



# Review of Liquor Permit schemes under the NT Liquor Act: Final Report

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In the spirit of respect, Menzies School of Health Research acknowledges the people and elders of the Aboriginal and Torres Strait Islander Nations who are the Traditional Owners of the land and seas of Australia.

For the purposes of this document, 'Indigenous' refers to Australia's Aboriginal and Torres Strait Islander peoples.

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None of these people, it should be added, bear any responsibility for views expressed in the report.

## 2 Executive summary

### 2.1 Background

Under the *Northern Territory Liquor Act*, residents of a community may apply to the Director-General of Licensing (DGL) to have a specified area designated as a 'General Restricted Area' (GRA) in which possession and consumption of alcohol are either totally prohibited or restricted in ways that reflect the wishes of the community. These provisions have been in place since the *Liquor Act* came into effect in early 1980, and most Indigenous communities in the NT have utilized them to become GRAs.

One option available to communities choosing to become a GRA is to make provision for liquor permits to be granted to approved individuals, allowing these individuals to purchase, import, possess and/or consume liquor, subject to conditions, in settings where they would otherwise not be permitted to do so. Of the 96 communities that have become GRAs, 22 currently have provision for liquor permits. Several other communities are currently considering introducing liquor permits as a means of managing alcohol use in their communities.

Permit schemes have evolved on a largely ad hoc basis since 1980, serving different purposes in different communities. Several communities have reported difficulties in administering permit schemes, and some communities that introduced them subsequently abandoned them, because of administrative problems or perceived inequities in the schemes as they operated. Since 1979 there has been no substantial review of how permit schemes operate, nor is there a set of guiding principles or rules for the operation of permit schemes that are consistent across the NT.

For these reasons, the then NT Department of Business in 2014 engaged the Menzies School of Health Research to conduct a review of liquor permit schemes in the NT. One part of the review was a literature review and environmental scan of existing liquor permit systems. This was completed in late 2014 (d'Abbs, 2015). Another component of the review was a field-based study of current permit schemes, identifying operating procedures, problems and issues associated with implementation. A third component was a set of recommendations and guidelines for future use. This report addresses the second and third components. Although some findings from the literature review have

been incorporated into the present report, the latter stands as a separate (as yet unpublished) document.

## 2.2 Findings

This study found that, over time, three types of system have evolved in communities with GRAs:

1. Communities that make no provision for liquor permits. These communities have either chosen to be completely 'dry', or have established a liquor outlet such as a club, for which a liquor permit is not required. Of the 96 communities in the NT that are GRAs, 74 (77.1%) do not provide for liquor permits. These communities lie outside the scope of this review.
2. Communities in which liquor permits are an ancillary part of a local GRA. In practice, if not in any documented principle, they enable a community that has chosen to be dry or restricted to allow staff living and working in the community – most of whom are non-Aboriginal – a qualified exemption from the 'dry' provisions that apply to everyone else in the community. In this report, permit schemes of this type have been labelled as *exemption* schemes.
3. Communities in which liquor permits are a foundation of a local alcohol management system, a prime objective of which is to create, not a dry community, but a community in which controlled, moderate drinking by approved individuals is permitted. In most – but not all- cases, the system is presided over by an active permit committee, which seeks to regulate not only who does and does not drink in the community, but how much liquor individuals may purchase at any one time. We refer to permit schemes of this type as *permit based alcohol management systems*. Eight communities have schemes of this type: Maningrida, Wurrumiyanga, Milikapiti, Pirlangimpi, Alyangula (part of the Groote Eylandt liquor permit scheme), Nhulunbuy, Yirrkala, and Gunyangara.

### 2.2.1 Exemption schemes

The review identified a number of problems associated with exemption schemes, as well as some perceived benefits. Most problems were associated with: (1) lack of community involvement in recommendations relating to permits; (2) the application of what were seen by some as 'double standards' for non-Aboriginal and Aboriginal drinkers in regard to permits; (3) compliance and enforcement; or (4) cultural issues, such as 'humbugging'.

Community input into liquor permit applications in communities with exemption schemes is currently minimal or non-existent. Effective power to support or block applications for liquor permits lies, by default, with local police officers, who exercise that power without guidelines, and with varying degrees of transparency and consistency. Similarly, responsibility for monitoring compliance with liquor permit conditions lies, in effect, with police, whose task is made formidable by a combination of limited resources and a plethora of back roads into most communities.

From our observations, the exercise of effective control over issuing permits by police is not *in itself* a cause for concern in communities generally. However, we found evidence of widespread resentment towards what were seen as *lack of clarity* regarding the criteria for accepting or opposing a liquor permit application, *lack of consistency* by some police officers in dealing with applications, and lack of *transparency* in the application process and the way in which that process was handled by police and the DGL.

The perception that ‘double standards’ apply to liquor permit applications by Aboriginal and non-Aboriginal persons respectively dates back to the origins of liquor permits under the *Liquor Act*, with non-Aboriginal applicants sometimes being seen as able to obtain permits more or less routinely while Aboriginal applicants are subjected to procedural barriers, often related to previous offences. Some community councils have historically endorsed a stance under which local non-Aboriginal employees, but not Aboriginal residents, should be eligible for permits, but in other communities the apparent discrepancy gives rise to resentment.

Three main problems of compliance and enforcement emerged. The first concerned people importing and drinking liquor in communities in contravention of permit conditions. The second was lack of instruction to permit holders about the responsibilities and expectations attached to holding a liquor permit. The third arose from perceived ambiguities regarding the conditions under which a permit holder may share liquor with an ‘invited guest’.



The major cultural problem associated with liquor permits was ‘humbugging’: the invocation of cultural obligations by non-permit holders to pressure permit holders to share liquor with them, thereby contravening the conditions of the permit.

The main benefit associated with liquor permit schemes in these communities was a belief that permits provided a safe alternative to unsupervised drinking in unofficial drinking areas, many of which – following the prohibition of drinking on Aboriginal land under the *NT National Emergency Response* and, from 2012, the *Stronger Futures in the Northern Territory Act* – are located in places exposed to vehicle traffic and out of range of support and communication from the home community.

### 2.2.2 Permit-based alcohol management systems

In four regions – Maningrida, the Tiwi Islands, Groote Eylandt and the Gove Peninsula – liquor permit schemes provide the foundation for strategies to manage local alcohol use. In Maningrida and the Tiwi Islands, the use of liquor permits to allow residents to import limited amounts of liquor from Darwin dates back to the 1980s. In Groote Eylandt, a permit scheme to regulate purchases of takeaway liquor, linked to an electronic ID scanning system with nodes in liquor outlets and a central server in Darwin, was introduced in 2005. A similar scheme commenced in Nhulunbuy, Yirrkala and Gunyangara in 2008.

Under the Maningrida system, three categories of permits exist:

1. One carton of heavy beer and one carton of light/mid-strength beer per fortnight; or
2. One carton of heavy beer plus one carton of light/mid-strength beer, or six bottles of wine plus one carton of light/mid-strength beer; or
3. Two cartons of light/mid-strength beer.

The Maningrida permit system is widely believed to be working well. This is attributed to the high level of community input and consistent application of rules that are widely understood. The processes involved in obtaining or losing a permit are also simple and seen as being administered fairly. On the negative side, grog running still occurs, especially during the dry season when roads are passable, as does the practice of permit holders supplying liquor to non-holders, sometimes under pressures arising from

cultural expectations and obligations to share. Binge drinking also continues to follow the fortnightly distribution of barge orders, but is limited to a brief, predictable period.

The Tiwi Island liquor permit schemes allow approved individuals to purchase limited amounts of liquor from outside the community and consume it in their own homes. (Recently the Milikapiti scheme was amended on a trial basis to allow permit holders to purchase takeaway liquor from the local club as well.) While the systems in the communities of Milikapiti, Wurrumiyanga and Pirlangimpi appear to enjoy broad community support, in none of these communities is there an active liquor permit committee or any other community body that exercises community input, with a result that a significant administrative burden falls to local police.

The Groote Eylandt liquor permit scheme covers the mining town of Alyangula and the communities of Angurugu, Umbakumba and Milyakburra (Bickerton Island). Under the scheme, purchases of takeaway liquor require a liquor permit, and are subject to any restrictions attached to the permit. The scheme is administered by a Liquor Permit Committee (LPC) with representatives from NT Police, Anindilyakwa Land Council, GEMCO, communities, licensees, and health services. An independent evaluation of the first 12 months of the scheme's operation concluded that it had led to a significant drop in alcohol-related violence and enjoyed widespread community support. It also found, however, that the liquor permit scheme generated a heavy administrative burden.

In Nhulunbuy, Yirrkala and Gunyangara, each community is served by a LPC, which recommends the granting, variation and/or revocation of permits. An independent evaluation in 2011 found that the schemes had led to a reduction both in the volume of liquor supplied to outlets in Nhulunbuy and in indicators of alcohol related violence and illness.

All new permits issued in Nhulunbuy and Alyangula are unrestricted; that is, they entitle holders to purchase as much or as little of any type of liquor as they wish whenever they wish. New permits issued in Yirrkala and Gunyangara, as well as all permits re-issued to persons in Groote Eylandt or Nhulunbuy following a period of revocation, are subject to a graduated scale, in which permit applicants are required to begin at the lowest level

and work their way up, should they wish to do so, to higher level purchasing entitlements step by step, at intervals of at least one month per level. In Nhulunbuy, the graduated scale contains five levels of restriction – ranging from a daily purchasing limit of six cans of light beer or one bottle of wine (Level 1) to a daily limit of one 30 pack carton of full strength beer, or a 24 can carton of mid strength beer, or a carton of pre-mixed drinks, and/or two bottles of wine (Level 5). The scale also includes a sixth ‘unrestricted’ level. The Groote Eylandt scale comprises four levels of restriction plus a fifth ‘unrestricted’ level. The Yirrkala and Gunyangara scales do not allow for unrestricted purchases. The Yirrkala scale comprises three levels, the Gunyangara scale four levels.

The present review concluded that, in both Groote Eylandt and on the Gove Peninsula, the liquor permit schemes continue to provide important benefits to the community and to enjoy widespread acceptance. However, the review also identified a number of problems and anomalies that should be addressed, both to ensure the ongoing viability and sustainability of the existing schemes, and to enable them to be used as a possible model for application elsewhere. These concerned:

- the graduated permit levels systems, and the rationale underpinning them;
- criteria for distinguishing admissible from inadmissible evidence in LPCs;
- the need to maintain a balance between local community control and centralized, bureaucratic management.

