

The Alcohol Management Plan at

Pormpuraaw, Queensland, Australia

**AN ETHNOGRAPHIC COMMUNITY-BASED STUDY**

KRISTEN SMITH :: MARCIA LANGTON :: RICHARD CHENHALL :: PENELOPE SMITH :: SHANE BAWDEN

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THE UNIVERSITY OF  
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Foundation for Alcohol Research & Education

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The research was conducted within the Indigenous Studies Unit, the Centre for Health Equity, Melbourne School of Population and Global Health. The Indigenous Studies Unit, directed by Professor Marcia Langton, has a research-driven program of work with strong engagement and partnerships with community, government, non-profit and private organisations. It has established research programs in three key areas: Indigenous Health (focusing on alcohol research); Employment & Training, Resources, Mining and Native Title; and Digital and Cultural Preservation.

For more information on the unit please visit: <http://mspgh.unimelb.edu.au/research-groups/centre-for-health-equity/indigenous-studies>

## RESEARCHER AFFILIATIONS

[Kristen Smith, Marcia Langton, Penelope Smith and Shane Bawden](#)

Indigenous Studies Unit, Centre for Health Equity, Melbourne School of Population and Global Health, The University of Melbourne.

[Richard Chenhall](#)

Health Humanities and Social Science, Centre for Health Equity, Melbourne School of Population and Global Health, The University of Melbourne.

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<sup>1</sup> <http://www.australianuniversities.com.au/rankings/#timesrankings>

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Please visit the community organisations websites for more information:

Pormpur Paanthu Aboriginal Corporation (PPAC): <http://pormpurpaanthu.com.au>

Pormpuraaw Aboriginal Shire Council (PASC): <https://www.pormpuraaw.qld.gov.au>

Queensland Government Community History of Pormpuraaw is also a useful resource:  
<https://www.qld.gov.au/atsi/cultural-awareness-heritage-arts/community-histories-pormpuraaw>

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## ACRONYMS

ABS	Australian Bureau of Statistics
ALH	Australian Leisure and Hospitality Group Pty Ltd
ALM	Australian Liquor Marketers
AMP	Alcohol Management Plan
AOD	Alcohol and Other Drug
APONT	Aboriginal Peak Organisations Northern Territory
CA	Capabilities Approach
CCMB	Community Canteen Management Boards
CJG	Community Justice Groups
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
LGA	Local Government Area
MCMC	Meeting Challenges, Making Choices
NPA	Northern Peninsula Area
NTNER	Northern Territory National Emergency Response Act 2007
PAC	Pure Alcohol Content
PASC	Pormpuraaw Aboriginal Shire Council
POSI	Point of Sale Intervention
PPAC	Pormpur Paanthu Aboriginal Corporation
PUBSC	Pormpuraaw United Brothers Sports Club
RDA	Racial Discrimination Act 1975
ROWORR	Pormpuraaw Community Justice Rehabilitation Centre
SFNT	Stronger Futures in the Northern Territory Act 2012
SMART	Substance Misuse Assessment and Referral for Treatment
TAMS	Takeaway Alcohol Management System
VAA	Voluntary Alcohol Agreement



# 1. Executive Summary

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Alcohol is one of the leading causes of social, legal and health problems for Indigenous Australians. Since 2002, Alcohol Management Plans (AMPs) have been used in many Indigenous communities as a framework to reduce alcohol-related harms. (Smith et al., 2013)

This report outlines the findings of an ethnographic research project which gathered and analysed the AMP in the remote Indigenous community of Pormpuraaw on the western coast of Cape York Peninsula in far north Queensland.

The qualitative and quantitative evidence examined in this project shows a significant reduction in alcohol-related harms following the introduction of the AMP.

We obtained data on hospital admissions which support the views of the majority of the Pormpuraaw community members who observed that violence and community disharmony reduced with the reductions in alcohol supply.

The Queensland Health Department data showed a reduction in average annual hospital admissions rates for assault from 34.22 per 1,000 people to 5.7 per 1,000, which corresponded with a tightening of supply restrictions during the three phases of the AMP from 2002/3 to 2013/14 (figure 4).

Notwithstanding the positive results, the qualitative research also identified several issues that impact on the performance of the AMP across the community. These are also discussed, including 'problem deflation' (or an underestimation of the problem), insufficient funding and resourcing, redirection of funding, and social consequences such as sly-grogging, gambling and criminalisation.

This report contributes to the developing body of knowledge and evidence about AMPs in Indigenous Australian contexts. It offers nuanced understandings of how AMPs are understood, investigates their effectiveness in responding to alcohol-related harms and examines community engagement in their design, implementation and evaluation.

This research increases knowledge about local residents' experiences and understandings of AMPs. This can inform an appropriate policy framework that effectively responds to the harms associated with alcohol misuse.

## CONTEXT

Alcohol Management Plans (AMPs) are widely viewed as a means of collaboration enabling government agencies and Indigenous community institutions to combat a range of alcohol-related problems. By handing a degree of control over alcohol availability and the management of alcohol-related programs to Indigenous people, the aim should be to bring together the agencies and resources to support a place-based approach to limiting alcohol volume and consumption and the resultant harms of excessive alcohol use.

For AMPs to be effective in achieving intended outcomes, Indigenous communities need genuine control of their development, implementation, evaluation and adjustment. To achieve such control, long-term, secured commitments for community access to, and management of, the funding streams and resources required for their AMP to be undertaken in whole is necessary.

Many individuals and community-controlled organisations in Indigenous communities are deeply committed to improving the wellbeing and health of all residents, but they experience extreme policy, planning and consultation fatigue. This fatigue arises from chronic factors such as insufficient funding for programs in the first instance, redirection of funding to specific programs or streams suiting external politics as opposed to community need, and the promises that are made by incumbent or past governments, only to be broken by successive governments. These chronic and inadequate responses

to the devastating effects of alcohol misuse in Indigenous communities is a result of problem deflation. This causes ongoing frustration to those locally engaged in managing, supporting and implementing AMPs. AMPs that are not funded adequately or reliably enough to run the full breadth of programs and enforce restrictions do little more than rely on stop-gap intermediary measures which make certain that outcomes will never match expectations.

The Pormpuraaw AMP was initially introduced in 2003. It covered the following areas:

- where alcohol was sold
- where alcohol could be consumed
- what level of alcohol content products had.

Since that time, the AMP has gone through several iterations. The most notable official changes have been to the alcohol supply and consumption restrictions, particularly in relation to takeaway alcohol provisions in the area. These iterations have been funded by state and commonwealth governments with the AMP implemented by several local institutions. Overall, the Pormpuraaw AMP has been highly effective at reducing harms and social dysfunction in the community. This has been due to the lower levels of takeaway alcohol being available and the careful management of the alcohol consumed at the sole liquor licensed venue. This has led to a more cohesive community and better community functioning.

However, the Pormpuraaw AMP, and the AMPs of 16 other communities are under threat. In 2013, the Queensland Government commenced a review of the AMPs in the Cape York region, with a view to either relax or abolish them. This review continued during the time of research fieldwork (in 2016) and was still underway at the time of writing this report.<sup>2</sup> During the fieldwork research, the Queensland Government review weighed heavily on the minds of many within the community, and opinions fluctuated significantly. Some vehemently opposed any change and others campaigned for its complete abandonment. The core issues that were discussed in the community included:

- the problems created by 'sly-grogging' and related matters such as gambling and criminalisation
- the likelihood that incidences of domestic violence, elder abuse, child neglect and alcohol-related injury would increase with a relaxation of the restrictions
- the significance of the under-resourcing of the AMP and instability of ongoing funding across all sectors implementing different measures.

These core issues have not yet been resolved in any substantive manner. The AMP has not been functionally varied since late 2008. There has been significant and loaded interaction between community politics and state based politics that have, over time, lent themselves to both stated and less tangible policy.

While the community may understand elements and activities that are carried out in Pormpuraaw as part of their AMP, such as the funding that is funnelled into alcohol and other drug programs through siloed funding agreements with local organisations, or the innovative design and management of alcohol consumption at the PUBSC, there is no formal articulation of the AMP beyond the supply and carriage restrictions set by the Liquor Act. The only legal documentation of the AMP is that of the supply, consumption and carriage limits enforced under the Liquor Act. As a consequence, there is a significant divide between the legal formation and what many in the community believe to be the Pormpuraaw AMP.

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<sup>2</sup> See <https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/alcohol-management-plan>



Political leaders and community residents alike usually have a poor understanding of the complex policies, laws and regulations relating to the production, retail and consumption of alcohol. This usually goes hand in hand with a poor understanding of the public health motivations for the regulation of alcohol consumption. The responsible community leaders who have developed and implemented various alcohol management strategies at Pormpuraaw for more than a decade have contended with constantly changing policies and funding regimes, alongside regular changes of government and departmental personnel. Constant policy and resource changes, fluctuation and confusion about the intention of policies, such as AMPs are debilitating for the local people, whether residents, police, health professionals and teachers, who contend with the harmful impacts of excessive alcohol consumption in Pormpuraaw and similar communities. Their best efforts are undermined by the failure of successive governments to recognise the value of their leadership and accord them agency and responsibility at the local level.

## 1.1 IMPLICATIONS FOR ALCOHOL POLICY

- For AMPs to operate more effectively and gain better outcomes for communities, better evaluation systems with transparent reporting practices are required. Critical to the success of communities and governments wishing to reduce alcohol harms are a clear set of evidence-based indicators and targets on which alcohol strategies can be based, alongside guidelines by which communities can prepare, implement and evaluate their plans over time. Communities, in partnership with government agencies, have an important role in identifying, selecting and prioritising the indicators required for their AMP evaluations. Most importantly, this should create no further resource strain on limited Community Services and programs in place as many services are already operating on underfunded budgets for the programs they run.
- AMPs should be *realistically* costed and financed appropriately to address all measures and programs, inclusive of demand and harm reduction elements. Without adequate resources, AMPs become little more than aspirational instruments. Creating expectations of outcomes and sustainability but then failing to deliver adequate resources to meet these expectations is demoralising for community leaders and residents. For example, supply restrictions require adequate police resourcing (including human, technological, and infrastructure requirements). Programs for different sectors of the population (young people, men's groups, women's groups) are also promised but usually fail to eventuate.
- Supply issues need to be addressed regionally rather than focused on a single community/town/outlet because of the links between the geographical placement of takeaway liquor outlets, variable restrictions (opening hours/volume/type) and proximity to different communities. Thus, if one outlet has more stringent liquor licensing conditions than another, people will travel to the next closest outlet, or an outlet with more lenient conditions or to the regional towns (thereby impacting on issues of itinerate populations in town centres). The political influence held by the liquor industry must also be addressed. One mechanism that could be used for this purpose would be to place more stringent restrictions on their political donations.

## 1.2 RECOMMENDATIONS

Very little scholarly or political attention has focused on the feedback relationships operating between alcohol supply chains and the mobility of Indigenous people across regions. This is likely due to the barriers and confounding factors that make this work difficult to engage in, including:

- the lack of publicly available, disaggregated alcohol sales or wholesale supply of Pure Alcohol Content (PAC) data, as the alcohol industry is not required to release sales data to the public in most jurisdictions;
- the difficulty of accessing information regarding 'sly-grogging' due to its illegality; and
- the difficulty of tracing the mobility of the Indigenous people across regions, particularly short-term regional movements. This has important implications for alcohol availability as alcohol purchased legally in one location may be illegally brought into designated 'dry' areas. Pilot programs designed by responsible local leaders in conjunction with police aimed at limiting 'sly-grogging' and its harmful impacts are urgently required.

Further research is needed to better understand the dynamics of the factors at work in the systemic policy swings driven on the one hand by concerns for the public good, particularly public health standards, and, on the other hand, by the commercial demands of the alcohol industry. Government personnel, and local residents, require ongoing reliable information about the intent of policies and laws. In particular, there is a need for research that focuses on how to maintain a balance between safe levels of alcohol consumption and restrictions that are perceived as draconian and in breach of human rights.

AMPs, by way of their design and implementation could represent a highly useful mechanism for communities to address the high-level human rights abuses experienced, using a rights-based, community-driven approach to dealing with alcohol. However, their effectiveness is dependent on enabling communities with consistent and sufficient resources to manage and rollout the programs and mechanisms that they decide are the most useful in tackling problems of alcohol misuse. As one of the key aims of AMPs in Cape York is to address the harms of alcohol misuse leading to violence in Indigenous communities, AMPs represent a conscious shift in policy thinking towards prioritising core rights, such as the right to a life free from violence.

## 2. Aims of the study

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The research consists of a predominantly ethnographic study devised to investigate how alcohol controls, restrictions and responses are understood and managed by Australian Aboriginal communities. Through the use of mixed-methods, framed by assemblage theory, this study aims to combine detailed ethnographic research and descriptive epidemiological analyses to provide more nuanced understandings of the challenges and advantages of existing responses to alcohol-related problems.

In-depth qualitative research conducted at a community level is vital to develop effective strategies of alcohol management, enhancing their potential as vehicles for:

- pathways for community participation in the design, implementation and evaluation of strategies
- building the capacity of communities to establish specific goals to limit the harms caused by alcohol consumption.

The quantitative analyses will provide a detailed statistical understanding of alcohol use, supply and associated problems and responses in the case study regions to support the qualitative data. This research has been conducted in partnership with local Aboriginal community organisations in Pormpuraaw.

The key research questions guiding this study include:

- How has the Pormpuraaw Alcohol Management Plans changed over time and has this impacted its effectiveness to control harmful alcohol misuse?
- How have community residents and traditional owners been involved in the design, implementation and evaluation of the AMP?
- What are other community-driven strategies for limiting alcohol-related harms in the community?
- What contextual factors impact on the successes and failures of the AMP and other strategies designed to limit alcohol-related harms?
- What measures do residents and traditional owners rate as successful and warranted and what measures do they regard as ineffective?

There is overwhelming evidence that harmful levels of alcohol consumption by Aboriginal people are related to violence, crime, injury and ill health. Alcohol has long been a focus of national Aboriginal policy with various policy responses. However, current levels of Aboriginal alcohol consumption and alcohol-associated harm remain extreme by any comparative standard. This research aims to provide a sound basis for future development of AMPs by communities and government agencies.

Additionally, this research aims to provide a strong evidence base that can be used to inform state, territory and federal policy. This will form the basis of a case study that will specify best practice approach to the design, implementation, monitoring and evaluation of AMPs within community contexts.

### 3. Alcohol controls and the Australian Indigenous population: the evidence base

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Although the research conducted in connection with Indigenous alcohol problems is sometimes of benefit to governments wishing to measure the performance of community groups funded by them, it has contributed little to increasing the capacity of individuals or groups to manage alcohol more effectively.

This is because, with a few exceptions, research often fails to examine the causal mechanisms that give rise to the problems in the first place.

Over the past two decades, the most influential research driving alcohol policy internationally and nationally, have been population level, biomedical and epidemiological analyses of consumption trend and patterns. This research has primarily led to harm and risk minimisation approaches (Wilton & Moreno, 2012). Although these forms of research have led to important insights in how to reduce alcohol harms and misuse, there has been little problematisation of the “socially and spatially embedded nature of alcohol and drug consumption, regulation and treatment and the ways in which these give rise to particular lived experiences, subjectivities, embodiments, and becomings” (Wilton & Moreno, 2012, p. 106). Jayne et al (2012) have called for alcohol research to move beyond the “ontological and epistemological impasse where alcohol consumption is conceived as a medical issue, pathologized as a health, social, legislative, crime or policy problem or as being embedded in social and cultural relations – with limited dialogue between these approaches” (Jayne, Valentine, & Holloway, 2012, p. 828). For example, studies have explored how alcohol plays a significant causal role in many chronic and infectious diseases and in injuries (Rehm et al., 2010), ranking fifth as a cause of death or disability in the study of the global burden of disease (Lim et al., 2013). Other research shows how alcohol causes extensive harms to others, negatively impacting on a wide range of social, health and wellbeing indicators (Laslett et al., 2011).

