outskirts of Alice Springs and all lie within the Municipality. As nineteen (19) Town Camps are on leased Crown land, they fall within the definition of "private premises" under the Act and will automatically be excluded from the Public Restricted Area if declared. The individual camps will have to make a separate application if they want to become "Dry". There are two

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<sup>1</sup> The amendments were assented to and commenced on 19 September 2006 –*Liquor Amendment Act 2006 (No 27 of 2006)*

<sup>2</sup> The *Liquor Act* also allows privately owned land to be declared a public restricted area in certain circumstances.

<sup>3</sup> The only other limited exception allows wine to be consumed as part of Holy Communion.

<sup>4</sup> See police powers under s101AB and a101AC of the *Liquor Act*. The police also maintain their powers under the *Summary Offences Act* which allows them to confiscate liquor from anyone drinking in public within 2 km of a licensed premise and dispose of it unless an exemption has been granted for that area or event.

<sup>5</sup> The Picnic Area is currently an exempt area for the purposes of the *Summary Offences Act* and therefore the police do not have the power to confiscate alcohol from visitors to that area who are acting responsibly.

(2) Town Camps however on vacant Crown land within the Municipality- namely Namatjira's Camp on Lot 8078 Town of Alice and Irrkerlantye (White Gate Camp) on Lot 8106 Town of Alice. Unless they are specifically excluded, these Town Camps will form part of any Public Restricted Area (ie "Dry Town") and no residents or visitors will be able to consume liquor on that land.

- 5) The application by the Alice Springs Town Council was the first Public Restricted Area (Dry Area) application to be received and is the first to be considered by the Commission. The Town Council's letter advised of the Council's ongoing concern about the incidence of anti-social behaviour resulting from the misuse and abuse of alcohol and its view that the Declaration of a "Dry Town" was one of a number of strategies required to address the problem. The Council indicated a preparedness to support any applications in relation to declaring Town Camps "dry" areas and expressed its intention to continue to work with government agencies and others to address alcohol-related issues. Finally, the Council commented on the need for appropriate levels of policing to enable the proposed "Dry Town" to be properly enforced.
- 6) The process for an applicant such as the Alice Springs Town Council to seek a Public Restricted Area is simple. All they need do is write to the Commission stating what they want. The onus is then placed entirely on the Commission to gather information and statistics consult with stakeholders and the community and conduct an inquiry into the application.<sup>6</sup> In effect, in the absence of a requirement of the applicant, the Commission is bound to undertake a social impact evaluation of the consequences and impacts of any successful application. To this end, the Commission is given wide discretion but is required to take into account all relevant information including the following<sup>7</sup>:
  - a) *information about the consumption of liquor in or near the relevant area (including the amount and type of liquor sold under each licence in or near the area and conditions of the licence);*
  - b) *incidents of crime in or near the area that are related to liquor consumption;*
  - c) *the views of any of the following in relation to the application that have been given to the Commission:*
    - i. *an individual who lives or works, or proposes to live or work, in the area;*
    - ii. *a body (whether incorporated or not) that has, or proposes to have, an address in the area;*
    - iii. *each local government council mentioned in section 76(2)(c) in relation to the area;*
    - iv. *the Police Force, an Agency and any other authorities established by a law of the Territory; and*
    - v. *anyone else whom the Commission considers to have an interest in the area;*
  - d) *any other information the Commission considers relevant to the application.*
- 7) In early November 2006, the application made by the Alice Springs Town Council was advertised in the Centralian Advocate and on the Web.<sup>8</sup> The initial deadline for lodgement of written submissions with the Licensing Commission was Friday 8 December 2006. This deadline was subsequently extended to 2 March 2007. In response to public interest in the matter, the Commission convened a public consultation forum on 13 February 2007. This was attended by approximately forty (40) community members. Mr Chris McIntyre (The

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<sup>6</sup> Pursuant to 86C of the *Liquor Act*, the Commission must conduct an inquiry to inform itself about the application and may conduct investigations and consultations as it considers appropriate.

<sup>7</sup> S86D of the *Liquor Act*.

<sup>8</sup> A copy of the advertisement is contained in Annexure A.

Deputy Director (South) of the Office of Racing, Gaming and Licensing) also assisted in ensuring that the Alice Springs public was fully aware of the application and of their ability to comment by liaising closely with local media, stakeholders and residents on the Commission's behalf.

## Breadth of Commission Inquiry

- 8) In fulfilling its obligations under the *Liquor Act* to properly consult and consider relevant issues before making a decision, the Commission has taken into account the following information:
- a) The twenty-two (22) written submissions<sup>9</sup> received from thirteen (13) private persons and nine (9) organisations including:
    - i. Central Land Council;
    - ii. Peoples Alcohol Action Coalition (PAAC);
    - iii. Tangentyere Council;
    - iv. Central Australian Aboriginal Congress Inc;
    - v. Central Australian Aboriginal Legal Aid Service;
    - vi. Department of Health and Community Services;
    - vii. Northern Territory Council of Social Services (NTCOSS);
    - viii. Central Australian Division of Primary Health Care Inc; and
    - ix. The Anglican Church.
  - b) All comments received at an advertised public meeting held on 13 February 2006 at the Araluen Centre and attended by approximately forty (40) residents.
  - c) All formal oral submissions<sup>10</sup> (thirteen in all) made at the formal hearing held on 8 and 9 March 2007 in Alice Springs. At the hearing, Her Worship the Mayor provided both oral and written submissions<sup>11</sup> in support of the application and answered questions. Mark Blackburn, Director of Corporate & Community Services, Alice Springs Town Council, represented the Alice Springs Town Council throughout the hearing.

