



NPY Women's Council: Advocacy Substance Abuse: Alcohol



"We women ...want to keep that special measures certificate in place and we want Tjulu¹ to remain a grog-free place for us... We have already lost too many people because of that place. Every time we think about what has happened there and how many people we have lost on that highway because of grog that came from Tjulu, it breaks our hearts...Never again." Maringka Burton, NPY Women's Council, March 2005.

The Issue

NPY Women's Council members have long-held and very strong views on the effects of alcohol on their families and communities. This very serious problem has taken up many, many hours of discussion at Directors' and general meetings, and considerable time and effort has gone into advocacy and direct action.

The deleterious effects of alcohol on the Australian Aboriginal population from the time of white settlement led to prohibitions on supply in all jurisdictions by 1929, with exemptions in some places for those who were more 'assimilated.' Civil rights arguments led to these laws being progressively withdrawn from the 1960s².

Whilst they make up just 2.6% of the population, Aboriginal people endure health and social problems due to alcohol abuse at a rate far in excess of other Australians. In Central Australia the number of alcohol-related Aboriginal deaths - 14.6 per 10,000 - has been calculated at three times the national (Aboriginal) rate of 4.17³. Alcohol-related death rates have been estimated at between five and nineteen times higher for Aboriginal people than for non-Aboriginal people in Qld, SA, WA and the NT⁴.

Australians aged fifteen and over in 2006/07 consumed on average 9.88 litres of pure alcohol, while in the NT consumption by the non-Aboriginal population was 14.35 litres, and for Aboriginal people 16.1 litres⁵. Excessive consumption in the NPY region contributes to, among other things: high levels of social breakdown; domestic and other inter-personal violence; death and injury due to motor vehicle accidents; imprisonment; and Foetal Alcohol Spectrum Disorder⁶ - at unspecified but most likely higher than average levels.

While there are many historic and contemporary explanations for alcohol abuse, NPYWC considers addiction a cause rather than a symptom of problems, and the effects too serious to wait for all underlying issues to be resolved before it can be tackled. All NPY communities are 'dry' by law and by choice, but the trafficking of supplies

from regional centres is an ongoing issue, as is the tendency of some highly addicted drinkers to drift in to towns in search of grog.

Many Aboriginal people in the central region do not drink at all. Those who do drink however, especially those from remote communities, tend to be opportunistic in their approach - binge drinkers who consume heavily when grog is available and until it is gone, and if there is none, go without. A number of Aboriginal health and community organisations have therefore focused on availability as a critical issue⁷. NPYWC has pursued and supported supply reduction measures as well as better treatment options and education.

NPYWC supports the income management arrangements under the Northern Territory Emergency Response (Intervention⁸) as a way of diverting more money to household necessities and reducing the amount of cash available to be spent on alcohol (and illicit drugs.)

Action and reforms

Curtin Springs Roadhouse

NPYWC's best-known and arguably most effective contribution to dealing with the devastation wrought by alcohol is in relation to the Curtin Springs Roadhouse (CSR) on the Lasseter Highway in the NT, around 80 kms. from Uluru and centrally located in relation to many NPY communities. In 1988 the licensee abandoned an informal agreement not to sell liquor to Anangu and Yarnangu⁹. A Pitjantjatjara Council Inc. objection to the take-away licence in 1985 had previously been rejected by the then NT Liquor Commission (now Licensing Commission) (NTLC), which preferred the informal arrangement. When sales re-commenced, quantities were at first unrestricted. Following requests to cease sales they were limited to one four-litre cask of wine and one carton of beer per person, per day.

Complaints to the NTLC from NPYWC and the Pitjantjatjara Council and an objection to the renewal of the CSR licence by NPYWC all failed. The NTLC renewed the licence in 1990 with a take-away limit of six cans of beer per day. More complaints to the NTLC followed over the next few years, to no avail¹⁰.

The effect of the renewal of sales was devastating. In 1990 there were five deaths and one serious injury attributable to the consumption of alcohol purchased from CSR. In the same year NPYWC members marched down the highway to the roadhouse in protest¹¹. Between 1993 and 1996 there were eight deaths in which alcohol from CSR was a factor. The NT Coroner inquired into five deaths that occurred between November 1994 and February 1995 and found a direct link between the sale of alcohol from CSR and the deaths. CSR alcohol was taken into communities and women complained about an increase in domestic violence and general community disruption. Drinkers were hanging around CSR intoxicated and often driving after becoming drunk.