The majority of studies investigating Indigenous people and alcohol controls have evaluated specific interventions, frequently using a quantitative approach. There is extensive evidence indicating that harmful levels of alcohol consumption by Aboriginal people is strongly associated with violence, crime, injury and ill health (Brady, 2010; R. Chenhall & Senior, 2012; Chikritzhs et al., 2007; d’Abbs, 2010; Gray, Siggers, Sputore, & Bourbon, 2000; Margolis, Ypinazar, Muller, & Clough, 2011; McKnight, 2002; National Drug Research Institute, 2007; Pearson, 2006; Skov, Chikritzhs, Li, Pircher, & Whetton, 2010; Wild & Anderson, 2007). Current drinking patterns in northern Australia, both Indigenous and non-Indigenous, are embedded in and sustained by complex, interwoven economic, legal, political, social and cultural systems. Restrictions on the sale and supply of alcohol have been a major focus in the Australian literature concerning efforts to reduce the harms associated with alcohol misuse in Aboriginal communities (National Drug Research Institute, 2007).

The National Drug Research Institute (NDRI) conducted a comprehensive, critical review of all restrictions in Aboriginal communities in Australia and found that there is no single mix of restrictions that would work for all communities, but rather the effectiveness of restrictions were dependent on a number of factors in specific situations or circumstances (NDRI 2007). In some cases, a single targeted intervention, such as an alcohol free day, could be more effective than a suite of restrictions that are poorly implemented. Interventions with the highest levels of efficacy were reported and included changes in: price/taxation; trading hours; minimum drinking/purchase age. Restricting access to high-risk beverages, controlling outlet density, instituting government monopoly and dry community declarations all demonstrated effective outcomes for reducing consumption and alcohol related problems. Nevertheless, there are special challenges in remote Aboriginal communities, where specific restrictions require a certain level of enforcement that might be difficult for areas lacking in resources, such as numbers of police officers (NDRI 2007: 220).

One of the reasons that regulatory mechanisms designed to reduce alcohol harms in remote area Aboriginal contexts are so starkly different from those used in the urban, highly populated areas of Australia (where regulation of alcohol supply and consumption restrictions are largely taken for granted) is the very different 'comportment' and the much higher levels of consumption of remote area Aboriginal drinkers. These two features of alcohol harms in remote area Aboriginal population are well documented in the anthropological and other literature. The seminal work, 'From Hunting to Drinking: The Devastating Effects of Alcohol on an Aboriginal Community' by David McKnight (2002), explains the cultural and historical contexts that contribute to the alarming rates of alcohol consumption and harms in the Northern Territory. The differences are substantial and must be acknowledged in any analysis of present day alcohol harms and the political economy of alcohol supply in remote Australia.

This work is just one of the anthropological texts reporting ethnographic data within a larger body of literature and thereby contributing a nuanced understanding that conventional public health and sociological research has not achieved to date (Brady, 1993, 1998, 2004, 2007, 2010; Brady, 2014, 2017; Brady, Byrne, & Henderson, 2003; Brady, Martin, & Research, 1999; R. Chenhall, 2008; R. Chenhall & Senior, 2012; R. D. Chenhall, 2007; d'Abbs, 2001, 2004; d'Abbs, 2012; d'Abbs & Togni, 2007; Martin & Brady, 2004; Sutton, 2009).

In the international literature, there are many examples of the cultural and historical differences that underlie harmfully high alcohol consumption patterns among Indigenous and disadvantaged minority groups (Berman, 2014; Berman & Hull, 1997; Campbell, 2008; Chiu, Perez, & Parker, 1997; Davison, Ford, Peters, & Hawe, 2011; Ehrlander, 2010; Kovas, McFarland, Landen, Lopez, & May, 2008). In the latest anthropological text, Maggie Brady draws together decades of ethnographic research in 'Teaching 'Proper' Drinking? Clubs and Pubs in Indigenous Australia' (2017) to explain the history of the idea that Aboriginal people 'would be able to 'learn to drink' in conducive settings.' (2017: xv)

In the Preface, Brady writes:

*Since the repeal of the state liquor regulations in Australia that prevented Aboriginal and Torres Strait Islander peoples from having legal access to alcohol, numerous strategies have attempted to minimise the harms associated with problem drinking. This book tells the story of how governments, their advisers and Indigenous people themselves believed they could minimise such harms by changing the way people drank: how they tried to 'civilise' the drinking act itself. (2017: xv)*

One of the key misperceptions among researchers unfamiliar with literature about Aboriginal consumption levels in remote areas is the belief that documenting levels of consumption and consequent harms is to label the relevant Aboriginal drinkers and their communities in racist ways by drawing attention to their 'race' rather than the particulars of the drinking behaviour itself. This response is unhelpful to the public health challenges of reducing alcohol harms among these populations. The anthropological literature grapples with the ethnographic – or everyday human behaviour and the social, customary, economic and historical factors that contribute to culturally specific ways of living – and draws to our attention the actual behaviour that policy interventions aim to alter. Reducing harmful levels of alcohol consumption among specific regional Aboriginal populations is a high priority for Australian governments. This priority has been addressed in many policies and mechanisms, with few successful results to date. The harmful impacts of alcohol in some regional Aboriginal populations, such as morbidity rates, alcohol-fuelled violence and alcohol-related arrests and imprisonment continue to increase. A more granular, focused attention to these populations' everyday alcohol behaviours, practices of subverting alcohol supply restrictions and cultural justifications for extreme alcohol consumption remains a research priority because of the overwhelming need to reduce the alcohol harms.

## 4. Research methods

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This study was initiated when the researchers were contacted by Pormpur Paanthu Aboriginal Corporation (PPAC) to collaboratively undertake research in the community to gain a better understanding of the place of alcohol in Pormpuraaw, and the effectiveness of their AMP. The project was proposed at the PPAC Annual General Meeting in November 2014 and supported by a member vote. PPAC, Pormpuraaw Aboriginal Shire Council (PASC) and Pormpuraaw United Brothers Sports Club (PUBSC) were also involved in the development of the methodology for the project, and without their support, this project would not have been possible. The project received Human Research Ethics approval from the University of Melbourne Health Sciences Human Ethics Sub-Committee on 15 May 2014 (Ethics ID: 1443515.1).

The majority of research undertaken addressing alcohol in Indigenous communities to date have failed to address the complex, interwoven arrangements of policy, geography, history, justice, social and biomedical contexts and their impact on harmful alcohol consumption in Indigenous contexts. It is for this reason that the study was designed using an ethnographic approach, incorporating a range of mixed methods. Ethnography allows research to be grounded in “the social, historical, or environmental contexts of the lives of the people being studied or targeted. The *socio-cultural processes* that take place within these populations – and that may affect their realities and behaviors” (Whitehead 2004, 15). In small populations, such as that in Pormpuraaw and many remote Indigenous communities across Australia, there is often a lack of community-specific indicators related to alcohol harms and any quantitative data related to alcohol consumption and sales, alcohol-related harms and infringements need to be interpreted by the understanding of local issues and events. The empirical evidence drawn from the daily, lived experiences of people residing in a community with an AMP provides a rich source of information leading to the development of more effective frameworks for AMPs and their implementation in other Indigenous communities across Australia.

Focusing on Pormpuraaw as an ethnographic case study of AMPs has enabled the researchers to undertake an in-depth examination of a range of issues relating to the measures introduced by AMPs providing an examination of governance and implementation methods. The research also examines how the implementation of the AMP was affected by local contextual issues (such as kinship and cultural issues) as well as the impact of external political control and resource allocation. This study provides the basis for the future development of responses to commonwealth, state and territory AMP policies for communities and government agencies. The findings support a public health approach focusing on families, women and children, where any measures developed apply to all residents, regardless of race, using strategies from:

- the legislative framework
- the public health framework
- community development approaches
- ‘Rights and Responsibilities’ or supported personal agency approaches.

The study was developed using a co-design approach in conjunction with PASC and PPAC, community institutions, their board members and staff. The co-designed approach is used as a deliberative method to ensure that community and researchers work together to ensure the goals of the research and the manner of implementation are met with consensus. Recommendations and any planned changes to AMPs are more likely to succeed with the full investment of community in the research process. The agreed aim of the research was to provide evidence on how alcohol controls, restrictions and responses were understood and managed in Pormpuraaw.



This ethnographic study incorporated five research methods, both qualitative and quantitative:

- A critical, historical review of the literature relating to and focusing on AMPs in northern Australia
- Individual, semi-structured and unstructured ethnographic interviews with community informants
- Participant observation within the community, including the relevant community organisations
- Analysis of relevant data and documentation provided by local institutions in Pormpuraaw (e.g. community AMP survey)
- Quantitative analysis of relevant State Government data

## CRITICAL HISTORICAL REVIEW

A critical historical review of the relevant literature was undertaken across the three northern jurisdictions of Australia (QLD, NT, WA), accessing the scholarly and grey literature. This incorporated an analysis of legislation and policy in northern Australia, both historical and contemporary. The review involved the assessment and analysis of:

- the purpose, policy and legal and historical contexts of AMPs in Indigenous communities in Queensland and other northern jurisdictions (NT, WA)
- existing evaluations of AMPs in northern Australia
- specific measures and indicators that allow for a more rigorous assessment and evaluation of AMPs across jurisdictions,
- an examination of a wide range of published sources (including government reports) and government archives.

## ETHNOGRAPHIC FIELDWORK

Six fieldwork trips to Pormpuraaw were undertaken between (2014 - 2016) by Smith, who was accompanied by Langton on the second trip. The duration of each trip was approximately one to two weeks in length. During the fieldwork, data was collected within a wide range of social settings in public and private spaces during the fieldwork phases in Pormpuraaw.

Semi-structured ethnographic interviews were completed with eight key stakeholders in Pormpuraaw, most of which included follow up interviews across the duration of the research. The interviews were conducted with a range of staff from the PPAC, PASC, Pormpuraaw Police and community members. The ethnographic interviews were supported by participant observation, which included extensive informal discussions and conversations with a wide range of community members and residents. Participants included: PPAC Board members, staff and clients of their women's shelter and alcohol and other drug Alcohol and Other Drugs (AOD) services, traditional owners, young people, Board members of the Community Justice Centre, PASC staff and Councillors, and the Primary Healthcare Centre. The participant observation included the researchers' direct engagement and involvement in the community over an extended period. For example, at the invitation of PPAC members, Smith was voted in and served as an expert, non-member Director on the PPAC Board between 2014 - 2016<sup>3</sup>. Other fieldwork data gathered included field-notes, photographs, minutes of meetings and relevant documentation provided by the different participating community organisations.

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<sup>3</sup> In order to maintain a rigorous standard of research ethics, Smith made it explicitly clear to all potential participants in the study (particularly clients of PPAC services and staff members) that their participation would always be entirely voluntary and would not affect their employment, treatment or access to PPAC services in any manner at the time or in the future.

## EPIDEMIOLOGICAL DESCRIPTIVE ANALYSIS

Relevant secondary data was gathered for the descriptive epidemiological analysis. This data was sourced from community organisations, clubs and other businesses, law enforcement and other government agencies (statutory collection and reporting obligations or for community or business requirements). Examples include data accessed from the Queensland Government Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP), including the annual and quarterly reports on key indicators in Queensland's discrete Indigenous communities (Department of Aboriginal and Torres Strait Islander Partnerships 2017). Smith was also invited to collate and analyse the results of a community survey undertaken by the local Shire Council and Aboriginal Corporation approximately six months before the project commenced. The descriptive epidemiological analysis is reported on throughout the critical historical review and ethnographic description and analysis of this report and is predominantly used to add to and verify the qualitative data elicited from the observations, interviews, and meetings.

## PROJECT ANALYSES

The fieldwork data was analysed using a combination of thematic, content and critical discourse analysis using NVivo, a qualitative data analysis software program. Themes emerging from the critical historical review were distilled alongside those that arose *de novo* from the findings. The quantitative data was analysed using ecological and epidemiological methods, with a focus on Pormpuraaw, but also the other Cape York communities with AMPs. This data was primarily utilised as a means to support and enrich the qualitative data.

## 5. Critical historical review of alcohol management in Indigenous Northern Australian contexts

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### ALCOHOL MANAGEMENT IN QUEENSLAND

The history of legislation and policy regulating alcohol use by Indigenous people in Queensland has been extensive, with very little Aboriginal involvement. The first law explicitly concerning Aboriginal people and alcohol was introduced in 1897 through *The Aboriginals Protection and Restriction of the Sale of Opium Act 1897* (Qld) ('the *Protection Act*'). This prohibited the sale or supply of liquor to "Aboriginal or half-caste" people and was the first legislation of its kind in Australia. This Act, as noted by McKnight (2002, 24), made Aboriginal people "wards of the State, and *ipso facto* children, which accorded with the popular view of them". During this time, Aboriginal people were also forcibly removed to Aboriginal reserves and missions, many located in the Cape York region. The *Protection Act* (with amendments) continued into the 1960s although the administrative regime did not formally end until 1984.

In 1967, the Referendum to amend the Commonwealth Constitution took place. Following this, most Australian jurisdictions abandoned laws that restricted the possession or consumption of alcohol by Indigenous Australians. However, Queensland, under the Bjelke-Peterson government<sup>4</sup>, did not follow the Commonwealth amendments and continued to restrict alcohol in Indigenous communities.

The enactment of the *Community Services (Aborigines) Act 1971* (Qld) authorised the creation of 'canteens' or government controlled alcohol outlets in partnership with Aboriginal Shire Councils. These outlets were administered through the Director of the Department of Aboriginal and Torres Strait Islander Affairs. These restrictions on alcohol consumption and possession by Indigenous people in Queensland remained in place until the 1980s when after considerable pressure from the federal government they were loosened (Davis and Langton 2016). In the 1980s the Queensland Government actively promoted community canteens. The canteens were used as a source of revenue for local infrastructure. The Aboriginal communities of Cape York became increasingly reliant upon the sales of alcohol to fund projects and services. The canteens soon became the only substantial source of funding for these communities (Brady, 2014). Through this mechanism the Queensland government was able to transfer the costs of essential infrastructure to be funded by the canteen sales. This had disastrous results. The policy continued until the high levels of alcohol consumption, excessive violence and hospitalisations reached levels that alarmed the relevant Ministers in the Queensland Government.

In 1991, the Australian Broadcasting Commission (ABC) Four Corners special episode 'Six Pack Politics' detailed how alcohol was being used to fund the Shire Council of Aurukun and the local housing program and devastating the lives of the people of the community (Butler, Mar, and Andrew 1990). By then, community canteens in the Northern Peninsula Area (NPA) existed in Lockhart River, Napranum, Aurukun, Pormpuraaw and Kowanyama. There were also other accessible liquor outlets, including hotels in towns such as Laura and Coen, and licensed roadhouses situated at different locations along the Peninsular Development Road. Martin (1998, 2) referred to the "significant purchases" made by people from Aurukun and Lockhart River at the roadhouse on the Archer River crossing and those at the Musgrave Roadhouse by people from Pormpuraaw.

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<sup>4</sup> Joh Bjelke-Peterson was Premier of Queensland from 1968 to 1987.

In the late 1990s, Cape York Partnerships and Apunipima Health Council recommended an inquiry into the problems of Cape York communities. These calls prompted two State inquiries (see Table 1).

**TABLE 1. INQUIRIES PRECEDING THE AMPS**

INQUIRY	OVERVIEW	FINDING AND RECOMMENDATION
2000: <i>The Aboriginal and Torres Strait Islander Women’s Taskforce on Violence</i>	This inquiry undertaken by Department of Aboriginal and Torres Strait Islander Policy and Development (Queensland Government) found that alcohol played a significant role in family violence in the Indigenous communities of the Cape (Queensland Government 2000)	<ul style="list-style-type: none"> <li>• Alcohol as a self-medicating response to trauma</li> <li>• Alcohol as a cause and contributor of violence</li> </ul>
2001: <i>Cape York Justice Study by Justice Tony Fitzgerald.</i>	<p>Undertaken by Justice Tony Fitzgerald, it detailed the extreme levels of alcohol abuse, substance abuse and violence experienced by Indigenous communities (Cape York Justice Study 2001).</p> <p>At the time, alcohol-attributable death rates for the Indigenous communities of the Cape were 21 times higher than the rest of the Queensland population</p>	<ul style="list-style-type: none"> <li>• Strict adherence to the <i>Liquor Act</i> 1992 to end the illegal serving of alcohol to intoxicated people</li> <li>• Official inspections and compliance with related regulations for all “canteens” in Cape York communities</li> <li>• Proposed suspension or cancellation of licences should they fail to comply with regulations/liquor act/licence conditions</li> </ul>

As a response to these inquiries, the Queensland Government set up the Cape York Justice Study Strategy team who developed a new policy entitled, *Meeting Challenges, Making Choices* (MCMC) (Queensland Government 2002). One of the early measures implemented by the MCMC was to transfer many of the Cape York canteen licences away from the local Shire Councils to community-based boards. This measure intended to remove the profit-driven incentives of managing liquor outlets from the Shire Councils. Justice Fitzgerald had been highly critical of this aspect of the government’s ‘canteen’ policy. He argued that the underlying structural conditions of the licensing of Shire Councils were contradictory as the councils were required to uphold law, order and welfare while simultaneously seeking profits through promotion of the sale of alcohol (Fitzgerald 2001).