## 2.3 Recommendations

This review has revealed an anomaly: on the one hand, exemption-type liquor permit schemes are marked by a near total absence of guidelines and regulations while, on the other, liquor permit schemes on Groote Eylandt and the Gove Peninsula have generated webs of rules and regulations, some of which in our view serve no useful purpose. A more strategic approach to making liquor permit schemes effective, efficient and receptive both to local community input and support and direction from the NT Government should involve creating appropriate guidelines and procedures for exemption-type schemes (without drowning them in bureaucratic minutiae), while simplifying the regulatory frameworks governing LPCs in those areas where liquor

permits are a core element in local alcohol management. Our specific recommendations have these objectives in view.

These recommendations are based on the assumption that the two main types of liquor permit scheme – exemption-type and permit-based alcohol management systems – will continue to exist in future, since each has evolved over time to meet distinctive community priorities, and these are likely to endure. These recommendations are also based on what we would argue is a more clear-headed understanding than sometimes prevails at present regarding what liquor permit schemes under the *NT Liquor Act* can and cannot be expected to achieve. As we have stated earlier, liquor permit schemes are a way of managing alcohol use at a community level in order to avoid alcohol-related harms such as violence and humbugging, not a tool for health promotion. The goal of encouraging individuals to consume alcohol according to NHMRC and/or other evidence-based guidelines is a worthy one, but it cannot be achieved by regulating individuals' entitlements to purchase takeaway liquor, especially in contexts where those same individuals' access to on-premise liquor is not similarly regulated. Our recommendations are designed to make liquor permit schemes more effective in achieving their proper purpose.

1. All communities in GRAs that provide for liquor permits, including communities with exemption-type liquor permit schemes, should be encouraged to form and maintain liquor permit committees, with responsibility for accepting applications for liquor permits in the community, and for making recommendations to Licensing NT regarding granting, revoking, modifying, suspending and/or revoking permits, and for liaising between Licensing NT, local police and the community on matters relating to liquor permits in the community.
2. Permit committees should include senior members of major clan and family groups, as well as local police, health, regional councils, and other agencies a community might wish to include.
3. Except where the number of liquor permits in a community is small (say, less than 10 individuals), liquor permit committees require administrative support from Licensing NT, or another NT government agency authorized by Licensing NT. Liquor

permit committees cannot be expected to discharge their roles – and, in practical terms, are unlikely to do so – in the absence of adequate administrative support.

4. Liquor permit committees should not be imposed on communities, or created through any kind of coercion. This is not just a matter of moral principle, but a recognition of the limits of governmental power. If a community lacks either the will or capacity to maintain a liquor permit committee (whose members are volunteers), there is little an agency such as Licensing NT can do about it. Our inquiry has shown that, while most communities with permit-based alcohol management systems have functioning liquor permit committees, this is not true at the present time of *any* communities with exemption-type permit schemes. From an administrative and policy point of view, therefore, the question of how Licensing NT should proceed in the case of a community that already has, or wishes to introduce, a liquor permit scheme but demonstrates neither the will nor capacity to operate a liquor permit committee, must be addressed.
5. In communities where the *de facto* function of a liquor permit scheme is to enable non-local employees in a community to bring liquor into what is otherwise a dry community, there are no grounds for insisting that the community maintains a liquor permit committee, although if it chooses to do so, the decision and the committee should be supported by Licensing NT. On the other hand, if a substantial proportion of community members have or want liquor permits, then the community should be prepared to take some responsibility for deciding who gets what sort of permits; responsibility should not be left solely to police, for whom liquor permits are not core business. Any definition of ‘substantial’ in this context is to some extent arbitrary, but the following guidelines are recommended, at least for trial:
  - Small community (population  $\leq 300$ ) if 20 or more community members apply for permits, then some mechanism for community input is required;
  - Larger communities (pop  $> 300$ ) if 50 or more community members, then some mechanism for community input is required.

The only consideration here should be numbers of community members, not non-community employee residents.

While a designated liquor permit committee is one mechanism for ensuring community input, it need not be the only mechanism, and Licensing NT should be willing to be flexible in heeding community wishes and capacity. The key point is that some body or persons must be designated as speaking on behalf of the community, and willing to do so.

6. Practically speaking, in the absence of a functioning liquor permit committee, recommendations about permits and local administrative tasks associated with liquor permits become the responsibility of local police who, as this review has shown, operate without legislative or other guidelines or additional support.
7. It is in the interests of all parties - NT Police involved in making recommendations about permits, applicants themselves and the community concerned - that guidelines be prepared setting out 'ground rules' governing police responses to liquor permit applications. We recommend that these guidelines contain the following provisions:
  - a. All applications for liquor permits – provided that the applicant is in principle eligible and fills out the appropriate form – must be forwarded to the DGL, irrespective of any police and/or community recommendations regarding the application.
  - b. All decisions by the DGL or her/his delegate in response to a liquor permit application must be conveyed to the applicant. (This is in fact required under section 92(2) of the *Liquor Act*, although evidence presented to us indicates that this does not always occur.)
  - c. In the case of an applicant who has been found guilty of an alcohol-related offence within two years or less of making an application for a liquor permit, the police officer may at his or her discretion recommend against granting the application. (The intention here is that a police officer may not recommend against granting a permit application, but should he or she choose to do so, the fact that an alcohol-related offence has been committed within the two-year period constitutes, in itself, sufficient grounds for such a recommendation.)
  - d. Committal of an alcohol-related or other offence more than two years prior to an application for a liquor permit being lodged, or committal of a non-alcohol related offence at any time, does not, in itself, constitute grounds for denying the applicant a liquor permit.

- e. A police officer may, at his or her discretion, recommend against granting a liquor permit if he or she believes the applicant is not a fit and proper person to hold a liquor permit.
  - f. In all cases where a police officer recommends against granting a permit, the applicant is entitled to be given the reasons for the recommendation in writing.
8. The issue of whether or under what circumstances a liquor permit holder may supply liquor to a guest in his or her home needs to be clarified, as it is currently a cause of some confusion. Further, the wording in the official liquor permit application form does not conform with section 88 of the *Liquor Act*. According to the *Liquor Act*, a permit holder may supply liquor to a guest who 'does not reside in the general restricted area to which the permit relates'. By implication, a permit holder may *not* supply liquor to a guest who *does* live in the same GRA, unless that guest has a permit in her or his own right. However, Clause (e) in the 'Permit criteria' section of the general liquor permit application (that is, for all communities except Groote Eylandt, Gove Peninsula and Maningrida) requires only that a permit holder refrain from supplying liquor to a person 'who is not a permit holder or who is not an invited guest of the permit holder'. The logical implication – and the interpretation used by local police in at least one community – is that a permit holder may supply liquor to another resident of the community who is not a permit holder, provided that the latter is an 'invited guest' of the permit holder. Given that the objective of section 88 of the *Liquor Act* is presumably to make it illegal to supply liquor to non-permit holders living in the same community as the permit holder, the narrower interpretation – i.e. the one in the *Liquor Act* at present – should be retained, and the wording in the permit application form amended accordingly.
9. Liquor permits should be issued for three years, unless the circumstances clearly warrant a shorter period, such as a limited period contract to work in a community. At present, long term permits under both the Groote Eylandt and Gove Peninsula liquor permit schemes are issued for a period of three years, but in all other communities – so far as we are aware – they are issued for 12 months only. Moreover, all permits have to be renewed at a specific time each year rather than 12 months from being granted. These processes generate considerable paperwork and

computer checks for police. We see no good reason to require annual renewal of liquor permits.

10. Should a permit holder move away from a community within the three year period, his or her permit would no longer be valid.

### 2.3.1 Additional recommendations for communities with permit-based alcohol management schemes

11. Graduated liquor permit entitlement schemes should have no more than three steps. This is so (a) in order to minimise administrative requirements, while (b) allowing LPCs a degree of discretion in regulating purchasing entitlements. It should be recognised that all but the smallest purchasing entitlements are well in excess of consumption guidelines for minimising alcohol-related harms, and are therefore unsupported by evidence that they promote low-risk consumption.
12. Criteria for defining admissible evidence, and excluding inadmissible evidence in LPC deliberations should be clearly specified.
13. At present, one of the grounds for defining a ‘major breach’ of a liquor permit is where a person ‘assaults any person or is involved in alcohol-related domestic or family violence’. We recommend – as has already been done in a number of specific instances – that the phrase ‘in the commission of’ be inserted after ‘involved in’ in order to distinguish assailants from victims of domestic violence.
14. In light of the removal of the LPC’s power to initiate a prompt and simple temporary revocation process, consideration should be given to empowering LPCs to temporarily suspend a permit, pending the revocation process taking place, and providing that the LPC has before it clear evidence of a breach, and clear evidence that the permit-holder’s behaviour is causing harm.
15. In overseeing community-based LPCs, and in exercising its formal decision-making and regulatory roles, Licensing NT should be mindful of the danger of stifling the capacity of LPCs to act as agencies of genuine community input and action.



### 3 Introduction

Under the *Northern Territory Liquor Act*, residents of a community may apply to the Director-General of Licensing (DGL) to have a specified area designated as a 'General Restricted Area' (GRA) in which possession and consumption of alcohol are either totally prohibited or restricted in ways that reflect the wishes of the community. These provisions have been in place since the *Liquor Act* came into effect in early 1980, and most Indigenous communities in the NT have utilized them to become GRAs. (The passing of the *Northern Territory Emergency Response Act* by the Commonwealth Government in 2007 – better known as 'the Intervention' – effectively over-rode the legal status of GRAs under NT Law by imposing a near-blanket ban on possession or consumption of liquor on *all* Aboriginal land in the NT. The implications of this and subsequent legislative changes are explored below.)

One option available to communities that become GRAs is to allow approved individuals to purchase, import, and/or consume liquor in their communities, subject to certain conditions regarding the amounts or types of liquor involved, and where it may be consumed – usually in the privacy of the approved person's home or that of another approved person. The mechanism that allows this is a liquor permit, and the procedures for applying for and granting liquor permits are set out in sections 87 to 94 of the *NT Liquor Act 2015*. Of the 96 communities that have become GRAs, 22 currently have provision for liquor permits.

These schemes have evolved on a largely ad hoc basis since 1980, serving different purposes in different communities. In some communities they enable staff – often non-Aboriginal staff - working in communities that are nominally 'dry' under the terms of their GRA to consume certain kinds of liquor in their homes, while in others they have become vehicles for managing alcohol use by community residents. Some operate by regulating purchases of liquor, some limit the importation of liquor into a community. Several communities have reported difficulties in administering permit schemes, and some communities that introduced them subsequently abandoned them, because of administrative problems or perceived inequities in the schemes as they operated.