Others made oral submissions including:

- i. Commander Coffey (Northern Territory Police);
- ii. Mr Kevin Diflo;
- iii. Mr Hal Duell;
- iv. Reverend Milton Blanch (Anglican Church);
- v. Lorraine Braham MLA;
- vi. William Tilmouth (Tangentyere Council);
- vii. Jonathon Pilbrow (NTCOSS);

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<sup>9</sup> See Annexure B for outline of written submissions

<sup>10</sup> See Annexure C for outline of oral submissions

<sup>11</sup> For a copy of the Written Submissions of Alice Springs Town Council tendered at the hearing – see the Decision at [www.nt.gov.au/justice/commission](http://www.nt.gov.au/justice/commission) on contact the Racing, Gaming and Licensing Office on (08) 8951 8453

- viii. Noel Thomas;
  - ix. Dr John Boffa (PAAC);
  - x. Stephanie Bell and Betty Carter (Congress);
  - xi. Peter Turner; and
  - xii. Bob Durnan.
- d) The views of some Town Camp residents who spoke to the Commission during a visit to three (3) Town Camps.
- e) The advice, views and comments made by the following persons during various meetings with the Commission over the past two (2) months:
- i. Superintendent Sean Parnell and Acting Commander Lance Godwin , Northern Territory Police, Alice Springs regarding policing issues including their ability to enforce a “Dry Town” if declared and their ability to adequately and promptly respond to the needs of Town Camp residents;
  - ii. Ms Penny Fielding, Director of Department of Health and Community Services regarding health and alcohol rehabilitation issues generally but more particularly regarding the ability of the Department to respond adequately to the needs of Town Camp residents via Night Patrols etc if a “Dry Town” is declared;
  - iii. Mr William Tilmouth Chairman of Tangentyere Council regarding the views of the Council generally and the specific concerns of its members if a “Dry Town” is declared;
  - iv. Dr Ian Crundall of Office of Community and Justice Policy (Department of Justice) to discuss matters generally and to assist with the analysis of statistical data received from Police, Health and Racing, Gaming and Licensing;
  - v. Mr Stephen Jackson, Director – Research and Statistics, Office of Crime Prevention (Department of Justice) to provide an analysis of statistical data received from Police;
  - vi. Deputy Mayor Phil Greagen, City Manager Mr John Stephens and Manager of Community Harmony, Ms Marie Williams of Port Augusta Town Council (by phone link) to discuss their perspective on the impact of declaring Port Augusta a “Dry Town” and associated complementary measures or initiatives;
  - vii. Mr David Wright of United Aboriginal Christian Congress, Port Augusta (by phone link) to discuss his perspective on the impact of declaring Port Augusta a “Dry Town” and associated complementary measures or initiatives;
  - viii. Sergeant Ian Feltus of South Australian Police, Drug and Alcohol Division, Port Augusta (by phone link) to discuss a police perspective on the impact of declaring Port Augusta a “Dry Town” and associated complementary measures or initiatives;
  - ix. Ms Bernadette McKenna Court Clinician, Alice Springs Law Courts, Department of Justice, Alice Springs to gain insight into the workings of the Alcohol Court in Alice Springs;
  - x. Mr Rex Wild QC and Ms Pat Anderson – Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse-to discuss alcohol abuse in the NT generally, including the role alcohol has to play in abuse of Aboriginal Children;
  - xi. Mr Barry Chambers, Chairman, Alice Springs Town Camps Taskforce regarding proposed improvements in Town Camp infrastructure and services including street lighting and telephones;

- xii. Mr Nick Raymond, Policy Officer of Office of Community and Justice Policy (Department of Justice) Alice Springs regarding the Alice Springs Alcohol Management Plan and related issues; and
  - xiii. Mr Chris McIntyre, Chair of Alice Springs Alcohol Reference Panel and Deputy Director (Sth) of Office of Racing Gaming and Licensing regarding Alice Springs liquor related issues generally.
- f) The Commission obtained recent and trend statistics on liquor consumption, alcohol related violence and alcohol related health issues as a background to its decision making and enlisted the assistance of experts such as Dr Ian Crundall and Mr Stephen Jackson to assist in the interpretation of that data.
- g) The Commission further took into consideration a number of reports including the following:
- i. *Alice Springs Town Camps Task Force Report*, June 2006;
  - ii. Report by Tangentyere Council Research Unit titled *Population and Mobility in the Town Camps of Alice Springs (2004/05)*;
  - iii. Report of the South Australian Office of Crime Statistics and Research titled *Monitoring the Adelaide Dry Area: An Update, October 2005*;
  - iv. Report by Department of Health and Community Services on *Alcohol Related Data for Alice Springs Hospital*, April 2007;
  - v. Report by Dr Ian Crundall analysing recent Police and Hospital Statistics for Alice Springs, 22 April 2007;
  - vi. *Alice Springs Town Camps Implementation Steering Committee –Report on Task Force Recommendations*, 2 January 2007;
  - vii. *A Survey of the Attitudes of Aboriginal Town Camp Residents to the Alice Springs Liquor Licensing Restrictions*, jointly by Tangentyere Council, National Drug Research Institute and Centre for Remote Health, 28 May 2003.