In 1996, with all over avenues exhausted, NPYWC applied to the then Human Rights and Equal Opportunity Commission - now the Australian Human Rights Commission (the Commission) - for a Special Measures Certificate (SMC.) The Commission's 1995 Alcohol Report had noted that alcohol restrictions that apply only to Aboriginal people do not contravene the *Racial Discrimination Act* if they are 'special measures.'

Special measures must:

- provide a **benefit** to some or all members of a group who share a common race, colour, descent, national origin or ethnic origin,
- have the **sole purpose** of securing the advancement of the group so they can enjoy human
- rights and fundamental freedoms equally with others,
- be **necessary** for the group to achieve that purpose; and
- **stop** once their purpose have been achieved and not set up separate rights permanently for different racial groups¹².

An SMC was seen as less than ideal, but a possible way in which to meet the licensee's stated concern about potential claims of discrimination if he refused to sell to Anangu and Yarnangu. In 1997 the CSR licensee agreed to two six-month trials under an SMC: first, on-premises drinking between 1pm and 4pm only, with no take-away sales; then six months with no on-premises drinking, but with take-away sales of up to six cans per person per day from 1pm to 4pm.

After the trial, in late 1997, the parties met and the licensee surprised the women by offering an option of no sales of alcohol to Anangu and Yarnangu. NPYWC was happy after nearly a decade to accept a return to arrangements similar to those that had previously, informally applied. The restrictions were set out in an agreement with NPYWC. The CSR licence was

amended and now prohibits the sale of grog to Anangu and Yarnangu from the NPY region, or to others whom CSR believes intends to sell on to anyone who resides in or is travelling to the region; and an SMC was issued to support the agreement between the parties.

While the SMC does not create legal obligations, it may provide evidence in the event of a discrimination complaint against the licensee. There has been none to date. The SMC has subsequently been re-issued several times. The licensee's business has actually improved and the relationship between NPYWC and CSR has been repaired. There have been no Anangu or Yarnangu deaths or injuries related to the sale of alcohol from CSR since these arrangements came into force.

The Curtin Springs story highlights the resolve of NPYWC members to succeed in the face of what appear to be insurmountable odds. It is a tribute to their tenacity and their determination to improve the quality of life for families on their communities.

Alice Springs NT

In recent years **Alice Springs** has seen the introduction of a number of restrictions on alcohol. Many have been brought in by the NT Government, including: a prohibition on the sale of cask wine and fortified wine in containers of more than one litre, limited to one per person per day and only sold between 6pm and 9pm; reduced take-away trading hours; a requirement to produce photo identification when purchasing alcohol; and a prohibition on drinking in Aboriginal town camps. Drinking is also prohibited in public areas of the town. Under the Federal Government's NT Intervention, it is unlawful to have alcohol on Aboriginal land trusts generally, not just in communities.

In September 2010 the NT government announced that in 2011 it would introduce a number of measures across the NT, including the expansion of the ID system, the extension of powers to impose banning orders on repeat problem drinkers, additional rehabilitation and treatment facilities and a tribunal to deal with problem drinkers. The tribunal will most likely have the power to determine that the Centrelink income of such drinkers be quarantined to allow only for the purchase of goods with a 'Basics' card, and thus reduce the amount of cash available to be spent on alcohol.

NPYWC works with other community-based interest groups such as the People's Alcohol Action Coalition (PAAC) in Alice Springs, which is seeking further supply reduction through a take-away free day once a week and the introduction of either: a 'floor price' that would see the cost of what is currently very cheap take-away grog increased through charging no less than that around \$1 per standard drink; or a volumetric tax whereby products are levied according to their alcohol content. Lower alcohol content, less damaging products would therefore be the cheaper ones.

International research shows that, unlike, for example, education campaigns, pricing and availability are among

the most successful measures for reducing consumption. In 2007 and 2009 NPYWC members and staff marched in and spoke at protest rallies in the town to voice their concerns and to push for tougher restrictions.