As a part of the suite of legislative changes enacted, the *Community Services Legislation Amendment Bill 2002* (Qld) and the *Indigenous Communities Liquor Licensing Bill 2002* (Qld) established formal powers for Community Justice Groups (CJG) and Community Canteen Management Boards (CCMB). The Act drew from legislative provisions of the Aurukun Alcohol Law Council (AALC), established in 1995 under the *Liquor Act 1992* (Qld). The original legislation for the AALC was also repealed, and the Law Council was re-established as the CJG under the new provisions of the *Community Services (Aborigines) Act 1984* (Qld) and *Community Services (Torres Strait) Act 1984* (Qld) (as amended by the CSLA Act).

The CJGs are made up of elders and respected community members with traditional authority in communities. Members of the CJG are required to represent all main social and cultural groups in the community, with each community itself deciding the precise process for nominating members in line with local cultural practices. One of the assigned statutory powers of the CJGs was to establish restricted or dry places. Formulating AMPs is not legislatively provided for as part of the functions of

CJGs in the Act, but the decisions of CJGs were compiled in comprehensive documents known as AMPs (Spence 2003). The AMPs outline the decisions made by the CJGs with respect to their functions and powers. The AMPs include a range of information (Spence 2003) such as:

- declarations of dry areas
- declarations of restricted areas (under the Indigenous Communities Liquor Licences Bill (ICLL) Act)
- operating hours of licensed premises
- any relevant decisions made by the CJGs.

The role of the CCMBs was to work in consultation with the CJGs to set the liquor licence conditions of the community canteens. This board was to hold responsibility for the liquor license and upholding of its conditions, the appointment of a canteen manager and fiscal responsibility for the canteen. The profits of the canteens were still directed to the Shire Councils however the proceeds were to be separately accounted for and flow into 'socially responsible' initiatives. This is no longer the case as all Shire Councils were divested of their licences by late 2009.

The first AMP implemented under MCMC was in Aurukun in late 2002. From this time AMPs were rolled out in 19 discrete Indigenous communities in Cape York, alongside other complementary programs such as the Cape York Welfare Reform trial (Smith et al., 2013). Table 2 outlines the Cape York communities with AMPs, the date of their introduction, the level of supply restrictions and recent indications given by the Shire Council mayors regarding their desire to retain, reduce or remove the restrictions of their AMPs.

**TABLE 2. ALCOHOL MANAGEMENT PLANS IN CAPE YORK, QUEENSLAND**

COMMUNITY	INTRODUCTION OF AMP	LEVEL OF RESTRICTIONS*	REQUESTING RESTRICTIONS REDUCED/ REMOVED (2016)
Pormpuraaw	5-Dec-03	Dry	Yes
Aurukun	30-Dec-02	Dry	No
Woorabinda	3-Oct-03	Dry	Yes
Lockhart River	3-Oct-03	Dry	Yes
Mornington Island	28-Nov-03	Dry	Yes
Napranum	9-Jun-03	Dry	Yes
Kowanyama	5-Dec-03	Dry	Yes
Wujal Wujal	3-Oct-03	Dry	No
Palm Island	19-Jun-06	High	Yes
Cherbourg	17-Dec-04	High	Yes
Hope Vale	14-Apr-04	Mid	Yes
Yarrabah	6-Feb-04	Mid	Yes
Doomadgee	9-Jun-03	Mid	Yes
Northern Peninsula Area	14-Apr-04	Low	Yes
Mapoon	14-Jun-05	Low	Yes

\*See Appendix 2 for level of restrictions (dry, high, mid and low) definitions.

In 2005 and 2007 internal Queensland Government reviews of AMPs were undertaken and in 2009 a new policy was introduced entitled the *Alcohol Reform Project*. This policy placed significant pressure on the AMP communities to add further restrictions to the alcohol controls contained in their AMPs, inclusive of incentives to close any of the remaining canteen licenses (Clough and Bird 2015).

Other measures aimed at reducing the supply of alcohol brought into the Cape York communities include restrictions on specific liquor licenses issued in the Cape York catchment area. There are four blanket restrictions imposed:

- Licensees cannot sell alcohol to taxis operating as a third party
- Licensees are not permitted to hold a patron's banking card
- The sale of pre-mixed spirits greater than two litres, or all other alcohol greater than four litres is banned
- Fortified wine sales are banned.

Between 2013 and 2015, Clough et al. (2016) conducted a major evaluation of the Cape York AMPs aimed at determining their health and social effects. Some of their findings from their qualitative research include:

- there has been a perceived reduction in violence in the communities from the time of implementation of their AMPs
- the restrictions, however, have coincided with an increase in 'sly grog'<sup>5</sup> and binge drinking
- communities with AMPs feel that they are unfairly discriminated against, as many people think that it is only Aboriginal communities that have place-based alcohol restrictions, not realising that there are alcohol restrictions in place all over Australia (urban, regional and remote)
- AMPs have encouraged short and long-term regional migration
- there is a need for better strategies to control 'sly-grog', with a focus on the regional supply of alcohol.

More recently (2016) the Queensland Government asked Shire Council Mayors to indicate their desire to retain, reduce or remove the restrictions of their AMPs. In the following sections, alcohol management legislation and policy context are outlined for both the Northern Territory (NT) and Western Australia (WA). This is to provide further context to the alcohol reforms in Pormpuraaw and has significant relevance in articulating alcohol reforms across northern Australia.

## ALCOHOL MANAGEMENT IN THE NORTHERN TERRITORY

There are two types of AMPs in the Northern Territory (NT): the first is authorised by the Northern Territory Government under the *Liquor Act 1979* (NT) ('the *Liquor Act*'); and, the second is authorised under the Australian Government's *Stronger Futures in the Northern Territory Act 2012* (Cth) (SFNT). Changes of government following elections in the Northern Territory and the federal elections have resulted in significant changes to alcohol policies by both governments. The NT and federal legislation operate concurrently. With changes of government have come frequent changes of policy leading to significant legislative complexity around the operational status of AMPs.

## NORTHERN TERRITORY GOVERNMENT LEGISLATION AND POLICIES

Various initiatives preceded the introduction of AMPs, including the 'restricted areas' or 'dry areas' legislation in the NT (d'Abbs et al. 1990a). These initiatives included permit systems to allow individuals

<sup>5</sup> Sly grog is the terminology used to refer to alcohol that is sold illegally.



to take alcohol into 'dry areas' and restrictions and penalties applied by 'wet canteens'. In the NT, the *Liquor Act* contained a provision enabling communities to apply to the Liquor Commission to become a 'restricted area'. Communities wishing to become restricted areas had to submit an application to the Liquor Commission. The Commission made decisions based on the application and the level of community support, which included consulting with police and other relevant agencies (d'Abbs et al. 1990b). The *Liquor Act* regulates the sale, provision and consumption of alcohol differently depending on how an area of land is designated. An area can be designated in four ways: general restricted area, a public restricted area, a special restricted area or a restricted premise. Each of these designations give rise to different obligations and powers. The conditions vary widely across Aboriginal communities. In 2011, there were 112 General Restricted Areas declared by the Liquor Commission in operation in Aboriginal communities (Northern Territory Licensing Commission 2013). These were "community-driven" and involved voluntary applications by community councils to the Commission. The use of the *Liquor Act* demonstrates Aboriginal communities' engagement with alcohol management well before the Intervention.

Another antecedent to AMPs was the banning of takeaway alcohol sales in major liquor outlets in Tennant Creek on Thursdays between 1995 and 2006, which became known as 'Thirsty Thursdays'. These restrictions were put in place by the Northern Territory Liquor Commission in response to leadership from local Aboriginal organisations and Aboriginal elders requesting one day free from alcohol per week (d'Abbs et al. 2010). The restrictions included banning takeaway sales in some regional towns in northern Australia, and banning the sale of glass bottles in Alice Springs (d'Abbs 1998, d'Abbs, Togni, and Crundall 1996, d'Abbs et al. 2000, Douglas 1995, Gray et al. 1998, Gray 2000).

In July 2005, an AMP that was heavily based on a permit system for takeaway alcohol under the NT *Liquor Act* was launched in Groote Eylandt and Bickerton Island. Early anecdotal successes of the Groote Eylandt AMP endorsed the 'AMP' as a popular policy instrument, and subsequently AMPs were introduced in Alice Springs (2006), Katherine (2008), Tennant Creek (2008) and other communities (Katherine Region Harmony Group 2007, Northern Territory Department of Justice 2008, Northern Territory Government Department of Justice 2006, Senior et al. 2009).

A report by the Northern Territory Department of Justice, the Alcohol Framework report in 2004 outlined optional strategies that AMPs should include (Northern Territory Department of Justice 2004):

- consultation processes
- identification of required services and priorities including priorities for funding
- local social control strategies
- local community education strategies
- undertakings by agencies and organisations to carry out specific tasks
- ways in which policing will be carried out
- plans of how information will be circulated
- the interaction between police, local community leaders and organisations
- undertakings by licensees about responsible service or other supply issues.

Following this, in 2011, three major Alcohol Reform Acts were passed in the NT as a part of the 'Enough is Enough' policy. The policy was designed as a long-term strategy to reduce alcohol-related harms across the NT. It was enacted via three pieces of legislation:

- *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011* (NT)
- *Alcohol Reform (Prevention of Alcohol-Related Crime and Substance Misuse) Act 2011* (NT)
- *Alcohol Reform (Liquor Legislation Amendment) Act 2011* (NT).

These Acts enabled multiple new alcohol-related measures, including the Substance Misuse Assessment and Referral for Treatment (SMART) Court<sup>6</sup> and the Banned Drinkers Register (BDR)<sup>7</sup>. The progressive agenda of this policy reform balanced the three goals of the national drug strategy of harm, supply and demand reduction. However, after the Country Liberal Party were elected to government in 2012, all three Alcohol Reform Acts were subsequently repealed and replaced by two new Acts in 2013:

- Alcohol Mandatory Treatment Act 2013 (NT)
- Alcohol Protection Order Act 2013 (NT).

This had the effect of removing both the SMART court and the BDR. Instead, individuals could be placed on Alcohol Protection Orders by the NT police, which prohibited them from purchasing or consuming alcohol and from entering or being on any licensed premises at any time. Individuals could be placed in mandatory alcohol rehabilitation when repeatedly taken into police protective custody due to alcohol misuse.

In 2016, there was another change of government with the Northern Territory Labor Party elected. In 2017, the Northern Territory Department of Health announced that the Banned Drinkers Register had been reinstated in a revised version that incorporates voluntary treatment as opposed to mandatory treatment (Australian Indigenous HealthInfoNet 2017). In October 2017 the final report of a review of the NT's alcohol policies and legislation by former Chief Justice Trevor Riley was released proposing an entire overhaul of the *Liquor Act 1979*, alongside 200 more specific recommendations for change (Northern Territory Government 2017). Some of the key recommendations include (8-9):

- liquor licensing decisions to shift back to a Liquor Commission model of pre-2015, instead of the existing, sole Liquor Commissioner
- restoring the therapeutic courts, formerly known as the Substance misuse assessment and referral for treatment (SMART) court, which was operationalised under the Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011 and then replaced 18 months later by the widely criticised Alcohol Mandatory Rehabilitation Act 2013
- establishing a minimum floor price for alcohol and lobbying the Commonwealth government to initiate a nationwide volumetric tax on alcohol
- addressing the extremely high geographical density of liquor licences in different municipalities across the NT
- gradual removal of all small grocery store liquor licences
- addressing data inadequacies in the area by improving cross-sectoral and cross-government data linkage, collection and transparency.

<sup>6</sup> A specialist court dealing with offenders on criminal charges who had significant histories of substance abuse.

<sup>7</sup> Individuals issued with a Banning Notice for the purchase, possession and consumption of alcohol throughout the NT were placed on this Territory-wide register.

Other recommendations explicitly targeting AMPs and Indigenous communities include:

- “reinvigorating” AMPs (p.17) via the partnership between Aboriginal Peak Organisations Northern Territory (APONT) and the Department of the Chief Minister’s Regional Network Group
- including provisions in the succeeding Liquor Act to empower the licensing authority to instate both local and regional Liquor Supply Plans
- defining clear plans by the NT Government for alcohol management in remote communities leading up to the final phases of the SFNT, and that AMPs be a central feature of these plans
- revising the requirements of Liquor Permit systems in communities by developing a set of guidelines as per the Review of the Liquor Permit Schemes final report (Shaw, Brady, and d’Abbs 2015)
- undertaking an education campaign within remote communities to increase understanding of the problems associated with ‘sly-grogging’
- increasing police resources in remote communities to enforce alcohol measures, particularly in the reduction of ‘sly-grogging’
- continuing the Point of Sale Intervention (POSI) in regional centres, and that trained, uniformed licensing inspectors be appointed to assume this responsibility in place of the police force
- relocating or establishing safer ‘drinking spots’ in consultation with communities that are away from major roads, provide water, shelter and lighting and are patrolled by police or community night patrols (p.114).

The NT Chief Minister broadly endorsed all recommendations of Riley’s report (Damjanovic and La Canna 2017), but no action has been taken at the time of writing this report.

## COMMONWEALTH LEGISLATION AND POLICY IN THE NT

In June 2007, the *Little Children are Sacred* (Wild and Anderson 2007) report on child abuse in Indigenous communities was released. The Commonwealth Government responded with the introduction of the *Northern Territory National Emergency Response Act 2007* (Cth) (NTNER). A vital element of the NTNER was to impose bans on possession or consumption of alcohol on Aboriginal land in the NT including remote communities (with some exemptions such as licensed clubs).

In 2012 the *Stronger Futures in the Northern Territory Act 2012* (Cth) (SFNT) replaced the NTNER. The SFNT establishes a role for the Australian Minister of Indigenous Affairs in approving or rejecting AMPs in the Northern Territory. It also ascribes a central place to AMPs in reducing alcohol-related harms in Aboriginal communities in the Northern Territory. The SFNT is valid for ten years from commencement (to July 2022). It has both a subordinate regulation *Stronger Futures in the Northern Territory Regulation 2013* (Cth) and subordinate rules *Stronger Futures in the Northern Territory (Alcohol Management Plans) Rules 2013* (Cth) (AMP Rules).

The legislation sets out both substantive and procedural requirements for AMPs. The former Department of Families, Housing, Community Services and Indigenous Affairs established five minimum standards to assist communities and local governments (Australian Government 2013).

These minimum standards provide guidelines for key processes and content of AMPs, which must identify community-based solutions to reduce harm to individuals, families and communities resulting from alcohol abuse. They address a range of functions including:

- strategies for supply, demand and harm reduction
- consultation and engagement
- management and governance
- monitoring, reporting and evaluation
- geographical boundaries.

The minimum standards were developed retrospectively to assist communities to draft appropriate AMPs and provide a mechanism to guide the Ministerial approval process.

In making decisions regarding AMP approval, the federal Minister of Indigenous Affairs must have regard to:

- the Act's object of reducing alcohol-related harm to Aboriginal people in the NT
- any matter prescribed by the rules or minimum standards
- anything else that the Minister considers relevant.

The Minister does not have to make a determination if satisfied that there has not been sufficient consultation with the local community, or the majority of the community is not in favour.

The grounds to refuse an AMP include (but are not limited to):

- lack of provided information
- lack of sufficient consultation with the affected community
- lack of support within the majority of the affected community

Before refusing approval for a plan, the Minister must write to the community setting out why the plan will not be approved and giving time for further submissions. AMPs can also be varied with the Minister's approval, and revoked where it has not been complied with, or are ineffective.

By 2017, only one draft AMP had been approved by the federal Minister for Indigenous Affairs, Senator Nigel Scullion of the Northern Territory (in Titjikala). In parliamentary correspondence with the Chair of Parliamentary Joint Committee of Human Rights, the federal Minister for Indigenous Affairs noted (Scullion (Senator NT) 2015):

*To date I have approved one Alcohol Management Plan (AMP) for the Titjikala community. It was approved on 26 May 2014. So far, seven AMPs have been rejected. Each AMP was rejected because it had the potential to increase alcohol-related harm.*

Although the Minister refers to rejecting seven AMPs and approving one, no explanation has been provided regarding the status of nineteen AMPs under development in other NT Indigenous communities (see Table 3). Given seventeen of the twenty four AMPs had received community endorsement by 2014, we can assume that a minimum of nine communities remain in limbo, with their submitted AMPs having been neither rejected nor approved.