Since 1979 there has been no substantial review of how permit schemes operate, nor is there a set of guiding principles or rules for the operation of permit schemes that are consistent across the NT. This last point is particularly relevant today, as several communities that do not currently have liquor permit schemes have expressed interest in introducing them as a means of managing alcohol use in their communities.

For all of these reasons, the NT Department of Business in 2014 engaged the Menzies School of Health Research to conduct a review of liquor permit schemes in the NT. The review required the consultants to undertake three tasks:

- Conduct a literature review and environmental scan of existing liquor permit schemes.
- Review the merits of different approaches and make recommendations including:
  - Rules governing the allocation, the revocation and reallocation of permits including breach triggers, penalties and revocation periods.
  - Criteria and assessment processes used for making recommendations in relation to the allocation and revocations of permits.
  - Considerations re purchase limits and conditions especially in relation to encouraging safe drinking practices.
  - Community governance, decision making models and practices. This needs to look at a range of options in relation to capacity and willingness of the community to take on the full management/administrative role.
  - Community ownership considerations and defining community roles.
  - Operational and administrative practices – including the interface with the new electronic permit management system.
  - Resource and systems requirements that are sustainable, especially given the likelihood of an expansion in permit systems.
  - Ability to interface with the Northern Territory Licensing Commission/ Authority.
- Develop a framework and set of guidelines to govern the future operation of permit schemes across the NT, which establishes consistency in conditions, transparency

and a minimum set of standards. Guidelines should acknowledge the need for some commonality while also allowing for differences at the local level<sup>3</sup>.

The literature review was finalised and accepted by Licensing NT in October 2014. Although some material from the literature review has been incorporated into this report, the review itself stands as a separate document (d'Abbs, 2015). This report addresses the second and third tasks. It begins with an account of the research design and methods used in the review. This is followed by a section describing the origins and evolution of liquor permit schemes under the *NT Liquor Act*. Section Four presents an overview of liquor permit schemes in the NT today. We argue that, over time, two distinct kinds of liquor permit schemes have developed. In the first kind, liquor permits serve as a mechanism to allow a number of approved individuals – usually, but not always, non-Aboriginal staff working in the community – a qualified exemption from restrictions that apply in the community as a whole. For the purposes of this review, we label these schemes as *exemption-type* liquor permit schemes. In the second kind, liquor permits are used as an important means of managing alcohol consumption by significant numbers of community members. We refer to these as *permit-based alcohol management systems*. Although these two kinds of liquor permit schemes are derived from the same section of the *NT Liquor Act*, each has distinctive characteristics and presents distinctive challenges. We therefore treat each separately in the remainder of the report. In Section Five, we examine operational issues, perceived problems and benefits associated with exemption-type liquor permit schemes, and in Section Six we do the same with respect to permit-based alcohol management systems. In a final section – Section Seven – we bring together the findings of the review with conclusions and recommendations.

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<sup>3</sup> Review of liquor permit schemes under the *NT Liquor Act*: project brief.

## 4 Research design, data collection & analysis

The project was undertaken in four stages. The first involved a review of national and international literature regarding liquor permit schemes. This was followed by two phases of data collection: an examination of archived government files, and fieldwork visits to communities in the NT with liquor permit schemes. The fourth stage involved analysing and writing up data collected, and developing a framework for future use.

### 4.1 Literature review

Published and 'grey' literature was identified and reviewed in order to provide a background and context to the evolution and application of liquor permits both locally and overseas. In addition to studies known to the researchers, the following databases were searched:

- AIATSIS Indigenous studies bibliography
- Anthropological index online
- CINCH Australian criminology database
- DRUG database
- Google Scholar
- Health and society database
- Humanities and social sciences collection
- Medline
- PsychINFO
- Sociological abstracts
- Web of Science

Search terms used were 'liquor permit\*', 'alcohol permit\*', 'grog permit\*', 'permit system\*'. The literature review has been prepared as a separate report, and is not included in this report.

### 4.2 Data collection

Liquor permits operating under the *NT Liquor Act* were first introduced in 1980, and in many communities were initiated during the 1980s. A review of liquor permit schemes therefore requires consideration of historical as well as current information. For this reason, the first phase of data collection was taken up with examining relevant archived files of the NT Liquor Commission, the body that originally had responsibility for

authorising liquor permit schemes, and for issuing and oversighting individual permits. Files were examined for information about the context in which liquor permits developed and operated in the different communities, procedures and processes governing the implementation of each system and issues arising, and indications of positive or negative consequences. Files covered communities with existing liquor permit systems, as well as some communities where permits were never introduced or where liquor permit scheme had lapsed.

The second phase of data collection involved making field visits to communities with current liquor permit schemes. An internal review conducted by the then Department of Justice in 2010, and updated under the NT Department of Business in 2014, found that liquor permit schemes operated in 22 General Restricted Areas in the NT. In July 2015, the then Senior Director, Alcohol Policy Branch, NT Department of Business, wrote to communities with liquor permit schemes seeking their participation in the review.

Subsequently, field visits were made to the following communities:

- Maningrida
- Barunga, Beswick
- Gunbalanya
- Milikapiti, Pirlangimpi, Wurrumiyanga, Wurrankuwu
- Yuendumu, Kalkaringi, Lajamanu
- Gunyangara, Nhulunbuy, Yirrikala
- Alyangula
- Nauiyu, Wadeye.

In the few communities where permit committees operate, field visits began with these committees. In other communities, meetings were held with individuals and groups expressing an interest in the operation of liquor permit schemes. These included community residents as well as staff such as local police. Prior to each interview or discussion group participants were given an outline of the project and the conditions of their involvement. Formal consent was obtained for community members to take part. Participation was voluntary.

The interviews were designed to clarify and extend information obtained from the archival analysis. Details of interest included:

- community circumstances giving rise to permits and major factors affecting the ongoing operation of the system
- the practicalities involved in establishing the system and then maintaining it - identifying difficulties and problems as well as effective and efficient strategies; attention to community involvement and acceptance, and the role of any permit committee or other agencies.
- how the system operated – identifying what worked well, what did not work well and what aspects could be changed.
- apparent consequences – gauging positive and negative effects on consumption patterns, individual health and safety, and general family and community functioning.

Several officers of Licensing and Regulation with a direct interest in the operation of liquor permits or experience in their application were also interviewed. This was to obtain a broader policy perspective on the operation of permit systems and help define standards of operation.

#### 4.3 Data analysis and writing

Most of the information gathered in the study was qualitative. This was coded and analysed using an approach known as Framework Analysis (Gale, Heath, Cameron, Rashid, & Redwood, 2013; Smith & Firth, 2011), with the aid of the qualitative data analysis software HyperResearch Version 3.7.3. In recording data, attention was given to significant events (e.g. declaration of a Restricted Area, introduction of permits), processes (community meetings, background research and consultations, setting limits on permit amounts) and activities (complaints, breaches, drinking behaviours). There was also an attempt to identify the reasons for developments along the way and the kinds of influences operating at any given time. Any evidence of the impact of permits was also noted. In analysing data, *a priori* codes such as ‘permit eligibility criteria’ and ‘permit application processes’ were supplemented by emergent codes such as ‘Problem: humbugging and pressure to share liquor’. Analysis then sought to identify common themes and critical factors bearing on the operations of permit schemes, perceived

problems associated with the schemes, and the perceived benefits of schemes. The results of this analysis inform this report.

#### 4.4 Ethics approval

Ethics approval for the project was received from the Human Research Ethics Committee of the NT Department of Health and Menzies School of Health Research (HREC 2015-2528) and from the Central Australian Human Research Ethics Committee (HREC 16-409).

## 5 Origins and evolution of liquor permit schemes in the NT

Liquor permits as an option for managing access to alcohol in Aboriginal communities in the NT originated in 1979 as part of a comprehensive shift in Aboriginal alcohol policy in the NT, under which responsibility for managing alcohol use in communities was transferred from government to a model of shared responsibility between government and local communities. Although Aboriginal people *as individuals* in the NT had been legally entitled to possess and consume liquor since 1964 (prior to which they were legally prohibited from doing either), control over access to alcohol in Aboriginal communities – or ‘reserves’ and ‘missions’ as they were then known - remained in the hands of the then Commonwealth-controlled Northern Territory Administration. Section 140E of the *Licensing Ordinance 1964* prohibited the importation of liquor onto reserves and missions, except by persons permitted to do so by the superintendent of the settlement (Northern Territory of Australia, 1964). A handful of Aboriginal settlements also operated licensed clubs under this legislation.

Following the attainment of self-government in 1978, the NT Government introduced the *Liquor Act 1979*, which superseded the *Licensing Ordinance*. It also established a new NT Liquor Commission as a statutory authority to administer the Act. The new Act terminated the blanket prohibition on liquor in Aboriginal settlements, placing them legally on the same footing as any other places in the NT for liquor licensing purposes, and in its place introduced a set of provisions in Part VIII of the Act, labelled ‘Restricted Areas’ (Northern Territory of Australia, 1979)<sup>4</sup>. Under these provisions, individuals or groups could apply to the Liquor Commission to have a particular area designated a ‘Restricted Area’. Upon receiving an application, the Commission could either dismiss it or investigate further by conducting a hearing, in which it was required to ascertain the opinions of residents and other stakeholders regarding the application. Should the application be granted, it henceforth became illegal under NT law to import, possess or consume liquor except under any conditions specified in the application (Northern Territory of Australia, 1979).

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<sup>4</sup> In the original *Liquor Act 1979* the Restricted Areas provisions made up Part VII of the Act, but following subsequent amendments to the Act they became – and have remained ever since – Part VIII.



Part VIII of the Act also authorized the Liquor Commission to 'grant a permit to a person who resides in a restricted area' to import, possess and consume liquor within the restricted area (Northern Territory of Australia, 1979). Applications for a permit were to be lodged in writing with the Commission, which was required to ascertain the opinions of people in the community concerned, before granting or refusing the application.

Since 1979, the *NT Liquor Act* has been much amended, and the *Northern Territory National Emergency Response Act* (NTNER) introduced by the national government in 2007 (popularly known as 'the Intervention') effectively over-rode these and some other provisions in NT legislation relating to liquor (Australian Government, 2007). The Commonwealth Government's *Stronger Futures in the Northern Territory Act 2012* that superseded the NTNER from July 2012 modifies this relationship somewhat, although authority over what would elsewhere be regarded as state/territory liquor licensing matters remains with the Commonwealth with respect to Aboriginal communities in the NT (Australian Government, 2012).