## Summary of Oral and Written Submissions

- 9) The issues addressed in the oral and written submissions received by the Commission were many and varied. The principal issues raised in submissions are outlined below:
- a) Concern that many Alice Springs residents feel unsafe in their own homes and streets because of the level of antisocial behaviour and violence in the town;
  - b) A frustration at the increase in litter (especially broken glass) since the new Liquor Supply Plan was introduced on 1 October 2006;
  - c) Concern that the introduction of a “Dry Town” will do nothing to reduce drinking and offensive behaviour in the area;
  - d) Comment that one of the main groups of persons causing problems for Alice Springs residents are visitors from outlying communities who come to town for various reasons, stay for extended periods and drink to excess during their stay - often in public. There is a perception that visitors from outlying communities are increasing in number and staying for longer but the size of this urban drift is unknown;
  - e) Repeated concern that antisocial behaviour and domestic violence in Town Camps will increase if drinkers are prevented from drinking in public spaces and retreat into Town Camps;

- f) Concern that drinkers will impose on family and friends in public housing causing problems for them in their homes;
- g) Concern that the level of policing is currently not sufficient and that the police are not sufficiently resourced to properly implement “Dry Town” legislation;
- h) Concern that night patrol, rehabilitation and counseling facilities are not sufficient to cope with a greater increase in workload;
- i) Concern that the problem drinking that now occurs in public will be forced underground and that those drinkers will be further isolated from government departments and support agencies and may gather in informal drinking areas outside the “Dry Town” boundary;
- j) Concern that the introduction of penalties such as monetary fines for public restricted area breaches criminalise public drinking and are unlikely to act as an effective deterrent;
- k) Repeated comment that the Commission should wait until the Liquor Supply Plan introduced on 1 October 2006 has had time to be evaluated before further measures are made that might “muddy the water”;
- l) Concern that liquor is seen as the major problem whilst other causative or contributive issues such as unacceptably poor education, health and housing conditions appear to take a lower priority;
- m) A concern that the rights of the law abiding majority are restricted because of the minority who flout the law, supporting a call for consideration of an ID system to target problem drinkers only;
- n) A request that if a “Dry Town” is introduced, it also be immediately implemented in a meaningful way so that it is not seen as a toothless tiger in the same way that the 2km rule is perceived;
- o) Concern that if a “Dry Town” is introduced, many problem drinkers will simply move to other centres where alcohol is more freely available placing the burden on others without solving anything;
- p) Concern that such measures as “Dry Town” legislation are simply window dressing and that the fundamental problems are not being dealt with;
- q) Positive first hand accounts of the impact of the “Dry Town” legislation in Port Augusta;
- r) Query as to whether there is a need for the “Dry Town” to extend over the whole of the Alice Springs municipality;
- s) Comment on the need to ensure that if a “Dry Town” is declared, it be well publicised in the media so that visitors know of the restrictions;
- t) Repeated comment that associated support measures and initiatives need to be introduced to complement a “Dry Town”.

## Summary of Statistical Reports

- 10) As a background to its decision making, the Commission sought assistance in analysing alcohol-related data received from Police, Health and Racing Gaming and Licensing in the following use and interpretation of data:

### Liquor Supply Plan Measures Introduced on 1 October 2006 and their Impact:

- a) The Commission is advised of an 11% drop in absolute alcohol consumption in Alice Springs in terms of takeaway sales when comparing the September 2006 quarter to December 2006 quarter. More relevant is the 9% drop in absolute alcohol consumption in Alice Springs in terms of takeaway sales when comparing the December 2005 quarter to December 2006 quarter, as this comparison rules out seasonal differences. It is also important to note the consequence of the Liquor Supply measures introduced in 1 October 2006 in addressing the alarming levels of cask wine consumption, which resulted in an 83% decline in cask wine sales for the final three (3) months of 2006 and a 50% drop in fortified wine sales in the same period. During that same period, increases in lower alcohol products included a 55% increase in consumption of full strength beer, 17% for mid-strength and 28% for mixed spirits. Whilst the overall decrease in absolute alcohol consumption looks positive, it is too early to speak confidently about the longer term impact of the Liquor Supply Plan and other complementary measures introduced on 1 October 2006. A full evaluation of outcomes after twelve (12) months will be more meaningful and reliable.
- b) The Commission has also been provided with police statistics on the incidence of alcohol related crime in Alice Springs to the end of December 2006. The data indicates a halving in the number of Protective Custody orders made between October and December 2005 and the same period in 2006. There was a 10% drop in domestic disturbances in Alice Springs for the same period, but the drop was not consistent across suburbs. While patterns relating to Domestic Violence Incidents are inconclusive, there appears to be an overall reduction in alcohol related crime from October to December 2006 of 11.5%, with street offences being the only category to increase. Once again, the three-month period for which data is available is insufficient to confidently forecast any trends in alcohol related crime and the Commission is aware that the perception of many Alice Springs residents is that crime and antisocial behaviour generally has increased in recent months. We do not have the verified statistics to comment on that perception but we do not dismiss these concerns and await a formal evaluation of the Liquor Supply Plan later this year to provide a clearer picture.
- c) Data from the Department of Health on alcohol-related hospital presentations in Alice Springs has been provided comparing December 2005 quarter and December 2006. Emergency Department figures showed notable reductions in presentations for intoxication, harmful use, psychotic disorder, alcoholic poisoning and acute pancreatitis. All admissions for acute alcohol-related conditions were down markedly (45.5%), as were those for chronic conditions (38%). However it needs to be noted that all chronic conditions had been reducing for some time, even before restrictions were introduced. Similarly, some of the acute outcomes were also on the decline prior to the restrictions, but that decline appears to have been accelerated by the new measures introduced. This complicates any interpretation.