**TABLE 3. AMPS UNDER THE STRONGER FUTURES IN THE NORTHERN TERRITORY ACT 2012**

REGION	NUMBER	COMMUNITY ENDORSED	ON HOLD	GOVERNMENT APPROVED
Tiwi Islands	5	4	0	0
West Arnhem	2	2	0	0
East Arnhem	2	0	0	0
Katherine	9	6	1	0
Barkly	2	2	0	0
Central Australia	7	3	1	1
<b>TOTAL</b>	<b>27</b>	<b>17</b>	<b>2</b>	<b>1</b>

Private communication, November 2014

Following the last federal election in 2016, the federal Minister transferred the administrative power to approve the draft AMPs to the NT Government. The NT Government has not approved any of the remaining AMPs developed under the SFNT guidelines. The majority of approved and operating AMPs are those developed under the NT legislation and policies. In 2017, these are in the towns of Katherine, Alice Springs, Tennant Creek, and in the local area of East Arnhem (Katherine Region Alcohol Group 2013, Alice Springs Alcohol Reference Group 2016, Northern Territory Department of Justice 2008).

## ALCOHOL MANAGEMENT IN WESTERN AUSTRALIA

Western Australia has a similar history of alcohol legislation and management in relation to the Aboriginal population as that experienced in the NT. In the nineteenth century, the *Publicans Act 1843* (WA) became the first legislation prohibiting the supply of alcohol to Aboriginal people. Following this, the *Wines, Beer and Spirit Sale Act 1880* (WA) was passed, reinforcing the prohibitions introduced by the *Publicans Act*, but also adding the provision that prevented people from being admitted to, or 'loitering' within, the proximity of licensed premises. This prohibition was then extended to the *Aborigines Act 1905* (WA). For both Acts, liability was directed to the non-Indigenous supplier. However, in 1911, an amendment to the *Aborigines Act* transferred liability from the supplier to the possessor, meaning that Aboriginal drinkers assumed all liability for possession of any liquor. In 1944 with the introduction of the *Natives (Citizenship Rights) Act 1944* (WA) Aboriginal people could apply for a citizenship certificate which deemed them "no longer a native Aborigine" and consequently lifted prohibition for the individual (Calladine 2009, 2). It was not until 1971 that Parliament lifted all residual liquor restrictions for Aboriginal people.

The first legislation to give WA Indigenous communities some level of control over alcohol restrictions and prohibition within their lands was the *Aboriginal Communities Act 1979* (WA). This legislation provided community councils with the powers to create by-laws for multiple areas including alcohol restrictions and prohibition. To enact the by-laws community councils are required to reach approval by an absolute majority (d'Abbs 1990b). Although a significant step the powers conferred by this Act were argued to have little effect on the problematic drinking patterns in communities (see Hedges 1986, Hoddinott undated).

In contemporary times the primary legislation that is utilised in the management of alcohol in Aboriginal communities (and elsewhere) in WA is the *Liquor Control Act 1988* (WA) ('the *Liquor Control Act*'). Under sections 64 and 175 of the Act liquor restrictions can be declared and enforced applying to specific licensees or geographical areas. Section 64 can introduce restrictions on individual licensees or all licensees within a specified area which either limits or prohibits the sale of alcohol. These restrictions are enacted by the Director of Liquor Licensing when it is deemed within the public interest. Section 64

is used in many Indigenous towns in northern WA to reduce the availability of full strength alcohol for specific licences. There are 40 towns and areas in WA with licensees limited by section 64 (Government of Western Australia 2017). The success of the measures for some Aboriginal towns and communities introduced under section 64 is illustrated by the positive outcomes experienced in the towns of Halls Creek and Fitzroy Crossing.

Following a number of suicides in Fitzroy Crossing in September 2007 women from four different language groups in the region driven by the high levels of drinking and related harms, especially in relation to Fetal Alcohol Spectrum Disorder (FASD) affected children, made a petition to the Director of Liquor Licensing to introduce section 64 alcohol restrictions in the region. The Director introduced a trial limiting the on-premises sales of full-strength alcohol and prohibiting the sale of full-strength takeaway liquor in the town (Hudson 2011, 12). A mixed-methods evaluation conducted two years after the commencement of the trial found that there had been reductions in hospital presentations, ambulance callouts, the severity of domestic violence, public drinking, humbugging<sup>8</sup>, antisocial behaviour and level of alcohol consumption in the region. The evaluation also found there had been increases in family purchases of food and clothing, preventive health behaviours, effectiveness in local services, care of children and participation in recreational activities (Kinnane et al. 2010).

In 2009 restrictions were introduced under section 64 in Halls Creek, limiting the off-premise sale and consumption of alcohol to low strength (<2.7%) in the two of the main takeaway alcohol outlets in the town. An evaluation conducted over the course of two years found that there were significant reductions in police callouts. Both alcohol and non alcohol-related assaults more than halved, drink-driving offences were three times lower, alcohol-related hospital presentations fell by one-third, and there was a significant reduction in sobering up shelter admissions (Drug and Alcohol Office of Western Australia 2011, 2-3).

Section 175 was added as an amendment to the *Liquor Control Act* in 2007. It is used to introduce blanket bans on the sale, possession and consumption of alcohol for a specific area or town within WA. Wangkatjungka, a community situated approximately 100km south-east of Fitzroy Crossing, was the first Aboriginal community to use this section to make it a dry area. With majority community support the dry declaration in Wangkatjungka was extended until 2019 (Government of Western Australia 2016).

As of August 2017 there are 20 Indigenous communities across WA that are restricted areas under section 175 prohibiting any carriage or consumption of alcohol. For section 175 restrictions to be put in place the Minister for Racing and Gaming must first make a recommendation to the Governor of WA who can then declare an area dry. In practice the Minister for Racing and Gaming will only act at the behest of community leaders seeking action in the area (Calladine 2009, Government of Western Australia 2017).

Voluntary liquor accords are non-statutory mechanisms used in specific regions and communities in WA in an attempt to curb alcohol-related harms. The Norseman Voluntary Alcohol Agreement (VAA) 2008 was introduced following concern from Indigenous community members that excessive levels of alcohol consumption in the community were the cause of high rates of chronic illness experienced in the town. The VAA limited the daily takeaway purchase of cask wine putting restrictions on when it could be bought, how much could be purchased and at what strength. With only one licensed takeaway outlet in the town, the restrictions were relatively easily implemented, monitored and enforced. A year after the VAA was introduced alcohol consumption, alcohol-related morbidity and public drunkenness and violence had reduced. Further, it was found that health-seeking behaviours had improved. After evaluation of the initial VAA additional take away restrictions were put in place limiting the purchase of bottled wine (Midford, McKenzie, and Mayhead 2016).

Other related measures in WA include takeaway alcohol management measures, such as the trial Takeaway Alcohol Management System (TAMS) in the Shire of Wyndham and Kununurra introduced in December 2015. The TAMS was developed to support the compliance of liquor outlets with alcohol

<sup>8</sup> The term 'humbugging' refers to the practice of placing unwanted pressure on others for money or other goods.



restrictions declared in the region in 2011 under section 64 of the *Liquor Control Act*. The TAMS features a variety of takeaway alcohol restrictions including the reduction of trading hours and limits on the quantity and strength of alcohol permitted for sale. For example, there are no takeaway sales on Sundays and sales from Monday and Saturday are only allowed between 12 pm and 8 pm. Table 4 illustrates the daily quotas permitted for purchase per person.

**TABLE 4. TAMS ALCOHOL RESTRICTIONS**

ALCOHOL STRENGTH	DAILY QUANTITY PER PERSON
Low (<2.7%)	Unrestricted
Mid to full (2.7%-7%)	22.5 litres
Full (7%-15%)	4.5 litres
Greater than 15%	1 litre

Source: adapted from Codeswitch 2016, 27.

The TAMS 12-month evaluation showed inconclusive results. This is due to the difficulty of separating the impact of the measure from the section 64 restrictions and the subsequent introduction of a cashless debit card (CDC) trial introduced by the Australian Government in early 2016. The CDC trial is another alcohol-related measure applied to working-age adults receiving specific Income Support Payments in regions across two states:

- Kununurra and Wyndham, East Kimberley (WA)
- Ceduna and surrounding region (SA).

The CDCs function as debit cards but do not allow cash withdrawals or the purchase of alcohol or gambling products. One of the main aims of the CDC trial was to reduce the levels of drinking and related harms. Early evaluations of the trial indicate mainly positive, but also mixed outcomes (Smith 2017).

In WA, the term 'alcohol management plan' is used in a general sense to refer to community planning and periodic revision of plans concerning alcohol issues in the community (Drug and Alcohol Office 2007, City of Joondalup 2011). The Western Australia Alcohol Support Plan (2012–2015) includes an initiative to "encourage consumer, community and key stakeholder participation in the development and implementation of strategies, such as alcohol management plans, particularly in areas where high levels of harm are evident" (Drug and Alcohol Office 2012).

## 6. Ethnographic description & analysis

### THE FIELD SITE: PORMPURA AW, QUEENSLAND

Pormpuraaw means “entrance way to a house” in Kuk Thaayorre language and was first established as an Anglican Mission in 1938. The Queensland Government assumed governance through the Department of Aboriginal and Islander Affairs in the 1960s. In 1987, the PASC gained title over the area, adopting local government powers. Pormpuraaw covers a 4,500-kilometre area with the nearest urban centre being Cairns, which is 650 kilometres to the southeast. The Pormpuraaw township is a neat grid of widely paved roads set back about one kilometre from the beach, approximately two kilometres from the Chapman River outlet.

During the wet or monsoon season (usually December to April), the plains surrounding the community are frequently flooded impacting the only road into the township. At this time of year the only way in or out is by light aircraft. The PASC runs a small airport situated on the outskirts of the community with one commercial flight in and out each weekday.

FIGURE 1. AERIAL VIEW OF PORMPURA AW



Photo: Kristen Smith

The residents of Pormpuraaw are predominantly Aboriginal, and in the main, members of the Thaayorre, Wik, Bakanh and Yir Yoront clans. The 2016 Census identified 630 (83.8%) Aboriginal and Torres Strait Islander people living in the community. The median age is 31. 196 families live in the community with an average of two children per family (Australian Bureau of Statistics 2017).

More than two-thirds of the population speak an Aboriginal language as a first language and many locals are multilingual. There are up to 14 dialects spoken in the community however the two main languages of the area are Kuuk Thaayorre (26.5%) and Wik Mungkan (26.6%). Over two-thirds (495 persons) of the population are working age (15 to 64 years) with 259 people in the labour force. The median weekly household income is \$771. In 2011 the residents of Pormpuraaw had the lowest personal income median in the State of Queensland (\$24,816) (Australian Bureau of Statistics 2013a).

The participation by young people in education or the workforce in Pormpuraaw is very low compared to their counterparts in the rest of Australia. Less than a third of the population (28.9%) between the ages of 15 and 19 are actively engaged in work or study as compared to 87% of all young Australians (Australian Bureau of Statistics 2013b, Australian Institute of Health and Welfare 2015).

In Pormpuraaw, few employment opportunities exist, with the majority of the workforce employed by the Shire Council, the Aboriginal Corporation, the Primary Healthcare Centre and the Arts Centre. There are a limited number of government and not-for-profit services, including:

- a primary school (years one to six)
- a post office
- a primary healthcare clinic
- an arts centre
- an Aboriginal ranger station
- a community culture and knowledge centre
- a State Government run local store
- a licensed venue
- an Anglican church

The PPAC runs a variety of social services in addition to the enterprises listed above. Despite the comparatively high unemployment within the township, many roles are filled by workers from outside the community.

## FIGURE 2. PORMPURAAW COMMUNITY CENTRAL MEETING AREA



Photo: Kristen Smith



TABLE 5. HOUSING AND DEMOGRAPHIC DATA, PORMPURA AW

All private dwellings	224
Average people per household	3.1
Median weekly household income	\$771
Median monthly mortgage repayments	\$867
Median weekly rent	\$90
Average motor vehicles per dwelling	0.9

Australian Bureau of Statistics 2012

Pormpuraaw is typical amongst remote Aboriginal communities in that it experiences housing stress. It was reported during fieldwork conversations with PASC staff overseeing the residential tenancy leases that the ABS data does not capture the extent of overcrowding. 22 new houses were built in 2013, funded by a Commonwealth Government housing scheme. These standard houses are basic, two to three bedroom residences. They have front and rear yards separated from neighbours by wire fences. The sandy soil is not particularly suitable for growing vegetation. Although some yards have established gardens with tropical fruit trees, most yards only have one or two trees, or none at all.

The normalisation of high levels of family violence and assault and their relationship to alcohol misuse became apparent during fieldwork in Pormpuraaw. On Smith's first fieldwork trip to the community, she was billeted out to stay at the residence of a senior counsellor of the local AOD and healing service. The counsellor had been working in the community for approximately 10 years. Smith had spent the entire day driving to Pormpuraaw with colleagues from Cairns and did not arrive until after ten o'clock that evening. As it was a weekend, the licensed Sports Club was not open, denoting that any alcohol consumed in the community that day would be 'sly-grog'. After settling into her designated room Smith retired to bed. The following is an excerpt from Smith's fieldnotes (November 2014):

*At around 12am, I awoke to the sounds of loud banging and shouting somewhere close by. The community dogs were barking, and the din echoed down the otherwise quiet streets. Within around ten minutes, the shouting grew closer and it became apparent that a man and woman were arguing loudly and aggressively, both sounded intoxicated. The woman approached the front door of the social worker's house and was seeking to get away from the man – her partner; I later found out – as she said he had threatened to kill her and was somewhere close by. She noted that he was wielding an iron bar as a weapon. She described how he had locked her out of their house and that she was very concerned about getting her possessions returned. Before long, the man (her partner) approached the house, but after he began shouting, the counsellor told him that he could not come in and that he would have to wait until the next day to discuss matters further. After a few minutes, he left. By this time, the senior social worker had called the police, who were located on the other side of the community (the station and their residences). The woman was insistent that she needed to go and collect her belongings prior to the police arriving, so she left the house, walking back in the direction she had come from. The police arrived as she was returning (without having crossed paths with her partner). After some discussion with the social worker, the woman decided that she would go to the Women's shelter for the night.*

*The following day the woman left the shelter and returned to her home, back to her partner. The next evening at around dusk, I was walking back down the street towards my accommodation. Although it was getting dark, somewhere close by I recognised the voice of the lady from the night before calling out to the counsellor. As I walked closer, it became evident that her partner was with her, and they were loudly arguing again. As I walked towards them in the dark, my host drove past me and into the driveway. At that time, running very fast, her partner bolted*

*down towards me with a long piece of wood or iron bar, but veered off down a laneway, with the woman yelling and screaming after him. I walked in the front yard as my host was shutting the gate and wandering around the back of the house to find her phone. Before long, the partner had returned, and they attempted to have a discussion with the counsellor again acting as a mediator. However, the conversation swiftly became heated and the partner left. The woman left as well, this time declining the social worker's offer of calling the police.*

*The counsellor later expressed that she was exhausted from managing the conflict between the couple and that she was more concerned for the man than the woman. She said that 'last time' the man had told his brother of his troubles with his partner and that they had together beaten her so badly the woman had nearly died. Finding this a troubling stance, I further questioned her about why she was not more concerned about the safety of the woman. The social worker repeated that she was most worried that evening about the man as he might "smash up the house" and that the woman's insistence on arguing, "letting everything go, she's not one to hold it in", was the ultimate problem. She further commented on her concerns that the house belonged to the Shire Council and that they would not be happy if it were damaged.*

This is one example of multiple instances of alcohol-fuelled family violence experienced by (predominantly) women in the community, observed during the fieldwork.

## THE ALCOHOL SUPPLY CHAIN TO PORMPURA AW

Alcohol is supplied to Pormpuraaw by both legal and illegal means. The only legal alcohol supplier in Pormpuraaw is the licensed venue managed by the Pormpuraaw United Brothers Sports Club (PUBSC).<sup>9</sup> The illegal supply chain of alcohol is much more difficult to spatially, economically and volumetrically track, but its regional links are evident.