The provisions governing liquor permits in restricted areas, however, have remained substantially unaltered since 1979, and are found today in sections 87 to 94 of the current *Liquor Act* (Northern Territory of Australia, 2015). (These sections are reproduced in this report as Appendix 1.) These provisions constitute the legislative basis of the subject matter of this review. The procedures specified for applying for and issuing liquor permits are set out in sections 90 and 91 of the Act. They are as shown in Figure 5.1 below:

**Figure 5-1: Procedures for applying for and considering a liquor permit, as specified in NT**

<b>90</b>	<b>Application for permit</b> An application for a permit under section 87 or 89A* must: <ul style="list-style-type: none"> <li>(a) be lodged with the Director-General; and</li> <li>(b) be in writing; and</li> <li>(c) be signed by the applicant; and</li> <li>(d) for an application under section 87 – include a statement of the applicant's reasons for making the application; and</li> <li>(e) for an application under section 89A – specify the purposes for the permit.</li> </ul>
<b>91</b>	<b>Consideration of application</b> (1) The Director-General must: <ul style="list-style-type: none"> <li>(a) consider the application; and</li> <li>(b) take all steps the Director-General considers are necessary to ascertain opinions regarding the application of the people who reside in the restricted area to which the application relates.</li> </ul> (2) In deciding whether to grant the application, the Director-General must consider the opinions ascertained pursuant to subsection (1)(b).

**Liquor Act 2015**

\* In the *Liquor Act 2015*, applications for permits in GRAs are lodged under section 87 of the Act, while permits to consume liquor in Public Restricted Areas (PRAs) are lodged under section 89A. PRAs and the procedures for applying for permits to consume liquor in them are outside the scope of this review.

The Restricted Areas provisions were rapidly taken up across the NT after the new Act was introduced. An internal review of the provisions conducted in 1982 reported that permit systems had been introduced in 19 out of the 45 communities which, up to that time, had utilized the Part VIII provisions to ban or restrict access to alcohol (Northern Territory Liquor Commission, 1982). According to that review, permit systems were seen as measures that allowed communities that did not wish to become totally dry to manage alcohol consumption in the community. The review saw them as serving two main purposes: firstly, allowing non-indigenous and other employees to have access to alcohol under controlled conditions; secondly, serving as an educational tool to encourage Aboriginal people to learn to consume alcohol in moderation. The report also identified two problems with the system: it was subject to abuse, and generated a lot of paperwork.

Corker, in a critical article published in the Aboriginal Law Bulletin in 1985, reported that, as of 22 February 1984, 35 liquor permits had been issued in the Central Australian community of Yuendumu, all but two of them to police or other non-Aboriginal staff. He asserted that non-Aboriginal staff had on occasion refused to work in the community, or even threatened mass resignations and industrial action, should they be denied a permit. Among Aboriginal residents, he observed, the situation had generated a resentful attitude: 'Those white fellas can drink so why can't we?'

In 1986 the NT Government commissioned one of the authors of this report (PdA) to conduct an independent review of the Restricted Areas provisions of the *NT Liquor Act*. One of the terms of reference was to 'examine attitudes within Aboriginal communities to permits and procedures for allocating permits' (d'Abbs, 1987, p.2). By this time, more than 50 communities in the NT, including most major communities, had become Restricted Areas (d'Abbs, 1989)<sup>5</sup>. The review noted that many of these communities had explicitly decided, as part of the conditions governing the Restricted Areas, *not* to approve the granting of liquor permits to anyone in the community. These communities, in other words, had chosen to become completely 'dry'. Other communities, however, had opted to make use of the permit provisions. The review identified two main uses of the permit systems that had evolved:

1. to give designated Indigenous residents of particular communities access to liquor in Restricted Areas;
2. to enable non-Indigenous permanent or temporary staff working in Restricted Areas to import and consume liquor, subject to the agreement of the relevant community.

Each of these uses, according to the review, had generated distinctive issues. In communities where permits were granted to Indigenous as well as non-Indigenous residents, they were generally used either to allow residents to drink at a local social club, and/or to import liquor from outside - as at Maningrida, for example, where as of

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<sup>5</sup> The number of communities utilizing Part VIII provisions continued to grow. By 1995, 91 Aboriginal communities had become Restricted Areas (Northern Territory Liquor Commission, 1995)

March 1985, 372 residents had permits to import either two cartons of full strength beer, or two casks of wine, or one carton and one cask, per fortnight (d'Abbs, 1987, p.89)). The review found that in practice the Liquor Commission, on receiving an application for a permit, would normally seek the views of both local police and the local community council on whether or not the application should be granted<sup>6</sup>. If both council and police agreed that it should, the permit would normally be issued. If the council supported the application but the police did not, the Commission normally followed the recommendation of police. However, the review found that the Commission had also in some instances delegated authority over permits to the councils, which then found themselves administering the permits without legislated authority. This had given rise to misunderstandings. For example, in 1983, in a letter to Milikapiti Council, the Commission stated that permits were to be issued and revoked by the Council, and that the Commission would take note of the Council's decisions. Several months later the Council sent some approved applications to the Commission, only to be told that the Commission had refused the applications, on the recommendation of a police officer from a nearby community. The Council not surprisingly expressed dissatisfaction (d'Abbs, 1987, p.90)

The review also found evidence in some communities of confusion and disputes with respect to enforcing compliance with the permit system (and other provisions under the Restricted Area). In the case of Maningrida, for example, questions arose over whose job it was to ensure that the liquor arriving by barge every fortnight was distributed according to the list of permit holders. In some communities, councils and police each accused the other of failing to discharge their proper roles. In late 1984 one clearly disgruntled senior police officer in Maningrida wrote to the Liquor Commission stating: 'The permit system belongs to the council and the Police are only required to police the permit system, NOT RUN IT' (cited in d'Abbs, 1987, p.93, emphasis in original).

In some communities where permits were used as a mechanism to allow non-Aboriginal staff to import and consume liquor, but not Indigenous residents, the review found

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<sup>6</sup> Under local government reforms implemented by the NT Government in 2008, Aboriginal community councils were abolished and their functions absorbed into 8 larger shire councils.

evidence of resentment at the discriminatory implications, although this feeling according to the review was by no means universal. (That this has been a continuing issue in some communities was demonstrated in 2005, when the NT Liquor Commission, following complaints from Ngukurr community, abolished the liquor permit system in that community altogether (ABC News, 2005). Residents complained that only white people in the community had permits to drink, and that this was helping to foster resentment and alcohol-fueled violence among Indigenous residents.)

Finally, the review noted that monitoring of the permit system was inadequate, largely because of a shortage of staff in the Liquor Commission and the Commission's remoteness from the communities concerned. While decisions to grant permits in the first instance were adequately recorded, there was no system in place to keep track of people moving, dying, or having their permits revoked.

In 1993, a parliamentary committee of the NT Legislative Assembly - the Sessional Committee on Use and Abuse of Alcohol by the Community - reported on an inquiry into the operation and effect of Part VIII 'Restricted Areas' of the Liquor Act (Sessional Committee on Use and Abuse of Alcohol by the Community, 1993). The Committee noted that as of 12 November 1993 a total of 84 communities in the NT had been declared restricted under Part VIII of the Liquor Act, of which 63 had total bans on importation and consumption of alcohol, while the remaining 21 provided for permits to allow approved residents or visitors to consume alcohol in the community, subject to restrictions.

The Committee reported that the current permit system had two key defects: communities' lack of control over permits issued, and a proliferation of permits in some communities. The Committee noted that, in issuing permits, the Liquor Commission consulted with local communities. It went on to argue, however, that once a permit was issued, no mechanism for cancellation existed other than a breach of the *Liquor Act*. (The Committee's assertion here is open to question. Clause 93 of the *Liquor Act* in force at the time stipulated that where a permit holder 'contravenes or fails to comply with a condition of his permit', the permit 'shall be revoked forthwith', while Clause 94 stated that a permit 'may be revoked by the Commission at its discretion'.) The Commission

argued that, in the absence of any provision for community-based reviewing or culling of permits, permits remained in place for people who had moved, stopped drinking, or died, while community members felt that they had little control over their members' access to alcohol.

The Committee proposed that, while responsibility for administering the permit system remain with the Liquor Commission, acting on advice from the local council, greater responsibility for approving, reviewing, cancelling or suspending permits should be given to councils. This, the Committee argued, would enable councils to use the permit system as a tool for combatting alcohol problems by cancelling or suspending permits of those abusing their entitlements and/or causing problems for other residents. The Committee also recommended that permits be issued for 12 months only, and be subject to a \$10 application fee, proceeds of which should be held by the Commission in a fund, to be used for administering the permit system, providing alcohol-related education or services, or repatriating community members who had developed alcohol problems in towns.

With respect to the proliferation of permits in some communities, the Committee argued that the existence of a large number of permits in any given community 'calls into question the resolve of the community to be restricted'. Where more than 25% of the adult population held liquor permits, the Committee stated, the Liquor Commission should review the restricted status of that community. (The Committee's logic here is curious: if one major purpose of a permit system is to enable a community to exercise controls over consumption by residents, rather than prohibit drinking altogether, there is no logical reason why that prerogative should be available only to a minority of residents, be it 25% or any other proportion.)

The Committee made two further recommendations relating to permits: first, in order to rationalize the existing system, it proposed that all current permits be cancelled at a certain date, and existing permit holders invited to re-apply. Secondly, it recommended the creation of a separate 'visitor permit' system for temporary visitors, subject to three months maximum duration, and a \$10 application fee. Neither of these recommendations was adopted.

Neither the Restricted Area provisions of the *Liquor Act* in general nor the liquor permit provisions in particular have been reviewed since these early reports. There have, however, been three subsequent developments that have affected both the nature of liquor permits and the contexts in which they operate. These are, firstly, the introduction by the NT Government of Public Restricted Areas in 2006; secondly, new legislative constraints imposed by the Commonwealth Government under the *Northern Territory National Emergency Response* (NTNER), many of which were carried over into the *Stronger Futures in the Northern Territory Act 2012* that superseded the NTNER Act, and thirdly, the emergence of new kinds of liquor permit systems, initially in Groote Eylandt and more recently in the Gove Peninsula in East Arnhem. Each of these is described further below.

## 5.1 General Restricted Areas and Public Restricted Areas

In 2006 the *NT Liquor Act* was amended to create a new category of restricted area, known as a Public Restricted Area (PRA) (Northern Territory of Australia, 2006). In order to distinguish these from the older form of restricted areas, the latter were relabelled 'General Restricted Areas' (GRA). All restricted areas in place prior to the new legislation were redesignated as General Restricted Areas.