On the face of it, the period of restrictions from October to December 2006 tends to show reductions in alcohol-related presentations to the hospital.

### Longer Term Trends

- d) The Commission is aware of a generally held perception that alcohol related crime and antisocial behaviour has increased in Alice Springs over the past few years. The Commission is advised that statistics for relatively small populations can fluctuate from one period to the next, and this is the case for indicators of alcohol related anti social behaviour incidents in Alice Springs. What is clear is that the numbers of those recorded as taken into Police Protective Custody or to a Sobering up Shelter have decreased from 9,655 in 2004 to 7,391 in 2006 – a 23% reduction. Similarly incidents of drunken persons recorded by the police have decreased by 22% over the same period - from 1,262 to 988.

With regard to violent crime, in 2005 the police implemented their Violent Crime Reduction Strategy resulting in major administrative and operational changes in the way the Police record and deal with violent offences, particularly domestic violence related assaults. As a consequence it is not possible to confidently comment on changes in the numbers of assaults occurring in Alice Springs. However, of those assaults recorded by the Police in 2004 at least 59% were assessed as involving alcohol and this proportion increased to at least 66% in 2006.

## Reasons for Decision

- 11) The Commission acknowledges the deep concern and frustration of many Alice Springs residents about liquor abuse issues and public safety. Every resident has a right to feel safe in his or her own community and it is apparent to the Commission that many residents do not feel safe, particularly if they are in the Mall or on the streets late at night. Many residents also refrain from confidently utilising the local parks and other public facilities or allowing their children to play there because of the possibility of being subjected to antisocial behaviour and public drinking. These issues also impact negatively on the tourist industry in the town and the public perception of Alice Springs as an attractive place to visit. Despite the community perception that historically the 2km law has been ineffective in dealing with public drinking, there appears to be strong community support for the efforts of police to deal with liquor related issues. Concern was expressed however that current police resources (as at the time of the hearing) may not be sufficient to properly implement and enforce a "Dry Town", rendering the proposed change ineffective.
- 12) It appears to the Commission that the "2 km law" is generally enforced in the central town area but it notes concerns expressed over a number of public drinking "hot spots", particularly around Northside and in some public parks and areas of the Todd River.
- 13) Because the only penalty for public drinking under the Summary Offences Act is confiscation and tip-out of liquor, the legislation is seen as "a toothless tiger" and a thankless task for police who continually confiscate liquor from the same individuals. The Commission notes that the recent amendments to the *Liquor Act* in relation to Public Restricted Areas give the Police the discretion to employ further options other than confiscation and destruction of liquor to try to control public drinking and whilst the effectiveness of using fines to combat this problem is unknown, it may be effective in some cases. The Commission notes the comments from some that this is once again criminalising public drunkenness but also notes the widely held concerns that something must be done to combat this problem.
- 14) The Commission also notes the comment made in many of the submissions that there should be no new measures implemented in Alice Springs until the Liquor Supply Plan introduced in October 2006 has been in force for a full twelve (12) months and its impacts fully evaluated. The Commission has considered this request but has ultimately rejected as not a sufficient reason to delay consideration of the application. The *Liquor Act* provides for an application for a Public Restricted Area to be considered by the Commission "as soon as practicable". Additionally the data itself, when available, may not be conclusive. In any event the measures of retail sale restrictions introduced on 1 October 2006 and a "Dry Town" measure are different and could be complementary, one applies to restrictions on alcohol supply the other restricts where people can consume alcohol. For these reasons, the Commission concluded that any measures that can be undertaken now to control liquor related problems in Alice Springs should not be delayed.
- 15) Many comments have been made in the media and elsewhere about Port Augusta. Despite the fact that no formal evaluation has been done to date, there appears to be a general perception that the implementation of a "Dry Town" at Port Augusta has been successful. Part of its key to success in decreasing the incidence of public drinking may well be attributed to the very public stand the town took on the issue through the media and in more localised campaigns. Police also advised that they were provided with extra resources to ensure that during the initial months, the legislation was properly enforced. It is noted that from the outset, other complementary measures were put in place to support a "Dry Town" including

the development of a Transit Camp (which is also “dry”) for visitors to stay in. Finally and perhaps most importantly, there is anecdotal evidence from reliable sources that the annual migration of visitors from Pitjantjatjara Lands and surrounding areas to Port Augusta has declined and many have now elected to visit other towns including Alice Springs and Adelaide. If this is true, then from a town perspective, Port Augusta is much improved but the “balloon has simply been squeezed” and many of the problem-drinkers have no doubt migrated elsewhere.