The Pormpuraaw AMP bans the sale and consumption of alcohol in all public spaces and private residences, with the exception of the PUBSC venue located between the township and the coastline. The Board of PUBSC consists of representatives from the Primary Healthcare Centre, the Aboriginal Shire Council, the local police, the local Aboriginal Corporation and members of each of the two major clan groups of the area. Pormpuraaw is one of the few remote Indigenous communities that operate a licensed venue in northern Australia. The PUBSC operates under a restricted community permit issued by the Queensland Office of Liquor and Gaming Regulation. This permit was first granted in late 2008. The continuation of the permit is dependent on biannual evaluations of the impact of trading on alcohol-related harm in the community. These reviews are undertaken internally by the PUBSC. Following these reviews final reports are received by the Queensland Liquor Licensing Authority to support the continuation of the liquor licence.

The PUBSC liquor permit has limited trading conditions. There are no takeaway sales. Trading is limited to 25 hours per week. There are restrictions on the quantity and strength of alcohol sold per person per day<sup>10</sup>. Patrons are unable to enter the club unless they are breathalysed and return a zero reading. Further, patrons must obtain a 'club licence', which is scanned every time an alcoholic beverage is purchased.

Residents participate in a variety of social events hosted at the venue such as special family events, fishing competitions, annual general meetings, live televised sporting events and live band performances. The Board also ensures that meals are available for patrons, encouraging 'responsible drinking'.

*Yes, and behaviours at the club have been very good. People are responsible in the drinking. It's just that we want people to carry that responsibility from the club back to home when they go and leave the club premises.*

<sup>9</sup> See Division 2, Liquor Act 1992: Division 2 Declaration of, and prohibition of possession of liquor in, restricted areas; 173G Declaration of restricted area; 173H Declaration of prohibition of possession of liquor in restricted area; 173I Consultation with community justice groups for declarations; 173J Notice about prohibition of possession of liquor in restricted area

<sup>10</sup> Maximum of six medium strength 375ml cans of alcohol per day and unlimited low strength cans.

*(Pormpuraaw Aboriginal Shire Council, Interview, February 2015)*

The club's strict licensing conditions include a mechanism by which the Board can ban specific residents from the club for specific periods of time. This is based on advice from family members, the CJG or other community members. One of the Board members disclosed that they would often use this mechanism to ban people, including those who repeatedly engage in violent or criminal behaviours, or women who are pregnant. Many community members noted that the strategies used to manage alcohol at the club are vital to determining and improving community cohesion and safety. A local police officer stated:

*I mean, I just think the canteen is my answer to control the alcohol. Having the zero takeaway, it works to the extent that keeps the alcohol out of the house, which allows the school to do its bit, allows Jobfind11 to do its bit, allows the Council to have their workers, because when the sly grog comes to town people just stay away. One, because they want to drink, two, they've got to protect their family. Different reasons. And some of them just stay away because everybody else is staying away. And it's just dominos...But it's something that's just part of the dynamics of Pormpuraaw.*

*(Pormpuraaw Police, Interview, May 2015)*

The PUBSC, supported by government licensing restrictions, is one example of a dynamic, community-driven alcohol management measure reducing alcohol-related harm and contributing to community development across multiple measures.

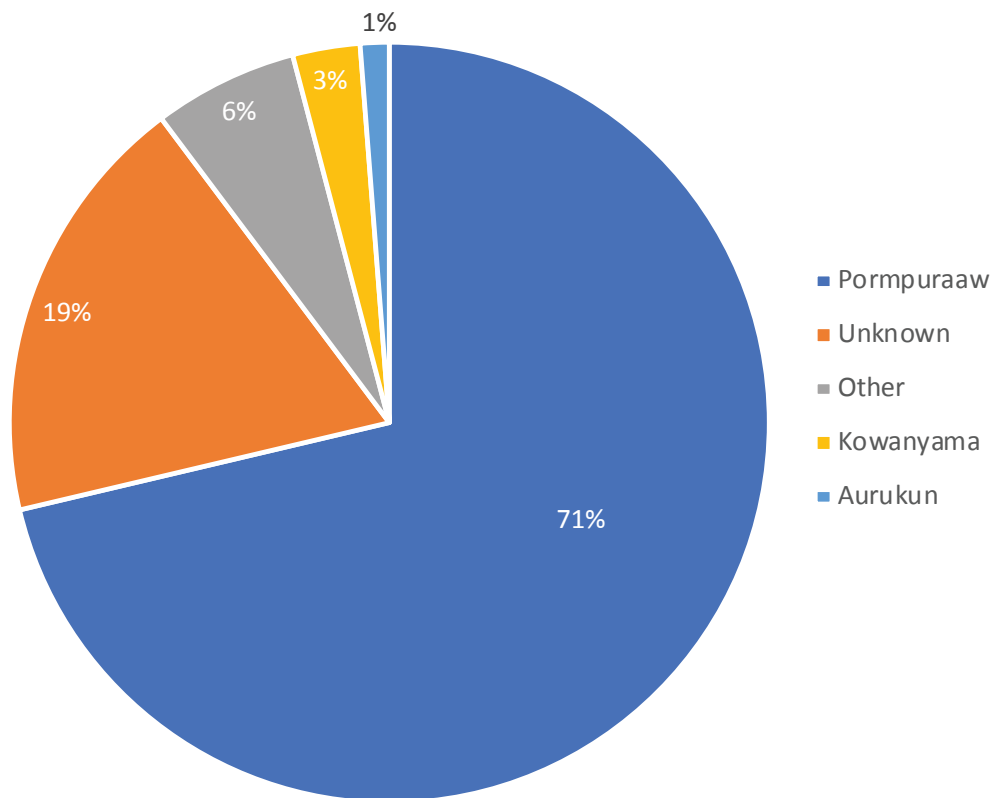
The illegal carriage and sale of alcohol in Pormpuraaw fluctuates with relation to volume and frequency at different times of the year. The volume of illicit alcohol smuggled into the town can be illustrated by the police interception of two residents of Pormpuraaw in a utility outside of Mareeba in late 2015. Alleged by police to be on route to Pormpuraaw, the utility contained 49 casks of wine, 132 beer cans and four bottles of spirits (Parker, 2015). Police reports have noted illicit 'hauls' located at private residences in the town. The majority of offenders (71%) that have been convicted for breaching the alcohol restrictions in Pormpuraaw were residents at the time of the offence (see Figure 3). This is not to infer that all those convicted of breaches to sections 168 A and B of the *Liquor Act* were trafficking alcohol. Many are likely to have breached the restrictions for their own personal consumption. The Pormpuraaw police explained to the researchers that they only detect and apprehend a small minority of grog-runners due to the lack of resources required for better enforcement:

*The drink, we can't police it; they'll have to expand our powers of search to do that, and plus the technology, they have to give us more technology. I mean technology's not that expensive, but it's just, yeah, it's just not supplied. Just, well the satellite technology, just the detections of it. There are devices being developed that use the mobile phone, but it doesn't give us the opportunity to get the proper notification because when you do get a notification, you've got to put your trousers on, put your top on, and ring somebody. There is a delay, there can be a delay with obtaining the information. I can ring somebody; it takes about 20 minutes, yeah, 15 minutes is about as fast as we can do it if we run, but we're looking at 20 minutes from the time we get notified to the time...well, you can travel a fair distance in 20 minutes. But one thing or another, the sly-grog seems to be, it's always been the problem. We've tried, and we're hamstrung with the lack of technology to enforce the AMP. Our only real gambit is through intel submissions from the community.*

*(Pormpuraaw Police, January Interview, May 2015)*

<sup>11</sup> Jobfind is the local employment, training and recruitment centre.





**FIGURE 3. BREACHES OF AMP RESTRICTIONS IN PORMPURAAW BY OFFENDER RESIDENCE (2002-03 TO 2011-12)**

(Source: data retrieved from Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, 2013, pp. 5-6)

During fieldwork multiple narratives were relayed to the researchers about the lengths ‘sly-groggers’ have gone to in order to smuggle alcohol into the community and the inflationary prices the alcohol is sold for once there. A narrative circulating in Pormpuraaw at the time of the fieldwork was that a freezer had been stolen from the local Aboriginal Corporation and buried at a site several kilometres outside of the township. The buried freezer allegedly served as a place for community members to leave money for ‘grog runners’. The alcohol smugglers would then come and collect the cash, leaving behind the ‘sly-grog’ for community members to retrieve at a later time. Other stories focused on the astronomical prices that specific types of alcohol would fetch in the community at different times, preying on the vulnerability of people with severe alcohol dependencies. One story told by a community member to the researchers detailed how 750ml bottles of bourbon externally purchased at around \$40, were fetching upwards of \$500 during 2015.

The alcohol industry annually spends hundreds of thousands of dollars in political donations across the nation. In Queensland alone, the industry donated over \$400,000 to Queensland political parties between 2011 and 2014 (FARE 2015). Alcohol industry advocates have argued that supply restrictions should be reduced or removed to eradicate sly-grogging and its associated harms. In the Kimberley (WA) liquor retailers (including several Metcash outlets) applied to have restrictions relaxed in Fitzroy Crossing claiming the restrictions have led to a “thriving black market”. Local Indigenous groups (including the Women’s Resource Centre) vehemently oppose any change to the restrictions (Marninwarntikura Fitzroy Women’s Resource Centre 2017).<sup>12</sup> The retailers purport it is sly-grogging rather than the licensed outlets causing the alarming levels of violence and associated health

<sup>12</sup> June Oscar, AO, a member of the Executive team of the Fitzroy Women’s Resource Centre, has led a successful campaign in this region to restrict alcohol supply and thereby eliminate domestic violence, alcohol-related abuse and Fetal Alcohol Spectrum Disorder. This campaign opposes the alcohol retailers’ many efforts to increase the supply of alcohol. The centre reports domestic violence has been reduced by 43% as a result of the alcohol restrictions.

conditions in the regional Aboriginal population. This argument belies the fact that, regardless of legality, the excessive consumption of alcohol in these populations is the cause of harm. It also ignores the role that licensees play in the supply chain by selling alcohol to grog-runners, even if inadvertently so. In many locations across northern Australia, including regional liquor outlets in Cape York, licensees have shown resistance to following licence limitations intended to deter and hinder grog-runners. The enforcement of these restrictions require greater police resources and cooperative relationships between different police stations, as explained by a Pormpuraaw police officer:

*[Australian Leisure and Hospitality Group Pty Ltd] ALH... because they have so much, it's not only the remote licence in the bottle shop, and they have a Liquor Barn, I think they have two Liquor Barns. They have a Liquor Barn and a fairly large liquor store in a takeaway at one of the hotels. And then they're not conducive to providing information about large liquor sales... but who would they tell? They have a restriction on there to do their liquor sales; anything over ten cartons or something they have to put in a register. Yeah, but it's incumbent upon police going out there to check. They do check at times, but not to my satisfaction...but our alcohol is coming from Mareeba or Cairns or Laura.*

*(Pormpuraaw Police, Interview, January 2016)*

Takeaway outlets in Cairns, Mareeba, Laura<sup>13</sup> and Cooktown servicing the Cape York region are predominantly from the Australian Leisure and Hospitality Group Pty Ltd (ALH), Metcash, Liquor Marketing Group and Wesfarmers groups. ALH is a Woolworths Limited controlled entity, including ownership of bars, gaming venues, nightclubs and takeaway liquor outlets. Its two retail brands are Dan Murphy's and BWS. In Cairns, the closest city to Pormpuraaw (and the other Cape York communities), there is one Dan Murphy's outlet and 15 BWS outlets. Metcash is another large, wholesale distributor with stakes in many takeaway liquor outlets that service Cape York. Their major alcohol outlets include Cellarbrations (Cooktown, Mareeba and Cairns), Thirsty Camel (Mareeba), and The Bottle-O (Cairns). Wesfarmers owns Coles Supermarkets which operates Liquorland (Cairns, Mareeba,) and First Choice Liquor (Cairns). Liquor Marketing Group operates Bottlemart (Cairns). Alcohol supplied through distribution networks owned by ALH and Metcash increasingly stock alcohol brands owned by global corporate entities supplying alcohol through complex networks of international, national and local supply chains.

Many global and local industries directly or indirectly contribute to the supply chain for alcohol. Financial, agribusiness, transportation networks, packaging, warehousing, marketing, distributors and retailers are some of the many sectors involved in alcohol's reach into local communities. The global volume of alcohol sales is known to be in the billions as "[t]he 26 largest alcohol corporations had a turnover of 155 billion in 2005, generating profits of 26 billion" (Hawkins & Colin, 2015, p. 120).

The multinational business of alcohol has seen many local manufacturers and distributors of alcohol now owned by large global corporations. The company Anheuser-Busch InBev (AB InBev) a multinational beverage and brewing company with their headquarters in Leuven, Belgium purchased the English multinational brewing and beverage company SABMiller in 2016 (Anderson, Meloni, & Swinnen, 2018). The acquisition by AB InBev of SABMiller, owners of Australian company Carlton United Breweries (CUB), now means CUB is part of the growing stable of AB InBev brands.

CUB are suppliers of a variety of beer, cider and spirits throughout state and territory jurisdictions in Australia. These brands include: Abbotsford; Aguila; Akropolis Oyo; Becks; Bonamy's; Budweiser; Bulmers; Carlton; Cascade; Continental; Corona; Cougar; Coyote; Crown: Foster's; Great Northan; Hoegaarden; Karloff Vodka; Leffe; Little Green; Matilda Bay; Melbourne Bitter; Mercury; Pirate Life; Prince Albert's Gin; Pure Blonde; Resche; Sheaf; Spring Cider Co; Stella Artois; Strongbow; The Black Douglas; Victoria Bitter; and Yak Ales (AB InBev, 2018; Carlton and United Breweries, 2018).

This consolidation of alcohol brands by major corporations assists in tracking the supply chain of alcohol into Indigenous communities such as Pormpuraaw. Many CUB alcohol brands are on sale at

<sup>13</sup> The only licenced venue in Laura is the Quinkan Hotel – an independently owned hotel and campground.

local levels through hotels, bottle shops, sports clubs and other retailers in the alcohol industry. The acknowledgement of the global and localised nature of alcohol supply chains is important for those with an interest in alcohol policy. In the 2017 guide to the 'Alcohol Industry, Major Alcohol Companies in Australia: Producers and Distributors', the authors write that:

*Evidence indicates that the alcohol industry actively works to influence alcohol policy in Australia. It is crucial for all those with an interest in alcohol policy to understand the nature of the industry to help inform a broader understanding of how alcohol companies and industry groups seek to influence alcohol policy. A part of this is knowing who produces, distributes and promotes the major alcohol brands in Australia, and recognising the globalised nature of the alcohol industry (Pierce & Stafford, 2017, p. 2).*

## THE DEVELOPMENT AND PHASES OF PORMPURAAW'S AMP

The Pormpuraaw AMP was first introduced in December 2003 and covers the Local Government Area (LGA). Pormpuraaw is one of 19 communities in the Cape York to have an AMP. What is significant about the Pormpuraaw AMP is that there is no formal AMP document guiding the management of alcohol in the community based on the decisions of the local CJG. If there was an original AMP document, it is no longer in use, and long-serving members of the CJG expressed they had no knowledge of this document ever existing. During fieldwork discussions with members of the Alcohol Advisory Group in Pormpuraaw and other community members, it became clear that the Pormpuraaw AMP is merely understood and framed by the supply and carriage restrictions enabled by sections 168B and C of the *Liquor Act 1992* (Qld)). One employee of the PASC noted:

*Yes, true, it's just the restrictions that make it up [the AMP]. There's no document. That's what our AMP is.*

*(Matthew, Interview January 2015)*

This is in contrast to the documents developed and signed off in the NT for communities and towns. The NT AMP documents are wide-ranging, but many set out action plans, evaluation requirements, wrap-around services, demand reduction and diversionary activities<sup>14</sup>. The NT AMPs also have a set duration of validity with subsequent AMPs redeveloped or articulated at the end of each period.

Pormpuraaw's AMP consists of restricted area measures. The following maximum penalties apply for breaches of the possession restrictions in Pormpuraaw:

- \$45,712 for a first offence
- \$63,997 for a second offence, or six months imprisonment
- \$91,425 for a third or subsequent offence, or 18 months' imprisonment.

Individuals can also be charged for attempting to bring alcohol into Pormpuraaw, with a maximum penalty of \$45,712. It is also an offence to possess homebrewing equipment, the concentrate used to brew alcohol or to supply homebrew to others. The maximum penalty is \$23,161. Vehicles may be confiscated if found to be carrying alcohol (Queensland Department of Aboriginal and Torres Strait Islander Partnerships, 2017).