Despite the similarity in the names, the two types of restrictions serve quite different purposes. GRAs, as outlined above, were designed as legislative instruments to enable Aboriginal communities to exercise a high degree of control over alcohol use in their communities, either by imposing conditions on its use or banning it altogether. Under the *Liquor Act*, any person or body may apply to the DGL to have a designated area declared a GRA. PRAs, by contrast, were developed as one of several policy responses to public drunkenness in urban spaces. Applications for a PRA declaration can be made by only one of three agents: the Commissioner of Police, the DGL, or a local authority (Northern Territory of Australia, 2006). In practice, they have been used by townships in the NT to have bans placed on drinking in public places within the town boundaries.

As with GRAs, the legislation allows for liquor permits to be issued in PRAs. Both the procedures involved, and the nature of permits issued, however, differ from those

issued under GRAs. In the case of permits to drink in a PRA, there is no provision for community input into decision-making; further, permits under PRAs are issued for specific events, such as weddings, and apply only to those events. This review is limited in scope to liquor permits in GRAs, and does not examine permits issued under PRAs.

## 5.2 Liquor permits and ‘the Intervention’

As indicated above, the Commonwealth Government’s 2007 *NT National Emergency Response* (NTNER) effectively over-rode the GRAs operating under the *NT Liquor Act* by prohibiting possession or consumption of liquor on any land defined as Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*, except where specifically exempted. Section 14 of the *NT National Emergency Response Act 2007* specifically empowered the Commonwealth Minister for Indigenous Affairs to revoke or amend liquor permits issued under the *NT Liquor Act* (Australian Government, 2007). From July 2012, the NTNER Act was superseded by the *Stronger Futures in the Northern Territory Act 2012* (SFNT), introduced by the Gillard Labor government (Australian Government, 2012). Under the new Act, ‘Prescribed Areas’ – as all Aboriginal land had been designated under NTNER – became ‘Alcohol Protected Areas’. While the 2012 legislation softened some of the more authoritarian provisions of the NTNER Act, authority to revoke or amend liquor permits issued either under the *NT Liquor Act* or even the NTNER Act, continued to be vested in the Commonwealth Minister who, more recently, is obliged to consult with the relevant NT Minister and the NT DGL should he or she wish to exercise these powers (Australian Government, 2012, sections 13-13A).

The SFNT Act also gave formal legislative recognition to the Commonwealth Government’s preferred vehicle for addressing alcohol issues in Indigenous communities in the NT: namely Alcohol Management Plans, defined as ‘plans, negotiated at a local community level, for the effective management of alcohol use among community members, and for the reduction of alcohol-related harm to individuals, families and communities in the Northern Territory’ (Minister for Families Community Services and Indigenous Affairs, 2013).

In practical terms, the Commonwealth NTNER and SFNT legislation undermined the authority of the NT Licensing Commission and generated uncertainty as to its role,



particularly with respect to licensing matters in Indigenous communities in the NT. While the Commonwealth has not, so far as we are aware, interfered directly with liquor permit decisions made by the Licensing Commission, its retention of what in effect are veto powers severely limits the powers of both the Commission and communities themselves. (The Commission itself was abolished by the NT Government in 2015, and its functions transferred to the DGL.)

### 5.3 Liquor permits and electronic ID: the Groote Eylandt and Gove Peninsula schemes

In the meantime, a new type of liquor permit system had evolved in two remote parts of the NT: Groote Eylandt and the Gove Peninsula in north-eastern Arnhem Land. These schemes had two new features: firstly, liquor permits were used to control who could *purchase* and consume takeaway liquor in the respective GRAs, rather than who could possess, import or consume liquor; secondly, permits were activated through a point-of-sale electronic ID system that networked all outlets in the respective areas and linked them to a central server in Darwin. The Groote Eylandt Alcohol Management System, at the core of which lay a single permit system spanning the entire island (including offshore Bickerton Island), commenced in July 2005. A similar system was introduced in 2008 in the Gove Peninsula, covering the town of Nhulunbuy and the Aboriginal communities of Yirrkala and Gunyangara. Both schemes have been independently evaluated, and found to have led to reductions in levels of alcohol-related harm (Conigrave, Proude, & d'Abbs, 2007; d'Abbs, Shaw, Rigby, Cunningham, & Fitz, 2011). At the same time, both permit systems were found to have generated a considerable administrative burden. These and other findings are further considered elsewhere in the report.

### 5.4 The current situation: context of this review

Together, the ad hoc evolution of liquor permit schemes over several decades, the upheavals in communities' options for managing alcohol problems generated by the NTNER 'intervention', and the concurrent development of electronic ID-based permit systems in several communities, have combined to create a context where a review of the nature, implementation, outcomes, and resource requirements of liquor permit schemes in NT communities is timely. The then NT Department of Justice took the first

steps towards such a review in 2010, when it conducted an internal review of liquor permit schemes in GRAs. The 2010 draft was updated in 2014 (Northern Territory Department of Business, 2014).

The 2014 review identified 23 communities as having – at least on paper – liquor permit schemes, but in only six of these did it find evidence of a functioning permit committee, or any body with designated responsibility for representing community views about permits. These were Alyangula and Umbakumba – both of which are covered by the Groote Eylandt Liquor Permit Committee – Gunyangara, Yirrkala and Nhulunbuy – which together make up the area covered by the Gove Peninsula Alcohol Management Plan, and Maningrida<sup>7</sup>. In some of the remaining communities, the review concluded that a permit committee may have operated at some time in the past, while in the remaining communities, it found no evidence of a liquor permit committee ever having existed.

In the absence of input from community permit committees, the review found that the task of making recommendations for or against liquor permit applications fell to Police. However, it went on to note that, with the exception of the Gove Peninsula area, it could find no evidence of assessment criteria used by Police in making recommendations, leaving considerable discretion in the hands of the individual making a recommendation.

For their part, Police raised a number of concerns about the current system, including uncertainty about criteria to be used in assessing applications, uncertainty about where a liquor permit would allow the holder to consume liquor, and uncertainty about what constituted grounds for revoking permits, and periods of revocation.

The review suggested a number of actions, namely:

- Create a flow chart of process for NT Police, applicant and GLS [Gaming and Licensing Services] regarding individual community processes.

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<sup>7</sup> Since the internal review was conducted, the elders of Umbakumba community have indicated that no liquor permits are to be granted to members of their community, thus effectively reducing the number of communities with permits to 22. The implications of this decision are explored further in Section Six of this report.

- Create basic process outlining minimum requirements both for legal reasons, and also for reporting requirements.
- Application form to be changed to allow for recommendations to be noted clearly, with recommender clearly identified.
- Mandatory reporting of all applications including those denied by either community or Police.
- Revocation request form (1 page) for all permit revocations. NT police (or other) can request by selecting the reason and providing evidence in follow up section. This is then endorsed by the delegate of DGL, and can be filed against each permit, as well as within community Police station.
- Structured file process to be established. GLS staff at present are processing and maintaining a high number of permits and applications. This should allow for easier reporting, follow up and (if) in case of review- coordinated documentation presentation.
- A copy of the Terms and Conditions provided for every applicant upon the application of a liquor permit. This will ensure that permit applicants are aware of their rights and responsibilities, and will strengthen compliance within the restricted area (Northern Territory Department of Business, 2014, p. 4).

The present review takes the information and issues documented in the 2014 internal review as a foundation.

## 6 Liquor permit schemes in NT Aboriginal communities today

This section presents an overview of the kinds of liquor permit schemes operating in Aboriginal communities in the NT today.

As pointed out above, liquor permits under the *NT Liquor Act* exist, by definition, within the framework of a General Restricted Area (GRA) under Part VIII of the Act. Liquor permit arrangements – that is, the formal and informal procedures and rules through which permits are applied for, granted, revoked and reviewed – should be seen, therefore, not as isolated entities, but as mechanisms for managing local alcohol use that exist within a broader set of arrangements for managing alcohol at a community level. These might include a total prohibition on drinking in the community, or a licensed liquor outlet that allows on-premise consumption of certain kinds of beverage, but not takeaway sales, or other regulations. The impact of liquor permits both on individual holders and the communities in which they live is also shaped by the availability of liquor, or lack of it, from outside the community. Some communities, such as Yirrkala, are situated 20 minutes drive on a sealed road from several liquor outlets, while others, such as Lajamanu, are several hundred kilometers from the nearest outlet.

As of 11 August 2014, according to the then NT Licensing Commission's database, a total of 7,747 liquor permits were current in the NT to allow individuals to import and consume liquor in 20 GRAs, as set out in Table 6.1.

**Table 6-1: Liquor permits current as at 11 August 2014**

<b>Community</b>	<b>No.</b>	<b>%</b>
Alyangula (includes other Groote Eylandt communities, namely Angurugu, Umbakumba)	1854	23.9
Barunga	9	0.1
Beswick	17	0.2
Goyder River Norbuilt Camp(a)	34	0.4
Gunbalanya (Oenpelli)	84	1.1
Jabiru	12	0.2
Jay Creek	22	0.3
Kalkaringi	49	0.6
Lajamanu	52	0.7
Maningrida	243	3.1
Milikapiti	144	1.9
Naiyu	48	0.6
Nguiu	202	2.6
Nhulunbuy (includes Yirrkala, Gunyangara)	4644	59.9
Peppimenarti	18	0.2
Pirlangimpi	178	2.3
Wadeye	92	1.2
Wudikapildiyerr (b)	4	0.1
Yuelamu	3	0
Yuendumu	22	0.3
Unspecified	16	0.2
<b>Total</b>	<b>7747</b>	<b>100.0</b>

(a) This is not a community, and is not included in this review.

(b) Wudikapildiyerr is not a recognised community, and is also excluded from this review.

One of the most striking aspects of the table above is the variation between communities in numbers of permits. At one extreme, the communities of East Arnhem that have developed three liquor permit systems under a single Alcohol Management Plan - Nhulunbuy, Yirrkala and Gunyangara - accounted between them for over 4,000 liquor permits, while the Groote Eylandt communities that together form the Groote Eylandt Alcohol Management System - Alyangula, Angurugu and Umbakumba - accounted for another 1,854 permits. In several other communities - Maningrida, Milikapiti, Nguiu and

Pirlangimpi – there are several hundred liquor permits, while in the remaining communities the number of liquor permits ranges between three and 92.