- 16) What will happen to Alice Springs Public Areas if a “Dry Town” is declared and properly and consistently enforced? The Commission anticipates that “Dry” areas will become less attractive to persons wanting to drink liquor without police interference and the litter and antisocial issues experienced will decrease.
- 17) What will happen to the problem drinkers (ie those drinking in public areas) in Alice Springs if a “Dry Town” is enforced? There are various likely scenarios including the following:
- i. Some problem drinkers will choose to ignore attempts by police to move them on from public areas, in which case they will face repeated confiscation of liquor, fines and ultimately other court imposed sanctions. If they commit more serious offences, they may end up before the Alcohol Court and be given the option of rehabilitation treatment or prison;
  - ii. Some will avoid public places and instead will spend more time visiting friends and family in Town Camps and public housing and drinking there;
  - iii. Some will elect to drink and socialise at public hotels rather than risk public drinking;
  - iv. Some problem drinkers from outlying communities who normally visit Alice Springs may elect to travel to other towns to live or visit; and finally
  - v. Some drinkers may set up “wet camps” outside the Dry Area boundaries.
- 18) These various scenarios require closer examination, particularly the likelihood that some drinkers who currently choose to drink in public spaces may well migrate to the Town Camps to drink in order to avoid police intervention. It is apparent that a considerable amount of drinking currently occurs on some Town Camps. Currently, only one of the Town Camps is a “dry” camp, having been declared a General Restricted Area some 18 months ago. That Camp (Abbots Camp) has faced many problems with its “dry” status and those problems are still being addressed. The reality of most Town Camps at present is that they are the sites experiencing a considerable amount of drinking and very poor levels of infrastructure such as street lighting or public phones. They also tolerate a considerable number of visitors who regularly cause trouble.
- 19) The Commission has been advised of the proposed plan for improvements to Town Camps in terms of infrastructure and services and for the development of two (2) transit camps to accommodate residents of outlying communities who come to town to access facilities or to visit family and friends. There is currently no guarantee however that all of the proposed improvements to Town Camps will occur – nor is there a stipulated or guaranteed timeframe for implementation of any of the improvements, including the creation of the transit camps. In these circumstances, the Commission has considered the impact of a “Dry Town” Declaration on Town Camps on the assumption that these improvements will occur over time.
- 20) The Commission adds a cautionary note to the perception or view that a “Dry Town” status will provide “the solution” to the town’s alcohol related problems. Abuse of liquor is not the sole problem facing many of the Indigenous residents of and visitors to Town Camps. Substandard housing and camp infrastructure, unemployment and boredom, poor health, little education and a loss of hope and identity all help to cause the current social problems facing town camp residents and many of their visitors. Until these deeper, more systemic, issues have been addressed, supply and harm reduction strategies such as liquor restrictions and Dry areas can only partly address the problems.

## The Decision

- 21) The Commission fully supports the need for Alice Springs residents to feel safe in the public spaces in their town. The Commission must, however, be satisfied that a decision to declare Alice Springs a Public Restricted Area (a “Dry Town”) does not imperil the safety of residents in Town Camps and those in public housing.
- 22) Following consideration of all submissions, reports and available statistics, the Commission has decided that a Public Restricted Area should only be declared for Alice Springs if complementary measures are able to be introduced to provide the necessary support to Town Camps and public housing. Whilst there are differing views within the community on the likely impact of a “Dry Town” Declaration on the Town Camps and public housing, the Commission is of the view that a likely outcome in the short term will be pressure of more drinking in those places.
- 23) In order to explore the ways in which Town Camp and some public housing residents can be supported if a “Dry Town” is declared, the Commission, following formal hearings on 8 and 9 March 2007 and consideration of written submissions, has spoken further with Police, Health and Racing, Gaming and Licensing. At those meetings, the Commission has received assurances from those agencies that complementary measures will be in place to support the Public Restricted Area. The complementary measures advised include:
- a) An effective communication strategy and a community education programme to ensure that the details of the “Dry Town” are known. These measures will consist of radio and television advertisements, including some media releases in language targeting outlying communities;
  - b) Adequate policing of the Town Camps and appropriate procedures put in place to ensure that any request for assistance is attended to within an acceptable response time;
  - c) Sufficient Community Night Patrols to properly service Town Camps and/or similar complementary measures to assist residents in dealing with liquor related issues;
  - d) Adequate access to phones by camp residents to ensure they can seek immediate police assistance if required and/or other complementary measures to ensure an acceptable level of communication between police and camp residents is available;
  - e) Practical assistance to residents in public housing to enable them to apply for their houses or units to be declared private restricted premises<sup>12</sup> (i.e. Dry);
  - f) Practical assistance to various Town Camps should they wish to consider becoming “Dry” camps;
  - g) The assistance of a dedicated officer from the Department of Justice to coordinate the provision and implementation of supporting complementary measures for Town Camps and public housing including the measures referred to above.
- 24) The Alice Springs Alcohol Management Plan combines harm reduction and demand reduction strategies including rehabilitation services, sobering up shelters and community education about safe drinking. These strategies are being implemented by various Government departments. The Commission views the Dry Area Legislation as just one part of this broader effort to minimise the harm both for the individual and the community.