The multiple phases of Pormpuraaw's AMP are outlined in Table 6 with detailed discussion and analyses following. They are articulated as distinct phases due to the changes in the restrictions that occur at the outset of each period. Pormpuraaw's AMP saw hospital admissions for assault significantly decreased (see Figure 4). The percentage of reported offences against the person<sup>15</sup> for the period was not substantially different than before the AMP (Figure 5), but the overall trend within the first phase shows a gradual decline in breaches of the liquor act across the period (see Figure 7).

<sup>14</sup> Examples of NT AMPs as described include the Alice Springs AMP (Alice Springs Alcohol Reference Group, 2016),

<sup>15</sup> Offences against the person refer to violent crimes such as assault, homicide or the breach of an intervention order.

**TABLE 6. PHASES OF SUPPLY RESTRICTIONS AND MEASURES FOR PORMPURAAW'S AMP (2000 - 2016)**

PHASE	TIME PERIOD	TIME PERIOD CHARACTERISED BY
Pre-AMP	Early 2000 to November 2003	<ul style="list-style-type: none"> <li>The release of the Fitzgerald Inquiry report (2001).</li> <li>The introduction of the Queensland government's policy response: 'Meeting Challenges, Making Choices'.</li> <li>High levels of alcohol consumption, excessive violence and hospitalisations for alcohol-related injuries.</li> </ul>
Phase 1	December 2003 to December 2006	<ul style="list-style-type: none"> <li>An AMP is developed and implemented in Pormpuraaw.</li> <li>During this time, alcohol restrictions are the weakest (24 cans of takeaway beer allowed 4-9%, and any strength and quantity of beer allowed in the Canteen).</li> <li>High levels of alcohol-related violence reported late in 2006.</li> </ul>
Phase 2	January 2007 to 1 December 2008	<ul style="list-style-type: none"> <li>Shift in restrictions during this period with alcohol carriage limits reduced to a six-pack of beer only (2.25 litres of low or mid-strength beer) under the <i>Liquor Amendment Regulation (No.1) 2007</i>.</li> <li>The Shire Council moderates alcohol consumption within the Canteen, phasing out full strength liquor while maintaining volume limits.</li> </ul>
Phase 3	2 December 2008 onwards	<ul style="list-style-type: none"> <li>The liquor license is divested from the Shire Council. A new restricted club permit is applied for and provided to PUBSC (at the same venue).</li> <li>Further restrictions are imposed with the carriage limit reduced to zero, making Pormpuraaw a dry area.</li> <li>A joint state and federal government 'support package' for drug, alcohol and diversionary services is promised but does not eventuate.</li> <li>The Qld Government commences its review of the Cape York AMPs (2012).</li> </ul>

### PRE-AMP: 1990s TO NOVEMBER 2003

The development of the AMP came about in reaction to the high levels of alcohol-related injury and violence experienced by the community in the 1980s and 1990s. During the fieldwork research a key female elder and community leader, who has played a significant and ongoing role in driving alcohol-related and violence prevention initiatives in the community, noted her concern for the safety of women and children in Pormpuraaw. She outlined how this concern was due to an extreme escalation of alcohol-driven violence. She discussed how, in the 1980's, her house served as an informal women's shelter with many women coming to her to escape domestic and community violence. Eventually the demand became too high for her to support the volume of women and children in need. This led to her call for the establishment of the women's shelter which opened in 1991. The 1990s were a volatile period of alcohol-related impacts for the residents of Pormpuraaw. Residents recalled that in the years leading to the introduction of Pormpuraaw's AMP the excessive consumption of alcohol, community unrest and levels of violent assault (including domestic and family violence) were at an all-time high.

## PHASE 1: DECEMBER 2003 TO DECEMBER 2006

Pormpuraaw's AMP was introduced in December 2003. In this first phase, the measures established were primarily supply-based restrictions pertaining to the sale, carriage and possession of alcohol. Although configured within the legislative changes creating the CJG, the AMP in Pormpuraaw was a strongly community-driven process:

*It was prior to the Fitzgerald Inquiry and, well, he never did visit Pormpuraaw... But it wasn't the Council. It was the people saying enough is enough.*

*(Pormpuraaw Aboriginal Shire Council, Interview, January 2015)*

During the first phase of the AMP supply restrictions were relatively lax with carriage limits of up to 24 cans of beer of any strength. During this time a reduction in alcohol-related indicators of harm were recorded, such as the decline of hospital admissions for assault and offences against the person. However, accounts told to the researchers by community members about this time indicate that there was very little change in the drinking patterns and harmful behaviours of many community members. One community member explained how she remembered people lining up outside of the licensed club before opening, and what she described as 'ant trails' of people traipsing back through town, each with a 'slab'<sup>16</sup> of takeaway beer soon afterwards.

An evaluation of the MCMC policy was completed by the State Government midway through this first phase of the AMP to review the effectiveness of the three primary measures of alcohol reform in each community (Queensland Government 2005). These measures were:

1. Implementation of supply restrictions (and their enforcement)
2. Development and implementation of demand reduction measures
3. Shire Council divestment of canteens.

The evaluation detailed how there had been notable associated improvements experienced in many of the AMP communities but of the three measures only supply restrictions had been adopted.

## PHASE 2: JAN 2007 TO DECEMBER 2008

The second phase of Pormpuraaw's AMP commenced in 2007. In this phase the takeaway limit was reduced to six cans of medium or light strength beer. Many community members reported that there was a significant reduction in violence and other alcohol-related problems in the community. A police officer stationed in Pormpuraaw during this phase noted the significant decrease in their workload resulting from the reduction in the takeaway sales:

*I mean what we did notice, what I did notice, was a change in the AMP in February of 2007, when they went from a carton takeaway to a six-pack. It was...there appeared to be a drop in our calls for service, disturbances, assaults, domestic violence and stuff like that. When I officially came here in September of that year it seemed to have worked up to a certain level, and we were experiencing a bit of - a few problems - but probably weren't as much as what it was in previous times compared to what we were. It appeared to be a drop in our calls for service.*

*(Pormpuraaw Police, November 2016)*

<sup>16</sup> Refers to a carton of 24 beer cans (approximately 375ml per can)

In concert with the reduction in takeaway sales, there were multiple action plans and programs initiated in the community by the PPAC, the PASC and police. These were aimed at shifting dysfunctional, alcohol-related behaviours of residents to promote better community cohesion, safety and security through improved social and emotional wellbeing and diversionary programs. Additionally, the community through a Shared Responsibility Agreement and Memorandum of Understanding between the federal, state and local governments also succeeded in gaining initial funding to develop a family residential AOD rehabilitation centre located on traditional lands a short drive out of the community.

During 2007-08, the Qld government undertook a review of the impact of the AMPs in the 19 Indigenous communities of Cape York. The review found that there had not been adequate reductions in alcohol-related harms. This was the impetus to develop amendments to the *Queensland Liquor Act 1992* (Qld), banning all local Shire Councils from holding liquor licences (only 11 councils were previously divested of their licences under the MCMC and related Acts). After the amendments came into effect nine Shire Councils were divested of their liquor licenses. This included the Edward River Canteen license held by the PASC.

Prior to the PASC divesting their liquor licence they received correspondence from the Queensland Minister for Aboriginal and Torres Strait Islander Partnerships in November 2008. This correspondence confirmed that the Shire Council would be provided with an immediate payment of \$100,000 to fund local community activities and that a package of services to support the new variation of the AMP in Pormpuraaw would also be provided. These included:

- the permanent cancellation of the Shire Council's liquor licence and in return, funding of \$1.908 million would be paid to the council over the next four years to compensate for the loss of revenue
- an increase in permanent police staffing from two officers to four
- shared access to the one to two-bed capacity AOD detoxification facility in Weipa (approximately 20-hour drive, or flights via Cairns priced at upwards of \$700), also servicing the entire population of Cape York (>7,000)
- Commonwealth funding for the establishment of the in-progress ROWORR (Pormpuraaw Community Justice Rehabilitation Centre) Alcohol and Drug Rehabilitation Centre located at Baas Yard, commencing June 2009
- the recruitment and funding of an Alcohol Support Worker to work alongside the PPAC drug and alcohol counsellors, commencing in January 2009
- the establishment of a Men's and Women's service
- Commonwealth funding of 'a wet season project...responsive to community needs'

This service package pledged by the Minister was developed from several community consultations with members of the PASC in Pormpuraaw during April and August 2008. Although the promised package was partially fulfilled, with the change of government in 2009, the majority of the package was abandoned or modified within the context of the new government's priorities. Of the unmet promises, the failure to pay the full amount promised to the Shire Council was particularly resented by many members of the community.

In response to the impending expiry of the Shire Council's liquor licence (1 December 2008) and strong community support to retain a local liquor licence, the local Sports Club (PUBSC), applied to the Queensland Office of Liquor, Gaming and Racing for a restricted club permit. The restricted permit was granted on a three-month basis, commencing on the same day the Shire Council license expired. The permit initially had a takeaway limit of six cans of mid-strength beer (reducing to light beer as of 1 January 2009). During this phase of the AMP a significant alcohol-related tragedy occurred at a community meeting triggering the CJG to consider further restrictions to the alcohol carriage limits of the AMP.



## PHASE 3: JANUARY 2009 ONWARDS

Following the third phase of the AMP, Pormpuraaw was declared a dry area making the carriage, possession and consumption of alcohol illegal across the Shire. The exception to this was the PUBSC whose liquor permit was amended to remove all takeaway sales. A member of the local Shire Council explained this development:

*No, it wasn't dry [pre-2009]. We had takeaways, but in 2007, when we had a big meeting here, and there was a really big fight and the police liaison officer got murdered here, he got killed. That's what started it. It was the community and the local Community Justice said "no, we've got to go dry". So that's what started our [dry] AMP... But you know, at a meeting prior to 2008 we were asked to release the activity - the licence - to the club. So we did. I was at a meeting where other Mayors said to my Mayor we were silly because we were going to lose the club forever. But we were of the opinion that it's better to work in a collective way with government so at least we'd have an ongoing club.*

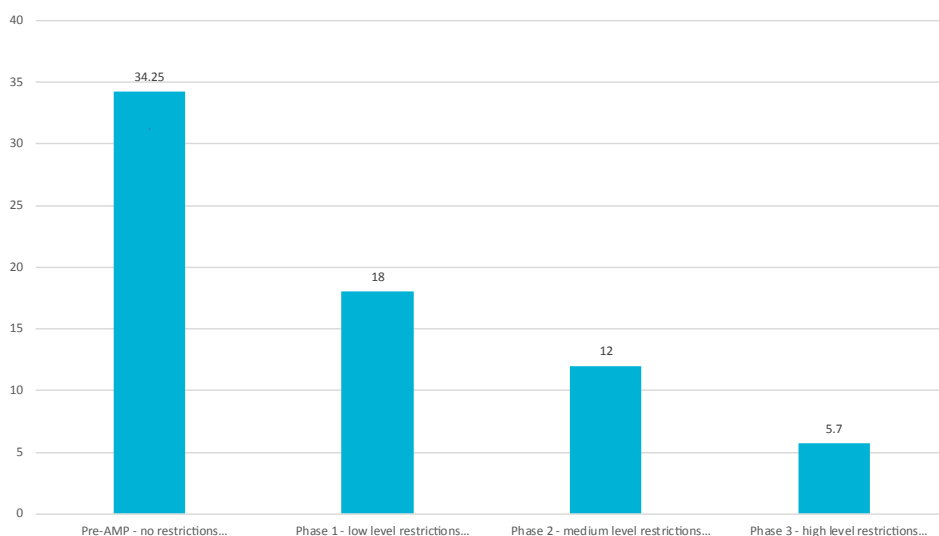
*(Pormpuraaw Aboriginal Shire Council, January 2015)*

Figures 4 and 5 illustrate lowering levels of hospital admissions for assault and offences against the person<sup>17</sup> corresponding to the tightening of supply restrictions. Qualitative data from this study support these findings, with the majority of community members agreeing that violence and community disharmony reduced with the level of alcohol made available. One police officer discussed the relationship between reducing the takeaway limits and the number of offences committed in the community:

*You can tell, they all know they get belted, punched, then come and see us and we'll take an assault complaint and charge them that way. But all the squabbling that goes on, the fighting and the, just the drinking and all that, bring up the old trouble, old issues, who did what to who...and it gets repeated, brings up a whole trouble when they've been drinking. Yeah, I mean the mediation helps that way; that's had a little bit of it, it's probably a matter of doing it right and finding out the core issue, mediate. Sometimes it's not what they thought, what issue they're talking about; it can be some other issue that's bubbling away. Yeah, I mean because you've still got 700 people who are at the most related to each other...*

*(Pormpuraaw Police, November 2016)*

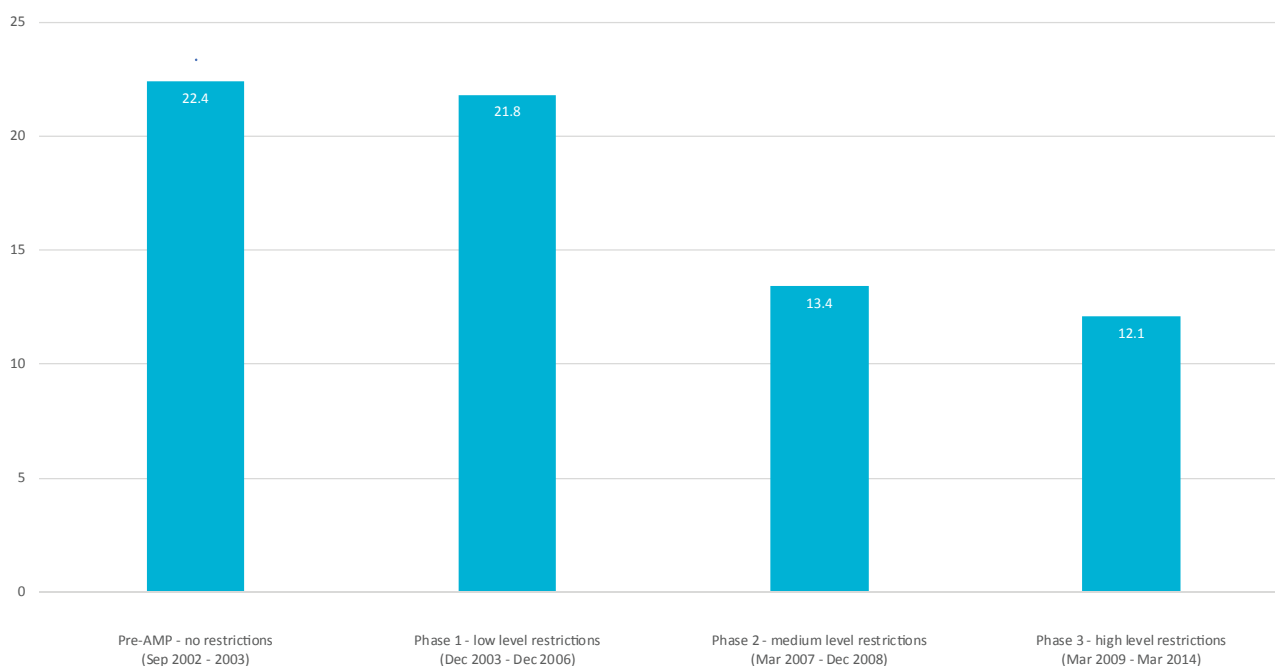
FIGURE 4. AVERAGE ANNUAL HOSPITAL ADMISSION RATES FOR ASSAULT FOR DIFFERENT AMP PHASES (PER 1,000 PERSONS)



Source: Various DATSIP Quarterly Reports (2008 – 2014) n.b.: dashed line depicts linear trend line

<sup>17</sup> Offences against the person include, but are not limited to, common assault, assault causing bodily harm, unlawful wounding and grievous bodily harm, rape and sexual assault and stalking.

**FIGURE 5. AVERAGE QUARTERLY OFFENCES AGAINST THE PERSON BEFORE AND AFTER THE AMP (N=1)**



Source: Various DATSIP Quarterly Reports (2008 – 2014)

## AMP REVIEW: 2012 TO PRESENT

In 2012, the Queensland Government announced a three-part review of the AMPs of the Cape communities. The review included individual community-led reviews, an overall review and a study on the impact of AMPs on convictions and justice. An AMP Review Committee was formed in Pormpuraaw in 2012 to address the effectiveness of both supply and demand reduction strategies of the Pormpuraaw AMP. Membership of the committee included the Mayor, two Shire Councillors, the CEO of PASC, a local police officer, the CEO of PPAC, two members of PUBSC, two members of the Pormpuraaw Community Justice Group, and the local JobFind representative.