These numerical clusters in fact correspond with two distinct types of liquor permit schemes that have evolved over the last few decades. As mentioned in the preceding section, from the early 1980s it became apparent that liquor permits in GRA's were being used to pursue one or both of two objectives: firstly, that of allowing mainly non-Aboriginal employees in communities to import and consume liquor in their own homes in what would otherwise be dry or heavily restricted communities, and secondly, that of fostering moderate, controlled drinking by Aboriginal residents in communities. In the years since, these two objectives have given rise to two distinct kinds of liquor permit system. Most of the communities that allow liquor permits under the terms of their GRAs have used them to pursue the first objective - allowing mainly non-Aboriginal people to drink. In effect, these liquor permits provide an *exemption* to approved individuals from the restrictions that apply to everyone else in the community. In these communities, liquor permits are a peripheral rather than a core part of the local system for managing alcohol. In practice, non-Aboriginal residents who want liquor permits can obtain them more or less routinely; for Aboriginal residents who want permits, the pathway is generally neither clear nor smooth, as we show below. As our analysis also shows, these liquor permit schemes tend to have their own distinctive operational issues and problems. For purposes of this review, and to distinguish them from other kinds of liquor permit schemes, we categorise these schemes as *exemption-type* schemes. Almost all of the communities in the table above that had fewer than 100 current permits in August 2014 had liquor permit schemes of this kind, namely:

- Barunga
- Beswick (Wugularr)
- Gunbalanya
- Kalkarindji
- Lajamanu
- Nauiyu
- Peppimenarti
- Wadeye
- Yuelamu

- Yuendumu.

In the Tiwi Island communities of Wurrumiyanga, Pirlangimpi and Milikapiti – as well as in the Arnhem Land community of Maningrida, liquor permits have historically been given to considerable numbers of local Aboriginal residents as a means of encouraging moderate consumption. In the case of the Tiwi Island communities, but not in Maningrida, local drinkers also have the option of drinking on-premises in licensed clubs. In these communities, liquor permits are an integral part of the local system for managing alcohol use. This is why the numbers of permit holders in these communities are considerably higher than in ‘exemption’ type schemes.

In the communities that together constitute the Gove Peninsula and Groote Eylandt liquor permit schemes – i.e. the communities where the combined totals of permit holders is in the thousands rather than the hundreds – liquor permits are even more central in the local system for managing alcohol use. These systems, as explained in the preceding section, have evolved more recently than the liquor permit schemes in other communities, and incorporate two additional features: firstly, they link permits to an entitlement to *purchase* takeaway liquor, rather than simply possess or consume liquor in a GRA as the other systems do; secondly, their use and surveillance is underpinned by a networked, electronic point-of-sale ID system which is in turn linked to a server in Darwin. In both of these systems, oversight of liquor permits is supported by active liquor permit committees (LPCs). In the analysis that follows, we distinguish these communities from exemption-type liquor permit schemes by categorizing them, together, as *permit-based alcohol management systems*.

Given that all liquor permit schemes exist by definition as part of a GRA under the *Liquor Act*, it follows that the 96 Aboriginal communities in the NT with a GRA<sup>8</sup> fall into one of three categories: no liquor permit scheme; an *exemption* type liquor permit scheme, or a *permit-based community alcohol management* scheme. Roughly three-quarters of the 96 communities (74 communities, or 77.1%) currently have no provision for liquor permits.

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<https://nt.gov.au/law/alcohol/where-you-cant-drink-in-the-NT/list-of-restricted-areas> (retrieved 24 May 2016).

They are not included in this review. In the next two sections of the review, we consider in turn exemption type liquor permit schemes, and permit-based schemes for managing alcohol use in communities.



## 7 ‘Exemption’ type liquor permit schemes in practice: issues, problems and benefits

In this section, we report on contemporary ‘exemption’-type liquor permit schemes, discussing in turn key operational issues, problems identified by stakeholders, and perceived benefits. The findings are based on analysis of both documentary sources and interviews with stakeholders.

### 7.1 Operational issues associated with ‘exemption’ permit schemes

A number of issues emerged in connection with the operation of exemption-type liquor permit schemes. Most of these were associated either with the procedures used in applying for and issuing (or not issuing) liquor permits, or with monitoring and revoking liquor permits. In three communities, the issue of setting limits on amounts and/or types of liquor that could be imported and consumed was also raised. The issues identified are listed below in Table 7.1, and discussed in the following sections.

**Table 7-1: Operational issues in exemption-type liquor permit schemes**

Category	Issue	No of communities
Applying for & issuing permits	Procedures for applying for a permit	6
	Permit eligibility criteria	6
	Community input into recommending permits	5
	Procedures for issuing permits	3
	Indigenous residents holding permits in 'exemption' systems	1
	Non-indigenous residents holding permits in 'dry' communities	1
Monitoring and revoking permits	Monitoring compliance with permits	3
	Enforcement	1
	Procedures for revoking or suspending permits	2
	The issue of confidentiality	1
Setting limits on permits	Setting limits on amounts and/or types of liquor in permits	3

### 7.1.1 Applying for and issuing liquor permits

As explained above in Section Three, sections 90 and 91 of the *NT Liquor Act* set out the procedures to be followed in applying for and issuing liquor permits. There are two main requirements under the Act. Firstly, an applicant must lodge a signed, written application with the Director-General of Licensing (DGL), which according to the Act is to include a statement of reasons for the application. Secondly, in response, the DGL is required to ascertain and consider ‘opinions regarding the application of the people who reside in the restricted area to which the application relates’.

Today, the first of these requirements is met by means of a number of standardized application forms, reproduced here as Appendix 1. The three permit-based community alcohol management schemes – Maningrida, East Arnhem and Groote Eylandt – each have their own application forms. Applications for liquor permits in all other communities that allow permits are lodged using a separate, common form.

Interestingly, none of these forms make provision for the applicant to state reasons for wanting a permit, as required under the Act. Personal information required is limited to the applicant’s name, date of birth, residential address in the community and contact details, duration for which a permit is sought, and whether or not the applicant is a resident, contractor or tourist. Permit application forms can be downloaded from an NT Government website at

<https://nt.gov.au/law/alcohol/apply-for-an-individual-liquor-permit/how-to-apply-for-an-individual-liquor-permit>. They can also generally be obtained from local offices of regional councils or from local police stations if the community has one.

The general permit application form that is used in all of the ‘exemption’ type permit schemes also has a field for the ‘council’ or the ‘permit committee’ to indicate whether or not the application is recommended (see Figure 7.1).

**Figure 7-1: Extract from general liquor permit application form, showing fields for community input**

Recommendation/Approval			
<b>Council/Permit Committee Chairman</b>		Recommended <input type="checkbox"/> Not recommended <input type="checkbox"/>	
Name			
Signature		Date	
<b>Police delegate</b>		Recommended <input type="checkbox"/> Not recommended <input type="checkbox"/>	
Reason if "Not Recommended"			
Name			
Signature		Date	

However, as a mechanism for considering ‘opinions regarding the application of the people who reside in the restricted area to which the application relates’ this is, in most instances, tokenistic. A possible partial exception is the community of Lajamanu, 560 km southwest of Katherine. In this predominantly Warlpiri community, the Kurdiji Law and Justice Group, comprising senior Warlpiri and Gurindji leaders, acts as a community voice with respect to a number of matters (Kurdiji Lajamanu Law and Justice Group, 2014). Lajamanu is a ‘dry’ community under the *NT Liquor Act*, and Kurdiji currently has a policy of not approving liquor permits for Aboriginal members of the community. At the time of our fieldwork, there was no evidence of Kurdiji being actively engaged in permit-related matters. As of 11 August 2014, 52 non-Aboriginal residents held liquor permits. At one time, a local police OIC prepared a ‘Permit code of conduct’, setting out both legal requirements and less formal moral obligations conducive to maintaining smooth relations between non-Aboriginal and Aboriginal residents in the community. The code of conduct is reproduced here as Figure 7.2.

Figure 7-2: Lajamanu community Permit code of conduct

<p style="text-align: center;"><b><u>Lajamanu Community</u></b> <b><u>Permit Code of Conduct.</u></b></p> <ol style="list-style-type: none"><li>1. Lajamanu Community is a Restricted Area and as such a Code of Conduct relates to any person who is granted and in possession of Liquor in the Community.</li><li>2. A Liquor Permit is a privilege not a right. Consumption and behaviour of the Permit holder is held too a much higher standard then normal community standards.</li><li>3. A Permit if granted is for use at your Residential Address. It does not apply to any other location in the community. You may consume liquor at another Residence only if the owner / occupier have a current Liquor Permit for that location.</li><li>4. Any Person who resides or temporarily resides in Lajamanu requires to apply then receive the Liquor Permit before they consume, possess or supply liquor of any type or amount in the Lajamanu Community.</li><li>5. Guest to community, a guest who does not reside or temporarily reside in Lajamanu is only able to drink liquor at a location where the owner has a valid and current liquor permit for that location.</li><li>6. Revocation of Permit, A permit is revoked if the holder of the permit contravenes a condition of the permit.</li><li>7. Liquor must not be consumed in view or hearing of the aboriginal community persons. Permit holders must be discreet and not bring attention to events or consumption of liquor in the community.  This relates to noise from music, loud talking, singing or any loud intoxicated behaviour, which brings attention to the consumption of liquor in the community.</li><li>8. It is a Breach of a Permit to supply liquor to a person who is a Resident or temporary resident who does not hold a liquor permit. Supplying Liquor in this manner will see your liquor permit revoked and can lead to Prosecution</li><li>9. A Police Officer is an Inspector under powers of Liquor Act.</li><li>10. Lajamanu Community is a Prescribed Area under the Northern Territory Emergency Response and linked to the Stronger Futures Framework and code of behaviours.</li></ol>
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Kurdiyi's opposition to granting liquor permits to Aboriginal residents is not universally supported. We encountered evidence that some young people in particular resented not

being able to bring liquor into the community, and heard anecdotal reports that some liquor is being brought in illegally and consumed in people's homes.

None of the other communities in this group has a functioning permit committee or a representative body willing to take on the role of such a committee. Community councils, which were initially designated by the then NT Liquor Commission as bodies responsible for expressing the view of the community regarding permit applications, were abolished in the NT under local government reforms in 2007, and amalgamated into nine larger shire (later regional) councils, on which individual communities have a small number of representatives. In some communities, some of the local government functions of the former community councils have since been devolved to 'local authority boards' –made up of six to 14 members, all appointed by the relevant regional council (Northern Territory Department of Local Government and Community Services, 2016), to which they make recommendations. There is no evidence of these taking on responsibility for supporting or opposing liquor permit applications, and in a public meeting in one community where we canvassed the idea of the local authority board adopting this role, the idea was quickly rejected.