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<sup>12</sup> The Commission consider that pressure on families in public housing will in many cases be best dealt with by those families declaring their homes to be Restricted Private Premises. This means that no one including the occupants of the house can bring liquor home to drink. Approximately 100 families and individuals have applied in the NT to have their houses declared Restricted Private Premises and the initial feedback from Housing and Police is positive.

- 25) On the basis of assurances received that the complementary measures referred to above will be in place from the outset and subject to the provision of a legal definition for the proposed Public Restricted Area as defined in the attached map, the Commission has determined to approve the application.
- 26) The declared area is smaller than that sought by the Council but after discussions with stakeholders and in particular the Police, it is the Commission's view that the smaller area is more appropriate and more easily defined by way of sign posts. In general terms, the area to be declared is as follows;
- Past Motor Vehicle Registry to the North;
  - East to include Ross Highway and the former Chateau Hornsby;
  - South to the Adelaide turnoff; and
  - West to include White Gums.

The proposed area is sufficiently large to deter the occurrence of informal "wet" camps on the fringe areas of town but not so large that the more isolated picnic spots used regularly by Town residents will become "Dry". All municipal residences fall within the boundary of the Declared Public Restricted Area.

- 27) The picnic area adjacent to the Telegraph Station is the only public area within the declared area where alcohol can be consumed without a permit.
- 28) All Town Camps except Irrkerlantye (aka White Gate Camp on Lot 8106 Town of Alice) fall within the area to be declared. Namatjira's Camp (Lot 8078 Town of Alice) is the only camp within the Declared Area that lies on vacant Crown Land. It is small and makeshift and appears to occupy this site without any expressed consent of the Territory Government. If this camp was included in the Declaration, its residents would be treated differently to other town residents living in tenured Town Camps. Until the Commission is able to be satisfied that the residents can be accommodated elsewhere, or the status of the Town Camp is formalised, the Commission has excluded part of Lot 8078 that surrounds the existing dwellings from the Declaration.<sup>13</sup>
- 29) Before the Declaration takes effect, the Licensing Commission will set up signs within and around the boundaries of the "Dry" area to provide information about the Declaration, the offence of contravening the Declaration, and the penalties that apply to the offence.
- 30) Following discussion with various stakeholders, the Commission has determined that a commencement date of 1 August 2007 provides sufficient time for the area to be gazetted, the public to be properly informed, signs to be prepared and erected and support agencies to organise their services.
- 31) If the "Dry Town" approach is successful, then the incidence of public drinking, antisocial behaviour and littering in public spaces in Alice Springs will be lessened. The Declaration is less likely to have a significant impact on the amounts that the targeted drinkers drink as most will simply move their drinking to other places. This reality may not be an issue for Alice Springs residents if a "Dry Town" is declared but it remains an issue for Government, the Commission and support agencies generally.

## Review

- 30) In order to consider and evaluate the impact of the Public Restricted Area Declaration on Alice Springs, the Commission will review this decision after twelve (12) months from the date

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<sup>13</sup> Note – Namatjira's Camp is within 2km of licensed premises and will also require an exemption under Section 45E of the *Summary Offences Act* if liquor is to be consumed there.

of commencement. However, if the complementary measures referred to in paragraph 23 which support the "Dry Town" status are not implemented as advised or if there are unforeseen harmful consequences arising from the decision, the Commission reserves the right to review the decision within that twelve (12) month period.

## Declaration

32) Noting the provision of the complementary measures referred to in paragraph 23:

A Declaration is made declaring all land within the marked boundary lines on the attached map to be a Public Restricted Area but specifically excluding:

- a) private premises within the described area;
- b) the picnic area adjacent to the Alice Springs Telegraph Station; and
- a) that part of Lot 8078 Town of Alice on which the dwellings known as Namatjira's Camp are located.

*(NOTE: A legal description of the Public Restricted Area to be provided.)*

33) Pursuant to Section 86E of the *Liquor Act*, the Public Restricted Area Declaration shall be published by *Gazette* notice and the Declaration shall take effect from 1 August 2007.

34) Pursuant to Section 86F of the *Liquor Act*, the Commission shall take the following steps:

- a) Within twenty-eight (28) days after declaring a Public Restricted Area, publish a notice of the Declaration in the *Centralian Advocate*;
- b) Before the Declaration takes effect, set up signs in the area publicising the Declaration; and
- c) Publicise the Declaration in other ways as the Commission considers appropriate.

Richard O'Sullivan  
Chairman

9 May 2007

## Annexure A

### Public Notice

#### Notice of Application for Declaration of a Public Restricted Area – Municipality of Alice Springs

The Alice Springs public is advised that the Alice Springs Town Council has applied to the Licensing Commission to declare all public places within the municipality of Alice Springs as public restricted areas.

- As a guide, the municipality of Alice Springs includes:
- all of the built up area north of MacDonnell Ranges to approximately 2km north of the Geoff Moss bridge;
- approximately 4kms to the east of the cattle grid on Undoolya road; and
- to the south of Heavitree Gap all of the area to the Adelaide t/o of the Stuart Highway, including Emily Hill's, the Winery, Ilparpa, Whitegums and Temple Bar areas.