Coober Pedy SA

The opal mining and tourist town of **Coober Pedy** in SA has for many years been a source of alcohol for residents of the (dry) **Anangu Pitjantjatjara Yankunytjatjara (APY) Lands**. Problem drinkers often drift to **Coober Pedy** and some end up there for weeks or longer, drinking at dangerous levels. Others drink take-away grog on the way back to their communities, with resultant injuries and deaths from motor vehicle accidents; and some take alcohol into APY communities, which often leads to drunkenness, disruption and violence.

In June 2008 more than twenty NPYWC members travelled to **Coober Pedy** to join in a colourful protest march down the main street, to support Aboriginal women and others in the town who have become increasingly concerned about the level of drinking. NPYWC would like to see a residence-based ID system that would ban the sale of take-away alcohol in **Coober Pedy** to people who live in NPY communities.

Mintabie SA

The miniscule township of **Mintabie**, located on the eastern part of the APY Lands has for many years been a major source of alcohol (and cannabis) on the APY Lands and further afield. **Mintabie** has a population of around 120 that has decreased, along with its opal deposits and mining, from 1000 or more in the 1980s. Liquor is supplied illegally as there are no take-away licences, and over the years numerous traffickers have profited whilst community members have suffered the effects. Local storekeepers - up to four in this very small place - make a substantial part of their income from transactions with **Anangu**. In addition to being a major illicit supply point, **Mintabie** has been the focus of many complaints about the retention of (hundreds of) key cards and PINs and the debiting of bank accounts for large amounts of 'book-up' for food and household goods and for poor quality second-hand cars sold at high prices. NPYWC has raised the issue of substance abuse in relation to **Mintabie** in many submissions, including to coronial inquests and parliamentary inquiries.

The twenty-one year lease over **Mintabie** from **Anangu Pitjantjatjara Yankunytjatjara (APY)**, the landholding body, expired in 2002 and there have since been numerous extensions. The original express intent of the traditional owners in the 1980s was that the lease not be renewed.

After several years of negotiations however, the SA Parliament passed the *Anangu Pitjantjatjara Yankunytjatjara Land Rights (Mintabie) Amendment Act* in 2009, paving the way for a new lease to be granted. Under the amendments those who wish to live at **Mintabie** to prospect for opal or for other purposes *may* be asked to provide a criminal history check.

Under this *Act*, APY can also apply for a court order to ban from **Mintabie** someone who has committed specified offences, including the unlawful sale of liquor or a regulated substance, or who has 'acted in a manner prejudicial to the welfare of an Aboriginal individual or group.'

APY will implement a by-law to prohibit the consumption of alcohol at **Mintabie** except at the local hotel or at special events. **Mintabie** residents strenuously opposed these restrictions, which will mean they cannot drink in their homes. Whilst NPYWC does not favour the continuation of **Mintabie** because of the extreme damage wrought by the alcohol, drugs and petrol¹⁸ sold there over many years, it is hopeful that the changes will make some difference.

A police Substance Abuse Intelligence Desk (SAID) funded by the Australian Government was established in Alice Springs in 2006 and another at the Marla SA township 40 kms. east of **Mintabie** in 2009¹⁹. These are central points for regional intelligence collection and the co-ordination of police activities specifically to detect illicit substances and apprehend offenders in the NPY cross-border area.

NPYWC strongly supports the SAID operations as well as an increased presence of sworn police on the APY Lands and elsewhere in its membership area. In **Mintabie** however there is still no permanent police presence. NPYWC believes police should be stationed at **Mintabie** for the purpose of both deterrence and apprehension.

Northern Goldfields area WA

In the WA sector of the NPY region, the Ngaanyatjarra Lands, problem or opportunistic Yarnangu binge drinkers, especially the more westerly communities such as Warburton, travel south to towns in the Goldfields and northern Goldfields region in search of grog, and often bring it home. As is the case elsewhere this leads to arguments, violence and general disruption, and is of major concern to NPYWC's members.

In September 2009 the WA Director of Licensing, following the imposition of restrictions in the Kimberley region earlier that year, decided to impose limits in the towns of Laverton, Leonora, Leinster, Kookynie, Agnew and Menzies in order to try to reduce alcohol-related harm²⁰. Take-away hours have been altered to between 12 noon and 9 pm; and limit container sizes to one litre. Beer may not be sold in containers larger than 400 millilitres.