The Committee found that supply and demand factors were driven by fluctuations of local and individual experiences rather than policy or legislative restrictions. Influxes of cash into the community, such as payments to community members from the end of financial year taxation, birthdays, superannuation and gambling enable demand. Another primary factor is internal community disharmony such as recurring family or personal conflicts. Further issues that impact on the level of alcohol consumption in the community include boredom, unemployment, housing stress, low self-esteem, depression, suicide ideation, relationship breakdown and child removals. Of significance was the strong contention that the community's greater isolation during the wet season led to considerably less 'sly-grog' entering the township and, as a consequence, community cohesion and stability during this season were at high levels.

The Pormpuraaw AMP Review Committee described that the community experienced the least alcohol-related harms and best levels of community cohesion when the AMP included an alcohol carriage limit of six cans of beer (the second phase of the AMP 2007 - 2008). However, it was asserted that when the carriage limit was reduced to zero in 2009, "the reduction happened too fast not allowing persons with significant alcohol dependency to adapt" (Pormpuraaw AMP Review Committee 2012, 4). There were also many references to the inability to implement demand reduction measures due to the lack of resources and funding and the heightened distrust between the primary stakeholders such as local service providers, the Shire Council and State Government.

As the demand reduction measures undertaken in Pormpuraaw by the local community, government bodies and other organisations have no formal recognition within the AMP there is little scope for directing resources and funding to this area. Further, demand reduction strategies are more expensive and require additional personnel to implement than supply reduction measures. Accordingly, evaluations of multiple AMPs across Australia have found that demand reduction measures have rarely been implemented to the extent originally envisaged (d'Abbs, Ivory, Senior, Cunningham, & Fitz, 2010; d'Abbs, McMahon, Cunningham, & Fitz, 2010; Senior, Chenhall, Ivory, & Stevenson, 2009).

## AMP COMMUNITY SURVEY 2014

PPAC and PASC conducted a local survey of adult residents in 2014 distributing the survey via the PUBSC in March 2014. This survey was open for response to the entire adult population of Pormpuraaw.

TABLE 7. COMMUNITY SURVEY RESPONSES: DISTRIBUTION OF POPULATION BY AGE AND SEX

VARIABLE	POPULATION (2011) <sup>18</sup>	SURVEY RESPONSES
Age >20 years	445	126 (28%)
Male	51.7%	54%
Female	48.3%	45%

The results indicated that a narrow majority of survey respondents (62%) wanted the Pormpuraaw AMP to change, with most (68%) wanting takeaway alcohol reintroduced. For those requesting the reintroduction of takeaway alcohol, over one-fifth suggested that there should be limitations applied to the level allowed. Opinions ranged from those wanting one six-pack of light beer per person per day only, through to those wanting access to 24 cans of full strength beer and one bottle of spirits (e.g. vodka, whisky) per person per day. If takeaway alcohol was to be reintroduced some respondents wanted more stringent conditions attached, with one respondent noting:

*One six-pack ONLY<sup>19</sup>. No gambling the six-pack. No fighting. No sly-grog because money is going out of community. No loud music after 10 pm.*

Of those against the introduction of takeaway alcohol, many strongly voiced their opposition. One person commented:

*Definitely no takeaway at all. It causes fights and gambling for alcohol. Non-drinkers buying alcohol and selling it (sly-grog).*

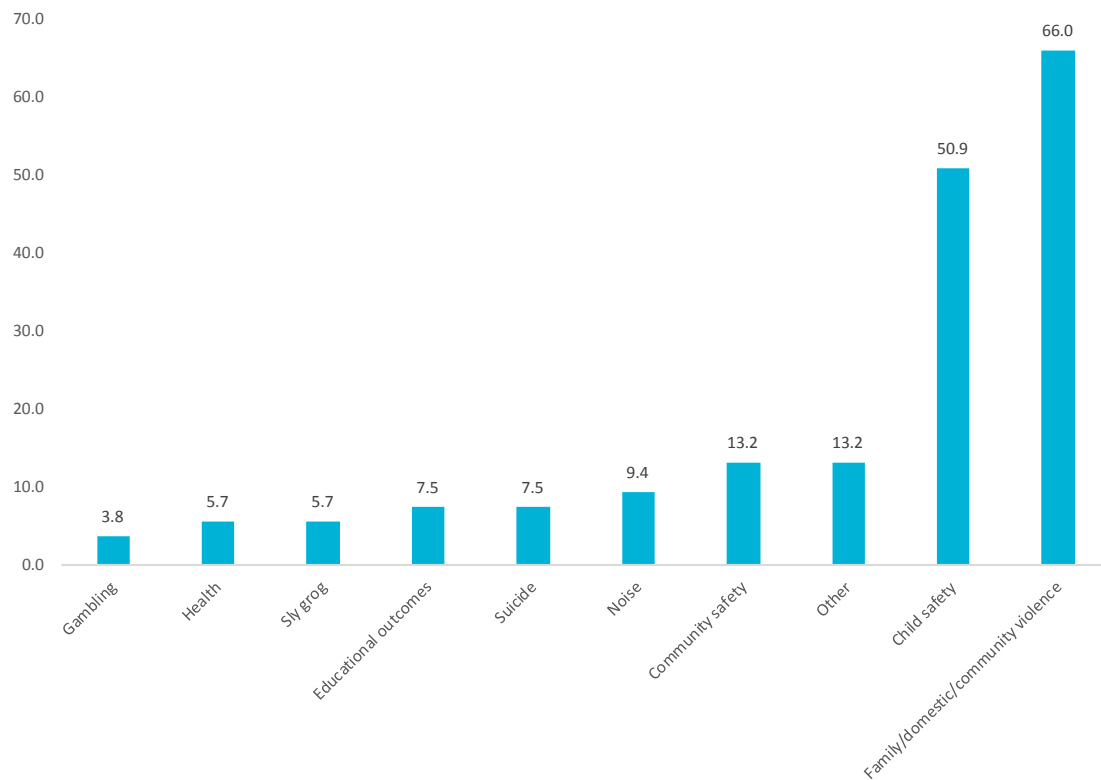
Other community members suggested alternatives such as longer opening hours at the PUBSC or simply "harsher penalties" for those breaching the AMP rules.

Nearly two thirds (63%) of the respondents stated that alcohol-related harm and safety was a concern in their community. When asked about other key issues that concerned participants, significantly less responded at around 40 per cent (n=53). Of those responses, many had multiple concerns. Although the survey question was open-ended there was replication in the majority of responses. Through qualitative coding, ten key themes were drawn from the responses (see Figure 8). The primary concern of the respondents about their community was the high levels of violence. Whether in the home, between family members elsewhere or the periodic outbursts of violence involving large numbers of community residents, violence was raised as a critical concern by two-thirds of the respondents. Over half of the respondents also recorded child safety as a primary concern. Other issues included community safety, noise, suicides, educational outcomes, 'sly-grog', health problems and gambling (see Figure 8).

18 Population data sourced from ABS 2011

19 Capitalisation was used by the respondent on the original survey form.

FIGURE 6. COMMUNITY CONCERNS (% SURVEY PARTICIPANTS)<sup>20</sup>



## CRITIQUES OF THE AMPs: DEFLECTING FROM THE HARMS OF ALCOHOL MISUSE

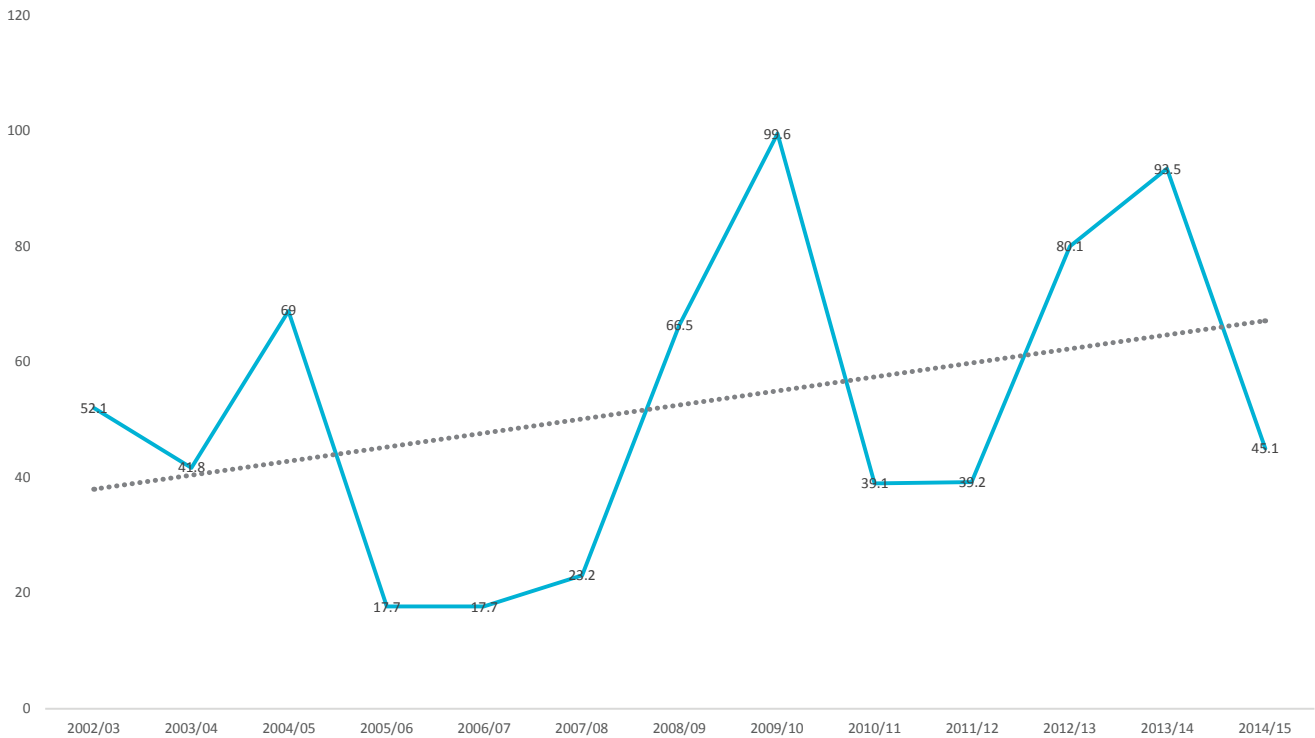
Not all stakeholders involved in the development of AMPs are concerned with issues of safety and community wellbeing. Powerful, external stakeholders, including liquor industry representatives and politicians, have criticised AMPs and other alcohol restrictions in Indigenous contexts. These critiques influence local and external public opinion.

## CRIMINALISATION, SLY-GROG AND THE SUPPLY CHAIN

A common anti-AMP argument is that the restrictions cause the unjust criminalisation of Indigenous people due to 'sly-grogging'. The contention is that by putting in place stringent carriage and consumption limits more Indigenous people will come into contact with the criminal justice system than would otherwise do so. This perspective is shared by many community members in Pormpuraaw. Those living in other communities across Cape York have also expressed this concern (Clough et al. 2017). This begs the question have the Cape York AMPs, and more specifically the Pormpuraaw AMP, criminalised Indigenous people? In Pormpuraaw, although the number of convictions recorded for breaching sections 168 A & B of the *Liquor Act* has risen sporadically over the past decade (see Figure 7), only 2.9% of offenders had no other recorded convictions prior to their breach of the alcohol restrictions (Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, 2013, p.14).

<sup>20</sup> These themes were drawn from an open-ended survey question asking respondents to indicate the most critical concerns in their community.

**FIGURE 7. BREACHES OF THE LIQUOR ACT (PER 1,000 PERSONS) IN PORMPURAAW 2002 TO 2015)**



Source: Various DATSIP Quarterly Reports (2008 – 2014) n.b.: dashed line depicts linear trend line

The data is similar across Cape York. The 2013 Queensland Government review of the Cape York AMPs examining offence data between 2002-03 and 2011-12 and found that although the majority of those convicted for breaches of the alcohol restrictions were Indigenous (98.6%), most Indigenous offenders (87.2%) already had one or more prior convictions for other offences (Queensland Treasury and Trade 2013, 1). This data indicates that only a small minority of Indigenous offenders have been criminalised by the AMP restrictions (Queensland Treasury and Trade 2013, 13). However, we must still ask whether the criminalisation of even a small minority of offenders breaching the alcohol restrictions is justified? This is particularly cogent given soaring rates of Indigenous incarceration in Queensland and the severity of fines individuals face. For a first offence, a fine of \$45,712 is issued, escalating for any repeat offences (the second offence is \$63,997, and a third or greater is \$92,425). Repeat offenders are offered the alternative of imprisonment of between six and 18 months. These penalties do not differentiate between individuals trafficking alcohol and those possessing alcohol for their personal use. Thus, a second question must be addressed: is there a reasonable justification for classifying alcohol breaches as criminal offences? Determining whether conduct should be criminalised is a serious matter. Criminalisation of conduct is generally justified on the basis of one of three principles: harm, offence or paternalism. John Stuart Mill contended that criminalisation of conduct must be determined by the harm principle (conduct causing harm to others) and that this should be the only justification for criminal liability.

The harm to others that occurs from the flow of alcohol into communities such as Pormpuraaw is extreme, which is precisely why the AMPs were introduced. By breaching these restrictions, individuals are subjecting vulnerable communities to increased levels of trauma such as assault, family violence and homicide. In addition to the human tragedy of this violence, sly-grogging creates a significant additional strain on local police, social services and frontline healthcare services. This extreme violence strains the already limited economy of Indigenous communities.

A common contention from community members during research was that takeaway alcohol should be reintroduced to discourage sly-grogging. Others raised the ways in which past limited takeaway alcohol restrictions were regularly circumvented or used for profiteering. During this time (Phase 1 and 2 of the AMP) some non-drinkers would buy alcohol daily and give it to family members or sell it at inflationary prices to other community members. The local police explained:

*In the past when they had the six-pack takeaway, they were stockpiling. In other words, if there were six people in the house, two people were drinkers, the other four weren't drinkers, and they'd still all go and buy their drink, their six-pack, and by the end of the week the house would have something like two and a half, three cartons of beer. (Pormpuraaw Police)*

Critiques of AMPs are not made on the basis of evidence, are rarely problematised or evaluated (qualitatively or quantitatively) with any rigour, but have been employed to shift public opinion towards the preferred policy positions of particular stakeholders. The criminalisation argument creates a narrow perspective that shifts focus away from the harmful impacts of the illegal import and sale of alcohol in small, remote communities compounding the critical social, economic, cultural and health issues experienced. Directly and indirectly, the primary benefit derived from sly-grogging is economic. The primary beneficiaries are the sly-groggers, the liquor outlets selling the alcohol to the sly-groggers and the sales and distribution hubs supplying the outlets. The economic, and therefore, political significance of these sales should not be underestimated. The high levels of profiteering by a minority of individuals results in loss to the local economy where alcohol is sold at immensely inflated prices.

## RIGHTS-BASED CRITIQUES

Another critique that has been used by politicians and the media is that AMPs infringe on the human rights of Indigenous Australians. The rights argument follows that AMP restrictions interfere with Indigenous peoples' 'right to drink'. This contention has been highly politicised in the northern jurisdictions of Australia in state and territory elections in the decade commencing 2010. During the 2012 Queensland state election campaign, the then-candidate Campbell Newman, criticised AMPs from this standpoint seeking the votes of Aboriginal residents of communities who wanted less restrictions on their ability to purchase alcohol (McKenna, 2014). A key policy platform of his campaign was that he was planning on "winding back" the AMPs in Cape York, on the basis that an "Aboriginal worker" should have the right to "come home to a home they own and have a beer on their front porch and watch the TV news with their family" (Waters and Cronin 2012). This argument has little evidence to support it as a human rights argument, and even less as a matter of fact or law.