A comprehensive map of the municipality and further information on this application can be sighted at the office of Racing, Gaming and Licensing, Peter Sitzler Building, 67 North Stuart Highway, Alice Springs.

The application does not include the picnic area adjoining the Alice Springs Telegraph Station, however this area may be included at a later date if antisocial drinking becomes a problem there. The inclusion of this area would then be the subject of a separate application.

If all the public areas of the municipality of Alice Springs are gazetted as Public Restricted Areas, it will be an offence to consume liquor in the prescribed areas without a permit\*.

Penalties for consuming alcohol without a permit can include:

- Forfeiture of liquor.
- Liquor tipped out or confiscated.
- A \$100 infringement notice issued.
- A maximum fine of \$500 if the matter goes to court.
- In the case of repeat offenders (multiple infringement notices) or complaints made by Police, a person may go before the court of summary jurisdiction and be referred to the Alcohol Court.
- Permits may be issued to organisations and members of the public for special one-off events, community functions or regular sporting fixtures.

*Sporting groups and community organisations that hold liquor licences to sell alcohol in public areas will still be permitted to sell alcohol, however a permit will be required to allow for the consumption of alcohol in public places.*

## Annexure B

### Written Submissions

#### A Brief Summary

13 February 2007-Ms Kay Widdows

- Increase in visible anti-social behaviour;
- Litter increase, largely broken and unbroken bottles.

7 December 2006-Mr Neil Wright, Department of Health & Community Services

- Support for local community in their position on the application.

8 December 2006-Mr John Boffa, Peoples Alcohol Action Coalition

- Oppose application;
- Need sufficient time to assess current supply restriction measures;
- Concern application, if successful, will increase drinking in private residences and Town Camps, making those places less safe;
- Preference for ID permit system.

8 December 2006-Ms Stephanie Bell, Central Australian Aboriginal Congress

- Support for existing liquor control restrictions;
- Oppose application;
- Concern over increased violence in private houses and Town Camps;
- Support ID system.

8 December 2006-Mr Kevin Diflo

- Oppose application;
- Concern over potential impact on Town Camps, particularly women and children;
- Evaluate current liquor supply measures.

8 December 2006-Mr David Ross, Central Land Council

Oppose application;

- Pressure on Town Camps;
- No evidence current 2 kilometre law has had an impact;
- Investigate other options, including ID card system;
- Evaluate current supply restriction measures, which are supported;
- Alternatives such as ID card system should be considered.

8 December 2006-Ms Sue Korner, Central Australian Division of Primary Health Care

- Oppose application;
- Support PAAC submission.

8 December 2006-Mr Jonathon Pilbrow, NT Council of Social Services

- Oppose application;
- Support PAAC submission;
- Proposal does not address underlying cause of problems;
- Endorses need for evaluation of existing alcohol supply measures.

7 December 2006-Mr William Tilmouth, Tangentyere Council

- Oppose application;
- Will push drinking and violence into Town Camps;
- Adelaide dry area research indicates no evidence of reduction in drinking and offensive behaviour;
- Will criminalise public drunkenness;
- Support existing supply restriction measures - seeks evaluation of its success.

27 November 2006-Mr Hal Duell

- Oppose application;
- Enforce 2 kilometre law.

8 December 2006-Mr Bob Duman

- Oppose application;
- Will concentrate problem drinking in homes and Town Camps;
- Allow more time for existing measures to take effect.

2 March 2007-Mr Robert Rossignol, Central Australian Aboriginal Legal Aid Services

- Oppose application;
- Does not address contributing causes of alcohol abuse;
- Will result in concentration of drinking and problems in Town Camps;
- Existing restrictions should be given time to take effect and be evaluated.

20 February 2007-Mr Robert Beames

- Support for application;
- Habitual drunks humbug and intimidate others.

4 March 2007-Ms Diana Whitehouse

- Oppose application;
- Existing supply restrictions having some small positive effects;
- Would put more pressure on Town Camps.

20 February 2007-Ms Lee Stehbens

- Support application;
- Broken glass currently an issue.

Received 1 March 2007-Ms Josie May

- Oppose application;
- Buy back alcohol licences;
- Violence transferred elsewhere.

19 February 2006-Ms Rena Fay Claxton

- Support application;
- Broken glass a problem.

28 February 2007-Mrs P Bird

- Supports application.

Received 2 March 2006-Barry and Cathryn Skipsey

- Support application;
- Alcohol related problems – cannot afford not to become a “Dry Town”.

3 March 2007-Reverend Milton Blanch (Anglican Church)

- Consider application, if successful, will not improve problems;
- Many social issues need addressing to lessen the underlying causes of alcohol abuse.

1 March 2007-Ms Rosalie Schultz

- Oppose application;
- Drinking will occur outside restriction area;
- Limit licences and hours of sale.

26 February 2007-Mr Robin Waitling

- Support application;
- Alcohol fuelled problems are increasing;
- Reservations; Police capabilities;
- Introduce a “liquor card”.