Anecdotal reports to date suggest a reduction in the amount of alcohol being taken into communities from these towns. NPYWC would like to see a rigorous evaluation of these measures as it is important to see what does or does not work and make changes if necessary. It believes that stricter controls on alcohol may need to be implemented, possibly including a ban on the purchase of take-away liquor by those who live in NPY communities.

References

- 1 'Tjulu' is the Pitjantjatjara name for the Curtin Springs area in the NT.
 - 2 *The harmful use of alcohol amongst Indigenous Australians*. Wilson M, Stearne A, Gray D, Sherry S 2010. Australian Indigenous HealthInfoNet: www.healthinfonet.ecu.edu.au/alcoholuse_review. This comprehensive review summarises the historical and social issues that have influenced Aboriginal alcohol consumption, provides statistics and generally addresses the use by and effects of alcohol on Aboriginal Australians.
 - 3 *Trends in alcohol-attributable deaths among Indigenous Australians, 1998-2004*. (Bulletin no.11) Chikritzhs T, Pascal R, Gray D, Stearne A, Siggers S, et al. National Drug Research Institute, Perth, 2007.
 - 4 *Overcoming Indigenous disadvantage: key indicators 2009*. Steering Committee for the Review of Government Service Provision (2009.) Productivity Commission, Canberra, 2009.
 - 5 *How much is too much? Alcohol consumption and related harms in the Northern Territory*. Skov S., Medical Journal of Australia, July 2010.
 - 6 FASD is well-known but poorly researched in Australia. A research project is underway in the Kimberley region of WA where levels are considered high: www.healthinfonet.ecu.edu.au/about/news?news_category=1 The NPYWC Child Nutrition Program documents FASD in its region.
 - 7 *The Continuing Dilemma: Liquor Licensing, Aborigines & Take-Away Alcohol in Central Australia*, Lyon P., Aboriginal Law Bulletin: www.austlii.edu.au/au/journals/AboriginalLB/1991/39.html
 - 8 See: www.fahcsia.gov.au/sa/indigenous/progserv/ntresponse/Pages/default.aspx
 - 9 Aboriginal people from the NPY region. 'Yarnangu' is used by people from the Ngaanyatjarra Lands in WA to describe themselves, and 'Anangu' in the SA and NT sectors of the NPY region.
 - 10 For a full description of the Curtin Springs campaign, see *Curtin Springs Roadhouse: ten years of community struggle*, Kavanagh M., Indigenous Law Bulletin (ILB) 19/15, 1999.
 - 11 Footage can be seen in the film *Minymaku Way: There's Only One Women's Council*, NPY Women's Council, 2000, at: <http://aso.gov.au/titles/documentaries/minymaku-way>
 - 12 See also *Gerhardy v Brown* (1983) 57 ALJR 414
 - 13 Under the Alice Springs Alcohol Management Plan there has been an 18% reduction in pure alcohol sales since 2006. See: www.nt.gov.au/justice/licenreg/liquor/restrictions.shtml
 - 14 See: www.safeterritory.nt.gov.au
 - 15 As recommended by the *Australia's Future Tax System Review* (Henry Tax Review.) See: http://taxreview.treasury.gov.au/content/FinalReport.aspx?doc=html/Publications/Papers/Final_Report_Part_2/chapter_e5.htm
 - 16 *Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm*, World Health Organisation, 2009 p103.
 - 17 For a detailed description of historic and contemporary problems associated with **Mintabie**, see *UnitingCare Wesley's* online e-newsletter which monitors service and policy issues on the AP Y Lands: www.papertracker.com.au/index.php?option=com_content&task=view&id=88&Itemid=1
 - 18 Opal low octane, low aromatic fuel is sold at **Mintabie**; however Premium Unleaded is still available there and NPYWC believes it occasionally finds its way to some NPY communities. Prior to the introduction of Opal, **Mintabie** was a major source of petrol for those who sniffed.
 - 19 See: www.facs.gov.au/sa/indigenous/pubs/nter_reports/closing_gap_NT_jul_dec_2009/Documents/Part2_Monitoring_Report/sec6.htm#t17
 - 20 See: www.rgl.wa.gov.au/ResourceFiles/Decisions/DecisionSection64NorthernGoldfields.pdf
- Further reading: *Evaluation of restrictions on the sale of alcohol from Curtin Springs Roadhouse Northern Territory*, d'Abbs P, Togni S., Duquemin A., Menzies School of Health Research, Darwin, 1999.