In practice, arrangements for representing a local community voice other than that of the police range from being fairly clear and transparent to non-existent. In Barunga, for example, we were advised that non-Indigenous applicants for permits have their forms signed by a senior female traditional owner (TO), while Indigenous applications are generally sent to the current Chairman of the Northern Land Council, who comes from the neighbouring community of Beswick (Wugularr). In Wugularr, we were told that applications are signed either by the local representative on Roper Gulf Regional Council, or by a board member of Sunrise Health Service, which manages the health centre in Wugularr. In both of these communities, once a community member's signature has been obtained, the form is taken to the Maranboy Police Station – which serves as the local police presence. In Wadeye, we were advised that applications were normally signed by one of several male Traditional Owners (TOs), including men who worked on the school or council staff, or an Aboriginal Community Police Officer (ACPO). It was said that TOs were not in the habit of refusing to sign applications.

In several communities, however, it appears that even this level of community input has evaporated – or perhaps never existed. In Kalkarindji, for example, where no more than three or four Aboriginal residents normally hold liquor permits, while most non-Aboriginal residents do have permits, we were advised that permit applicants would normally go straight to the police, who may or may not endorse an application and forward it to the office of the DGL in Katherine. Similarly, in Nauiyu (Daly River), where most non-Aboriginal staff working in the community as well as a few Aboriginal residents hold permits, we were told that the requirement for signed approval by a community member was not enforced, leaving the decision on whether or not to recommend granting of a permit effectively lying with local police. Because, as we discuss below, in this instance the police appear to operate with transparency and consistency, the absence of community input does not appear to be a matter of wide concern. As one Aboriginal female in her 50s, who does not hold a permit, put it:

*I don't think there should be community input, it should be just left up to the police, they know who's a drinker and who does grog runs and who carries on fighting.*

However, one senior community member said that in the past all permit applications were considered by the Nauiyu Nambiyu Aboriginal Council before being forwarded to the police, and she felt strongly that this should still be the case. Perhaps this provision has been a casualty of the abolition of local community councils.

In all of these communities, as well as in other exemption-type liquor permit schemes, effective power to recommend or not recommend granting an application lies with local police with, as we have seen, little or no provision for community input. In the absence of any permit committee, or other group exercising the functions of a permit committee, those procedures that do exist for community input have a distinctly *ad hoc* quality, with one or more senior members of the community taking responsibility for signing permit applications.

### 7.1.2 Monitoring compliance with permit conditions and revoking or suspending permits

Responsibility for whatever monitoring of compliance with permit conditions that occurs falls to local police. In Katherine, for example, where the local police stand outside bottle shops during takeaway trading hours (under a scheme initially called Temporary Beat Locations (TBLs) and later retitled Point of Sale Interventions (POSIs)), police routinely check the identification of would-be purchasers. Anecdotal reports suggest that customers from Barunga, Wugularr, Kalkarindji and Lajamanu are also asked to produce their liquor permits before being allowed to purchase.

Beyond this point, it appears that, unless trouble of some sort comes to the attention of police, there is little monitoring of consumption of liquor in or around communities. Occasionally, someone might lose their permit after being caught ferrying significant amounts of liquor. We were told of one permit holder who had had his permit revoked by police on suspicion of supplying liquor to non-permit holders, only to regain his permit after a court appeal. We were also told of a couple, both of whom held permits, who were widely believed to be supplying liquor to other family members without any action being taken.

In general, monitoring of liquor trafficking is hampered by the multiplicity of roads, including back roads, and limited policing resources. In one community, a male Aboriginal member of the local community patrol argued that the police should be more pro-active in this regard:

*When you ring the police they say they've got more serious matters. In Night Patrol we do write out reports but we have to be careful where we tread, be sure that it's happening. My suggestion is review the permits and bring out stricter rules – a hefty fine and removal of permits.*

In one central Australian community where, according to local police, no permits have been revoked in the last five years, the OIC Police stated that, if a non-Indigenous permit holder breached the conditions of his or her permit, she would speak to the person

about the disturbance, ask one of the two Regional Council representatives to speak with them also, then report the person to the DGL.

### 7.1.3 Setting limits on liquor permits

An internal review of liquor permit schemes conducted in 2014 found that in five communities that we have categorized here as ‘exemption’ schemes – Barunga, Wugularr, Kalkarindji, Nauiyu and Lajamanu – provisions existed to impose restrictions on the amounts and/or types of liquor that can be imported and consumed under the permit scheme (Northern Territory Department of Business, 2014). In both Barunga and Wugularr, for example, the review reported that ‘some permits’ were restricted to one ‘30-pack’ carton of mid-strength beer OR one 700 ml bottle of spirits OR one 2-liter cask of wine. (The period of which this amount applies is not stated in the review.)

In two of these communities – Barunga and Wugularr – there appeared to be a lack of clarity about the basis for these restrictions, in particular as to whom they applied. A police officer at Maranboy – the police station that serves both communities – told us that he had been trying to locate documentation on the origins of the permit restrictions, without success. One community member also complained about what she saw a capricious imposition of restrictions:

*I don't like this discretionary thing. Police judge you. I never had problems when I had the first permit – there were no limits on it. This was ten years ago. Then the second copper who came along judged you by the cover. He said 'I'm going to decide what you're going to drink'. I don't have any criminal history whatsoever- nothing except speeding fine. He said I could have a carton of full strength VB or bottle of rum. I rang the Liquor Commission and told them that I don't drink either and he changed it to a bottle of gin or carton of 4X Gold. That was about 8 years ago – he crossed out VB or rum.*

Aboriginal female, 40s, non-drinker, former permit holder

In Nauiyu, we were told that liquor permits generally did not specify limits on types or amounts of liquor, but that some people asked to have limits written into their own permits:



*You can ask for conditions on your permit. Police will put you on conditions, on a trial first – I had 1 carton a day and then no restrictions after that.*

*Aboriginal male, 30s, permit holder.*

In one community, the OIC Police described using a limit to help protect permit holders from the pressures of ‘humbugging’ – that is, relatives of permit holders invoking cultural expectations to share liquor. He mentioned a community member who was being pressured to buy alcohol for her family: ‘so I helped her out by putting only six cans a day on her permit and she’s happy’. However, the police officer went on to complain that, so far as he was aware, the limits were not legally enforceable unless they were specifically requested by the community.

## 7.2 Problems

In the course of discussions with residents of communities and other stakeholders regarding the operations of liquor permit schemes, a number of problems came to light in association with exemption-type schemes. These are problems as experienced and reported by the people we met. In describing them here, we do not draw any inferences as to their objective validity or otherwise. If people perceive a community’s permit system to be unfair, for example, then what matters is the perception, not the extent to which the perception matches a hypothetical test of fairness, since it is the perception that drives people’s actions. Moreover, our task here is to report on the experiences and perceptions of those most directly affected by liquor permit systems, whether as permit holders, applicants for permits, administrators of permit schemes, family members of permit holders, or other stakeholders.

Fourteen discrete problems were identified. We subsequently grouped these into four categories, with a fifth, residual ‘other’ category, containing problems mentioned by no more than one or two people. Each category represents a distinct problem *domain*. The categories with their associated problems are set out below in Table 7.2. The first category, which we have labelled *community involvement*, covers problems to do with a perceived lack of community input into the processes of applying for, issuing, amending and/or revoking liquor permits. The second category, labelled ‘*double standards*’, covers

perceptions that liquor permit schemes operate unfairly by treating Aboriginal and non-Aboriginal people differently. The third category, labelled *compliance and enforcement*, covers reported problems associated with drinkers not complying with permit provisions, by activities such as bringing liquor into a community in defiance of the permit scheme and/or or supplying liquor to non-permit holders, as well as other issues that affect compliance with permit schemes. A fourth category has been labelled *cultural issues*, and covers the problem reported by a number of permit-holders of being pressured by family members and others to share liquor, in contravention with the provisions of a liquor permit. Each of these problem categories is examined further below.

**Table 7-2: Problems identified by stakeholders in exemption-type liquor permit schemes**

<b>Problem category</b>	<b>Problems identified by stakeholders</b>
Community involvement in permit scheme	<ol style="list-style-type: none"> <li>1. Lack of community input into permit applications.</li> <li>2. Lack of clear eligibility criteria for permits.</li> <li>3. Lack of transparency in permit application process.</li> <li>4. Absence of a community body to exercise community input.</li> <li>5. Maintaining a functioning permit committee.</li> <li>6. Confusion as to who can sign permit applications.</li> </ol>
'Double standards'	<ol style="list-style-type: none"> <li>1. Perceived race-based unfairness.</li> <li>2. Community elders reportedly reluctant to approve permit applications by local Aboriginal residents.</li> </ol>
Compliance & enforcement	<ol style="list-style-type: none"> <li>1. People bring liquor into community, and/or drink liquor in community, in contravention of liquor permit scheme.</li> <li>2. Lack of induction or training for permit holders in liquor permit scheme.</li> <li>3. Confusion over interpretation of permit holder's entitlement to supply liquor to an 'invited guest'.</li> </ol>
Cultural issues	<ol style="list-style-type: none"> <li>1. 'Humbugging' and pressure on permit holders to share liquor.</li> </ol>
Other issues	<ol style="list-style-type: none"> <li>1. Adverse impacts on families of permit-holders.</li> <li>2. Delays in processing and issuing permits.</li> <li>3. Short-term workers with no commitment to community being granted liquor permits.</li> </ol>

### 7.2.1 Problems of community involvement in liquor permit schemes

As shown earlier, with the partial exception of Lajamanu, in communities with exemption type liquor permit schemes today there is little evidence of community

involvement. Effective power over the allocation and revocation of liquor permits lies almost entirely with police, whose recommendations are normally endorsed by the DGL.

This was not the intention underlying the liquor permit provisions when they were originally introduced under the new *NT Liquor Act 1979*. As the Divisional Director, Department of Aboriginal Affairs, explained in a letter sent to community councils on 15 December 1978, outlining how liquor permits would operate under the new Act: 'The Commission will be guided by the local community as to the issue of permits; in fact, for all practical purposes, the issue of permits will be determined by the community'<sup>9</sup>.

In practice, the notion of the Liquor Commission giving statutory effect to the wishes of 'the community', even in those early and perhaps optimistic days, proved far from straightforward, in part because in many communities alcohol was and remains a deeply divisive issue, in respect to which a genuinely consensual view was often unattainable, and in part because, despite its professed commitment to respecting community wishes, the Commission often had its own preferred outcome in mind, and was not averse to imposing these on communities, regardless of the latter's wishes.