## Annexure C

### Oral Submissions

#### A Brief Summary

Thursday 8 March 2007

Mayor Fran Kilgariff

- Asked “Dry Town” application to be treated “as a matter of urgency”;
- Police suggest 200 problem core drinkers within Alice Springs;
- Perception of an increase in activity around shops, streets and public parks;
- “Dry Town” not the panacea or silver bullet to totally resolve problems;
- Some public drinkers hopefully will drink in controlled licensed premises;
- Hope Town Camps would apply to be “dry areas”;

Mr Kevin Diflo

Dry area will force people into Town Camps – matter should be deferred until other measures are in place, ie safety of Town Camps.

Mr Hal Duell

- Opposed application on basis of too simple and inappropriate solution to problems.

Reverend Milton Blanch

- Queried why the 2 kilometre law is not being enforced;
- Raised numerous social issues relating to uncontrolled drinking and anti social behaviour.

Lorraine Braham, Member for Braitling

- Oral submission only;
- Opposed to “Dry Town”, particularly based on impact on Town Camps and public housing;
- Restrictions do not work as substitution occurs;
- Need to address life on communities to make it more attractive to stay;
- Concern over criminalising public drinking;
- Concern over availability of rehab facilities.

William Tilmouth, Tangentyere Council

- Evidence on Victoria Square (Adelaide) being “dry” not conclusive in deterring anti social behaviour;
- Hard to say how Town Camps will be impacted on - could exacerbate poverty, social exclusion as well as increases in alcohol consumption;
- Need time for existing restriction measures to take effect and be evaluated;
- Mentioned the list of complementary programs needed to be in place;

- Given power dynamics in Town Camps, it would be difficult for them to be declared dry.
- Raised other matters referred to in written submissions.

#### Commander Mark Coffey

- Oral submission only;
- Support application
- Issue of Police resources and capability;
- Understood fear that it would be treated similarly to the existing 2 kilometre law (not consistently enforced);
- Could see benefit in application as it offers differing outcomes (pour out liquor, infringement notice, fine);
- The range of policing options include use of the Alcohol Court and rehabilitation programs;
- For some offenders may just tip out alcohol but could arrest more serious and serial offenders and put through the justice system;
- Police know who the principal offenders are (around 200 in number);
- ID card could assist;
- Support the call for other complementary measures;
- The size of the area applied for is very large – not all could be adequately policed;
- Some areas within the municipal boundary are used for picnics by Alice Springs residents;
- Drinking in Town Camps has probably already increased as a result of existing drinking restrictions;
- Some (small number) drinkers would go back to drinking in licensed premises;
- Port Augusta problems appear smaller and more containable than Alice Springs;
- Port Augusta model had complementary measures in place;
- There has been an upsurge in incidents in the last month.

#### Mr Noel Thomas

- Oral submission only;
- Supports “Dry Town” application;
- Familiar with Port Augusta and outlined improvements (no public drunkenness, no loitering, no abuse and cleaner town);
- Referred to Tasmania where in many public areas it is an offence to be in possession of open containers of liquor;

#### Mr John Boffa, People’s Alcohol Action Coalition

- Spoke largely to written submission;
- Shift the focus of drinkers to private houses and Town Camps;
- Supply restrictions in place, need time to be evaluated;

- Buy back of licences;
- Minimum price to dissuade alcohol purchase;
- A suite of measures needed to complement “Dry Town” if successful;
- Groote Eylandt Permit System regarded as successful;
- Aboriginal people are also concerned over anti social behaviour;
- Need an evidence based approach in applying new measures.

Ms Stephanie Bell and Ms Betty Carter, Central Australian Aboriginal Congress

- Concern over impact on Town Camps and private homes;
- Concern over the impact on hospitals and Congress;
- Referred to 2 kilometre law if applied as a preventative measure;
- Should allow current trials (supply restrictions) to take effect;
- Did not think more people would drink in licensed premises if the application is successful;
- Mandatory alcohol treatment not successful;
- Rehab services and programs can cope.

Friday 9 March 2007

Mr Jonathon Pilbrow, Northern Territory Council of Social Services

- Referred to written submission;
- Need to evaluate twelve months of current supply restrictions - using robust and accurate data;
- Application will shift alcohol to public and private housing and Town Camps;
- Mentioned evaluation of 2003 measures when takeaway hours reduced and Police activity increased – people moved and drank elsewhere;
- Alcohol Courts have capacity for only forty cases per year;
- Alcohol Rehabilitation Services are stretched and there are gaps in provision of services;
- Referred to significant waiting list for detox care;
- People need support to come to a voluntary decision to reduce alcohol consumption.

Mr Peter Turner

- Oral submission only;
- Put bottleshops back in hotels and clubs – not in drive throughs or supermarkets;
- People should be encouraged to drink in clubs and pubs and licensed accommodation premises;
- Concern over permit drinking in public places for special events;
- Go back to managing alcohol in communities;

- Do not want alcohol consumption at Telegraph Station.

Mr Bob Durnan

- “Dry Town” measures would impact on children’s attendance at school and women trying to conduct an orderly life in Town Camps;
- Referred to “radical autonomy” which does not allow for questioning another man’s behaviour – relating to peer group or social norms having some “control” over unacceptable behaviour;
- Closure of wet canteens in many communities has aided urban drift of drinkers;
- Success or otherwise current supply measures need to be assessed before consideration of new measures.