The High Court case of *Maloney v The Queen* [2013] HCA 28 (19 June 2013) addressed the legality of the AMP liquor restrictions imposed by the *Liquor Act 1992* (Qld) on Palm Island. The plaintiff, a resident of Palm Island who was convicted of possessing an amount of alcohol above the limit, asserted that the liquor restrictions in the Act were racially discriminatory and therefore illegal, applying as they did to Palm Island where the population is predominantly Indigenous. She asserted that these restrictions affected her right to own property and were in breach of the *Racial Discrimination Act 1975* (Cth) (RDA). This section of the RDA asserts that Australian laws cannot result in a person of a particular race, colour or national or ethnic origin not having the same access to a right as any other person. Although the majority of the members of the High Court did not dispute that the restrictions were racially discriminatory, they argued they were justified under section 8 of the RDA concerning special measures, the relevant part of which reads as follows:

### *Exceptions*

*(1) This Part does not apply to, or in relation to the application of, special measures to which paragraph 4 of Article 1 of the Convention applies except measures in relation to which subsection 10(1) applies by virtue of subsection 10(3).*



The effect of s.8(1) of the RDA is explained in detail in the guidelines issued by the Australian Human Rights Commission on 'Special measures' in that Act.<sup>21</sup> The effect of section 8(1) of this Act "is that if a measure is a law, program or action in an area that is covered by the RDA and can be characterised as a special measure, it will not be racially discriminatory under the RDA".<sup>22</sup>

Justice Kiefel rejected the proposition that the provisions had a discriminatory effect on the rights of Indigenous people to own property, and said that the right in question (the freedom to possess alcohol for consumption) could not be characterised as a human right. She noted that the possession and consumption of alcohol has been restricted and controlled throughout Australia and internationally using various means for hundreds of years. This is demonstrated by the range of alcohol restrictions in force across Australia, in both urban and regional locations, where consumption of alcohol is prohibited or restricted in public spaces and which apply to all citizens. For the entire state of Queensland, it is an offence in all public areas to either drink or carry an opened alcoholic beverage. Further, restrictions have been introduced to Queensland cities that curtail the service of particular drinks after 12 am, and venues in the Central Business District are required to stop serving alcohol of all types after 3 am.

Political figures, the media and community spokespeople have regularly raised the 'right to drink' argument when addressing the restrictions applied in AMPs (Hogan, 2013; McKenna, 2014). However, as noted by Justice Crennan in relation to the Maloney Case, "(t)he human right or fundamental freedom sought to be protected...is the right of Aboriginal persons on Palm Island, in particular women and children, to a life free of violence, harm and social disorder brought about by alcohol abuse".<sup>23</sup>

The 'Capabilities Approach' (CA) provides an alternative framework to dominant understandings of politics, economics, justice and liberty. It moves beyond embedded neoliberal models of social justice and welfare. CA examines both the substantive and procedural requirements for the achievement of social justice. This approach is attributed to Sen and Nussbaum. Sen (2000) discusses capabilities as 'substantive freedoms', or the combination of opportunities and abilities individuals might have to live a dignified life. Nussbaum (2001) has argued that there is a need for a moral, philosophical dimension to ensure social justice in society and that there are some freedoms that should supersede others. She contends this is because, "some freedoms are central for political purposes, and some are distinctly not. Some freedoms involve basic social entitlements, and others do not. Some lie at the heart of a view of political justice and others do not" (Nussbaum 2001, 814).

When addressing alcohol-related problems from a CA perspective, alcohol misuse is understood as an infringement of others' freedoms so weighty that it is irreconcilable with people's lives being led with human dignity. The excessive levels of violence (including homicides) associated with excessively high levels of alcohol misuse destroy the capabilities of community members, interfering with their human right to health, safety and freedom from violence. These detrimental effects, particularly for women and children, have repeatedly been detailed in reports such as the *Cape York Justice Study* (Fitzgerald 2001) and *The Little Children are Sacred Report* (Wild and Anderson 2007).

Other issues relate to the lack of resources in the community across different services to protect women who are under the influence of alcohol while experiencing serious assault. Workers at the Women's Shelter and police officers described to Smith a specific problem related to police callouts to family violence incidents within the community when there are only two police officers on duty. It was explained that this was not uncommon. If the police officers arrive at a residential property to find a woman who has been assaulted, is injured and is under the influence of alcohol, their duty of care requirement is to take her to be assessed at the healthcare centre. If the healthcare centre deems her injuries not significant enough for admission they will release the woman back into the care of the police. If the police take her back to the station under protective custody they are then unable to respond to any other incidents occurring in the community until she is released. This includes locating the suspected perpetrator(s) who may be continuing to commit other violent offences. The Women's Shelter also needs to balance the risk of admitting women under these circumstances. The workers do

21 See Guidelines at URL: <https://www.humanrights.gov.au/publications/guidelines-understanding-special-measures-racial-discrimination-act-1975-cth-2011>; accessed 20 December, 2016.

22 Ibid, para. 3.11.

23 *Maloney v The Queen* [2013] HCA 28 [178].

not have suitable healthcare qualifications to assess any deterioration of a person's condition which can be far more complex and potentially life-threatening when a client is intoxicated. There are no other service options available in the community creating significant dilemmas for all three groups (police, healthcare centre and Women's Shelter).

## **PROBLEM DEFLATION, UNDER-RESOURCING AND COMMUNITY CONTROL**

Robin Room, an internationally renowned sociologist and researcher who studies the health effects of alcohol and other drug use, first charged anthropologists and their publications on ethnographic aspects of alcohol with what he termed 'problem deflation', or their general underestimation of the detrimental impact of excessive drinking (Room, 1984). Room argues that there are several contributing factors:

- the functionalist assumptions underlying much of the analysis provided by anthropologists
- the methodological approach of anthropologists focuses on day-to-day events, and that a lot of the problems associated with alcohol misuse are experienced over very long durations (e.g. liver cirrhosis) or occur in private spaces that anthropologists may find difficult to access
- historically many traditional villages and areas studied by anthropologists have had a fraught history with missionaries and their associated moralising about drinking. Thus, anthropologists, with the possible exception of Martin (1998), Sutton (2009) and McKnight (2002), may have sought to detach themselves from the moralistic views associated with consumption of alcohol by missionaries who governed these communities under arrangements with the Queensland Government throughout most of the 20<sup>th</sup> century.

Problem deflation and the de-prioritisation of local resources to the community to address alcohol issues can be illustrated by circumstances related to the opening and closing of the ROWORR Alcohol and Drug Rehabilitation Centre. During fieldwork it became apparent that the AOD centre was a significant point of contention for many community members and local service providers of Pormpuraaw. For some, it represents the untrustworthiness of governments and the lack of control they have over resources to make real and lasting changes in their community.

Before the establishment of the AOD centre Baas Yard had operated as a low-security corrections facility for male offenders in the region. After the closing of the facility the community began advocating for the transformation of the corrections facility to a community justice rehabilitation service. A Shared Responsibility Agreement between the Pormpuraaw community (including PPAC and PASC) and the State and Commonwealth Governments was subsequently developed and signed off on 2 August 2006. The agreement aimed to provide the "funding, resources, training and support for the establishment of an alcohol rehabilitation facility" (ATNS 2007)<sup>24</sup> Although not a component of the formal AMP, the ROWORR Alcohol and Drug Rehabilitation Centre and therapeutic program was understood by many in the community to be a fundamental mechanism of the demand reduction measures contributing to their alcohol management planning. As earlier noted (p.54), the funding formed part of the service package for the AMP promised by the Queensland Government in late 2008.

The CEO of PPAC advised researchers that establishment and refurbishment of the building cost approximately \$10 million (co-funded by the federal departments of Health and Ageing, and Families, Housing, Community Services and Indigenous Affairs, and the Queensland Government). Ongoing funding for AOD workers to staff the centre (for four years) was executed by an agreement between the Queensland Government and the PASC. Multiple documents made accessible to the researchers outlined the agreement between the parties. The Queensland Government stated in a package of services for the third phase of the community's AMP that the Commonwealth Government would provide funding to the ROWORR Alcohol and Drug Rehabilitation Centre. This was detailed in correspondence between the Minister for Aboriginal and Torres Strait Islander Partnerships and the Mayor of the PASC.

It was not until 2 September 2009 that all building works, training and plans for the centre were near enough to completion to enable the opening of the centre. Located approximately 20 minutes' drive inland from the community at Baas Yard cattle station, the centre ran a 15-week therapeutic rehabilitation program, accommodating two families at a time. It consisted of two houses for client families, an administration building with office space, staff accommodation, a communal building with two kitchens, and a dining area. It took the local CJG, the PASC, PPAC and other community leaders five years (2005 to 2009) to raise the capital and community support to establish the centre. The Community Justice Rehabilitation Steering committee governed the centre with management provided by PPAC. It was set up for self-selecting families, and during its nine months of operation, there was a significant waiting list of families from Pormpuraaw wishing to participate in the program. ROWORR's 15-week intensive therapeutic program aimed to:

*Deliver a therapeutic program to improve the health and wellbeing of Aboriginal families in drug and alcohol rehabilitation, life pathway skilling and family well-being. The centre fosters a holistic approach to healing the family from the detrimental effects of drug and alcohol misuse (Pormpur Paanthu Aboriginal Corporation, 2009).*

Within nine months of opening, and only four families completing the program, the \$10 million residential rehabilitation centre shut down. Despite intense lobbying from local service providers to the Queensland Government no further funds were provided. Langton and Smith were escorted to visit the ROWORR Alcohol and Drug Rehabilitation Centre at Baas Yard during a fieldwork trip in 2014 (see Figure 8), five years after the Centre's closing. The buildings were in a state of decay. Cattle had gained access to the enclosure trampling down fences and the community garden. The awnings on the buildings were disintegrating and in urgent need of repair.

## FIGURE 8. ROWORR ALCOHOL AND DRUG REHABILITATION CENTRE



Source: Photography Kristen Smith

The misuse of alcohol and extreme and ongoing resultant harms experienced by the residents of communities and towns in Cape York (and many others across the nation) together with the absence of consistent, sustainable integration and coordination of state and Commonwealth agencies with community efforts to reduce the harms of alcohol is an exemplary case of government problem deflation. The AMPs introduced in Queensland in the early 2000s were situated within a model of empowerment.

During the different phases of the AMP, a core group of community residents have been highly involved in its development, implementation and monitoring. These residents have provided community leadership, administrative support, local health and justice data, and related local services. These individuals and

groups have also advocated for and created local wrap-around policies and tailored services addressing demand and harm minimisation. Although they do not constitute formal components of the AMP, many of these programs and initiatives have actively and indirectly supported the AMP. Examples include the measures developed to regulate the PUBSC canteen, diversionary youth programs, women's and men's groups and the establishment of the ROWORR Alcohol and Drug rehabilitation centre on the outskirts of the community.

However, a central narrative underpinning many of the issues arising in this study has been one of a lack of resources:

- too little funding to implement local alcohol programs identified for the AMP
- a lack of personnel in key roles to support the measures of the AMP
- a lack of institutional resources to enforce the restrictions of the AMP.

Under-resourcing directly undermines the framework of empowerment, removing control from the community. Instead, it is placed in the hands of multiple, siloed government agencies. Through political, bureaucratic and funding processes these agencies control where and how funds are distributed. This ultimately determines which services stay open or are shut down, the number and type of staff that may be employed to deliver programs and even the minutiae of directing and monitoring internal institutional policies of local, community-run organisations.

The frustration this caused the community was aptly noted in their AMP Review papers:

*AMP has failed the communities, in terms of its resourcing and service delivery. The AMP was meant to be resourced on its own in addition to the existing government services already in place. This would then provide the vehicle with enough fuel and other accessories to make it run its entire course. But instead the government changed its tack after introducing the legislation and put pressure on the pre-existing services and infrastructure albeit unintended to drive the AMP. That there, is the DEATH or FAILURE of the AMP. (Pormpuraaw AMP Review Committee 2012)*

Thus, if the funding and other resources required to back the plans are withheld, diverted or used as a bargaining tool it can serve to both disempower the local groups involved and doom the AMPs to failure.



## 7. Conclusions

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Alcohol is one of the leading causes of social, legal and health problems for Indigenous Australians. Throughout Australia, Indigenous leaders have worked to devise effective strategies to reduce the harmful effects of excessive alcohol use on the residents of their communities. The efforts of these leaders have led to significant legal, policy and administrative regulation of alcohol in communities where Australian Indigenous people live. Since 2002, Alcohol Management Plans (AMPs) have been used in many Indigenous communities in varying forms to reduce alcohol-related harms. AMPs apply to specific communities, towns or cities and consist of a range of mechanisms, which may include any variety of supply, demand and harm reduction tools that are adaptable to specific contexts in setting the strategic framework for alcohol management. AMPs have resulted in improvements in alcohol-related harms and misuse and have been designed to include various strategies that engage a broad range of stakeholders in communities, responding to their problems and needs.

This report has outlined the findings of an ethnographic research project conducted between November 2014 and November 2016 in the small, remote Indigenous community of Pormpuraaw, located on the western coast of Cape York Peninsula in far north Queensland. The project examined Pormpuraaw's AMP aiming to develop the evidence base for AMPs in Indigenous Australian contexts to provide more nuanced understandings of how AMPs are understood, investigate their effectiveness in responding to alcohol-related harms and to examine community engagement in their design, implementation and evaluation.

The qualitative (and secondary quantitative) evidence gathered and analysed from this ethnographic research shows that the AMP has, for the most part, been effective in reducing extensive alcohol-related harms and social dysfunction in the community. A notable finding from this research is that lower levels of availability of takeaway alcohol have resulted in a reduction of alcohol-related harms.

This research increases knowledge about local residents' experiences and understandings of AMPs. This can inform an appropriate policy framework that effectively responds to the harms associated with alcohol misuse.

The effectiveness of Pormpuraaw's AMP to reduce alcohol-related harms improved as its restrictions tightened. Both hospital admissions for assault and assaults against the person dropped in each successive phase of the AMP, coinciding with the increase in restrictions.

Alcohol-related violence experienced by Indigenous women, children and other vulnerable residents, such as the aged and infirm are the primary concern for residents of Pormpuraaw. The ethnographic data from this project showed that in Pormpuraaw, with each incident of violence, especially when a woman is the victim, many people are impacted, including children, close and distant kin, the under-resourced police, health and women's shelter services. The costs of these harms – financial, social and physiological – are also greater proportionally than in more densely populated areas. Remoteness incurs high service and transport costs. The relative isolation means that community residents are under-served in comparison to other Australians. This finding is likely to be transferable to other remote Australian Indigenous contexts, although further research is recommended to ascertain better if this is the case.

Many residents of Pormpuraaw highlighted issues of criminalisation and incarceration due to breaches of alcohol restrictions as problematic in constructing community responses to alcohol-related harms. The criminalisation of alcohol consumption under particular circumstances, such as consuming alcohol on Aboriginal land declared 'dry', or bringing alcohol into a 'dry community,' while intended to reduce alcohol harms to the drinkers themselves, to their families and fellow community members, creates a dilemma for community members seeking to put responsibility into the hands of the community as much as police and courts. The arrest and incarceration of drinkers who breach the AMP conditions of dry area declarations or some AMP conditions is a matter of concern. Particular to these small communities is the impact of close residential proximity and kinship interconnectedness.

Although AMPs can be successful in reducing alcohol-related harms problem deflation leaves them under-resourced and too vulnerable to political instabilities to ensure long-term change. Thus their potential for better outcomes requires enhanced community control over their governance and greater financial support to enable implementation of their most effective elements longterm.

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## 8. Appendices

### APPENDIX 1. QUEENSLAND LEGISLATIVE DEFINITIONS OF OFFENCES

<b>SIMPLE OFFENCES (OR SUMMARY OFFENCES)</b>	These include disorderly behaviour, traffic offences and minor criminal offences.
<b>CRIME AND MISDEMEANOURS (OR INDICTABLE OFFENCES)</b>	These include murder, rape, robbery, assault, and break and enter.

### APPENDIX 2. LEVEL OF ALCOHOL RESTRICTIONS

LEVEL OF RESTRICTION	ALCOHOL CARRIAGE LIMITS
Dry	Zero
High	11.25 litres beer (light or mid-strength) OR option for 750ml unfortified wine
Mid	22.5 litres beer
Low	2 litres wine (unfortified) AND 11.25 litres beer (any) OR 2 litres wine (unfortified) AND 9 litres pre-mixed spirits (up to 5%)
Very low	2 litres wine (unfortified) AND 22.5 litres beer (light or mid-strength) AND 9 litres pre-mixed spirits (up to 5.5%) OR 2 litres wine (unfortified) AND 33.75 litres beer (light or mid-strength)





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MELBOURNE

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Foundation for Alcohol Research & Education

**PO Box 19, Deakin ACT 2600 | 02 6122 8600 | [info@fare.org.au](mailto:info@fare.org.au)**

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