For example, in April 1981, the NTLC engaged the NT Department of Community Development to conduct a survey in Ngukurr to ascertain people's wishes regarding liquor permits. In preceding months the issue had generated controversy, with allegations that the wishes of the majority of residents, who wanted the community to be completely dry, were being subverted by Aboriginal drinkers in the community, and by some European employees, who had reportedly threatened to resign *en masse* should they be denied liquor permits<sup>10</sup>. The poll asked three questions: (1) Do you think that *any* liquor permits should be issued for Ngukurr? (2) If you think that liquor permits *should* be issued, who should have them? (Options: everybody who wants one, or some people only); (3) If only some people should be issued with permits, what kind of people should have them?

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<sup>9</sup> Northern Territory Archive Service Liquor Commission 030003 01 General Correspondence Other Matters On Aboriginal Topics

<sup>10</sup> NTLC file 03003401.

A total of 131 questionnaires were completed (from an adult population of around 300 people). Of these, 71 people indicated that no permits should be issued, while the remaining 60 people were in favour of permits. Following the survey, the NTLC announced that it *would* issue liquor permits to drinkers in the community, but ‘not to all and sundry’. In a letter to the President of the Ngukurr Township Association announcing its decision, the NTLC Chairman stated that the Commission was ‘reluctant to place restrictions or limits on permits unless everyone (or nearly everyone) wants them’<sup>11</sup>.

Since the 1980s, the exercise of local community input into overseeing liquor permits has waned. A parliamentary inquiry into the restricted area provisions of the *NT Liquor Act* conducted in 1993 identified lack of community involvement in decisions related to liquor permits as a defect in the current system that left members of communities feeling that they had little control over who could and could not drink in their communities (Sessional Committee on Use and Abuse of Alcohol by the Community, 1993). At least some of the reasons behind the decline in community involvement lie beyond the scope of this review. Many factors have no doubt contributed, including the enormous range of administrative demands placed on Aboriginal community councils while they existed, and the subsequent absorption of community councils into higher level regional local government bodies in 2007. The sequence of events described by one long standing NT Licensing Inspector in regard to the permit committee in Nguui community is probably not atypical of other communities:

*Local input has come and gone over the years. The committee used to consist of all key stakeholders - Police, Education, Health and a male and female member from each of the community's four skin groups. This worked well for a while, but eventually all the local Indigenous members dropped off and it all got left to Police. The local members were involved on a voluntary basis and were getting substantial pressure from family members and others who had lost permits and others who wanted permits etc. It became difficult for them to make “hard decisions” and*

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<sup>11</sup> NTLC file 03003401.

*preferred Police to take those responsibilities. Eventually it all became too much and they withdrew.*

The Central Land Council has voiced concerns to this review about the lack of community input into liquor permit-related processes in central Australian communities, arguing that most communities with permit schemes would like to have more input, and suggesting that, where feasible, permit committees should be set up and provided with appropriate support<sup>12</sup>.

From our discussions, it appears that, in itself, the exercise of effective (if not formal) decision-making power by police is not *necessarily* a cause for concern or resentment among community members. While many people appear to believe that, in principle, community input into decisions about liquor permits is a good thing, nobody with whom we discussed these issues expressed any interest in advocating or taking part in a permit committee, and nobody was able to nominate any existing community body that might be willing to take on the role of a permit committee. In Kalkarindji, for example, where this issue was explored at some length, Traditional Owners made it clear that they did not wish to take the responsibility themselves, while the notion that either the local authority board – the closest entity in communities today to a local council – or the committee that runs the local licensed club might take on the role of overseeing liquor permits was explicitly rejected. When asked who should exercise the role, one of the TOs appeared to have the support of others when he said that it should be left to the police, but that they should follow consistent, transparent procedures.

This tends to underlie the widespread resentment in several communities that is generated by the ways in which police in these communities were perceived as exercising their powers with respect to liquor permits. Specifically, people complained about a *lack of clarity* regarding criteria for supporting or denying a liquor permit application, a *lack of consistency* in decision-making, and a *lack of transparency* in the application process.

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<sup>12</sup> Email, Policy Research Officer, Central Land Council, 7 August 2015.

The single most frequently raised problem with respect to applying for liquor permits by residents in communities was the extent to which past offences should disqualify an applicant from holding a liquor permit. Rightly or wrongly, it is widely believed that non-Aboriginal staff or visiting contractors can obtain a liquor permit more or less as a matter of course, but when Aboriginal people apply for a permit, police are said to frequently block the application on the grounds of the applicant's prior convictions without, however, offering any guidelines or criteria as to the duration for which disqualification applies. An employed Aboriginal female in her 30s in one community remarked:

*I can't get a permit because I had domestic violence with my previous partner, a few years ago in 2009. The TOs approved it but the police told me I wouldn't get it even though I'm not with that partner any more.*

Nobody, it appears, objects to someone being refused a permit because of a recent offence. It is the apparently indeterminate nature of the disqualification that riles people:

*Previous records and police discretion stopping them getting permits – should be a bit lenient, give them a chance, people change. Give them a chance, let them drink at home. I'd like to see a lot of people who drink in moderation in their community have a permit and be able to have a drink at home. Should get a second chance. Fair enough if you have DVO but not like that for ever, should get a second chance.*  
*Female, 40s, local authority member, Aboriginal permanent resident, non-drinker, former permit holder.*

In only one community with an exemption-type permit scheme – Nauiyu – did the police offer evidence of having clear criteria, and these were criteria that the police themselves had devised. According to the OIC, police would normally support the issuing of permits provided that there had been no recent adverse history in relation to intoxicated offending. The OIC interpreted 'recent' as being within the previous two years, adding that even this was not a blanket ban; if the permit holder had offended within that period he would normally ask them why they thought they should be given a permit and

then make a decision. He said that if he does refuse an applicant he is careful to give them a reason for the refusal. He mentioned the example of a young bloke who was refused because he lives in a house with three or four other young people and the police OIC thought that he would be subjected to unacceptable pressure. He urged him to reapply when his living arrangement changed. In the case of someone with an adverse history he would tell him or her to reapply again in twelve months, for example.

Sometimes, the absence of clear criteria for acceptance or disqualification is compounded by a perceived lack of consistency on the part of police. While some applicants or would-be applicants are told that they are ineligible because of prior offences, others with a criminal history receive permits.

The third associated cause for resentment arises from what is seen as a lack of transparency. Section 92(2) of the *Liquor Act* requires the Director-General of Licensing, once having made a decision to approve or refuse a permit application, to notify the applicant of the decision. It appears from our inquiries that, at least with regard to refusals, this simply doesn't happen. Indeed, it appears that some unsupported applications never proceed beyond the local police station, let alone reach the offices of the Director-General of Licensing. Several community residents recounted incidents of police literally screwing up an applicant's form and tossing it into the wastepaper basket in front of them, while others complained that, having lodged an application at the local police station, nothing further was heard – either from police or the Director-General of Licensing.

In short, police in these instances are seen as exercising power in an arbitrary manner, with little regard for due process or accountability, and with virtually no oversight by either the DGL or anyone else. It is not the authority of the police that causes resentment, but the way in which authority is exercised. Most people, from our observation, have no objection to the police being the effective arbiters on who does or does not receive a liquor permit, but they want the authority to be exercised with clarity, consistency and transparency.

Another problem listed in Table 7.2 in association with the lack of community input into issuing and monitoring liquor permits – one that sometimes flows from the absence of a permit committee or a committee willing to exercise the role of permit committee – is uncertainty as to who should ‘sign off’ on permit applications. In one community, a local female representative on the regional council currently signs most applications – in a fashion:

*I don't tick 'recommended' or 'not recommended' because they watch me, I can't make that decision, I don't say nothing, it's up to the police. Sometimes I feel guilty for signing it [ie. because she thinks that person should not receive a permit].*

### 7.2.2 Perceived ‘double standards’

The belief that different standards apply to liquor permit applications by non-Aboriginal and Aboriginal people respectively is probably as old as the liquor permit provisions themselves, and is in part a by-product of the procedural issues discussed above. In a few communities, the inclusion of permit provisions in the original restricted area declaration was in fact designed as a mechanism to allow non-Aboriginal employees in communities to access liquor in what, for everyone else, was to be a dry community; a double standard was in effect built into the restricted area – at the behest of the community itself. In at least one community today – Lajamanu – this arrangement persists. Several young adults in Lajamanu complained to us about what they saw as a double standard – but the target of their criticism was not the DGL or local police, but rather their own Kurdiji Law and Justice Group which, in their view, was blocking their wishes to be able drink in their own homes while authorising consumption by non-Aboriginal residents, at least some of whom – so far as these young people were concerned – were far from moderate or responsible in their drinking behaviour.

More commonly, however, the difficulties encountered by Aboriginal people in obtaining liquor permits, in comparison with what were perceived to be the much more routine issuance of permits to non-Aboriginal applicants, were regarded as yet another dimension of racial discrimination in daily life. We encountered this view in five communities. In one community, a male in his 50s who works at the school compared his situation with that of his colleagues:



*It's a good idea because all these fellas here can drink, we just walk around doing nothing. We should be drinking with other people. I just want beer, drink some at end of day, save some for next day. I wouldn't gobble it all up.*

It was not only Aboriginal people who considered the perceived discrepancy as discriminatory. Several non-Aboriginal claimed that liquor permits were being denied to some Aboriginal people who, given the opportunity, would in all likelihood drink quietly and in moderation. One suggestion advanced was that the granting of liquor permits to those who wanted them be made conditional on the applicant being employed.

### 7.2.3 Compliance and enforcement problems

The most frequently reported problems associated with compliance and enforcement of permit provisions concerned people drinking or supplying liquor in contravention of community liquor permit schemes. These were mentioned in nine communities, and took various forms, the most common being 'grog-running'. Several communities with exemption-type liquor permit schemes are located within proximity of multiple liquor outlets, which are easily accessible at least for much of the year. This factor, combined with networks of back roads and limited police resources, creates opportunities for those with vehicles to exploit demand for grog. For example, the Nauiyu community is connected by sealed roads to liquor outlets in Adelaide River, the Douglas-Daly Tourist Park, Hayes Creek Roadhouse, Batchelor, Noonamah and Darwin. We were told that every day, vehicles leave the community to pick up alcohol from one or more of these outlets. A similar situation prevails in Gunbalanya, where a bottle of rum can fetch up to \$100, and where grog-running was said by police to be linked also to binge-drinking and people driving under the influence. In Yuendumu, we were given conflicting accounts of the current prevalence of grog-running.

The conventional image of grog-running to remote Aboriginal communities is of vehicles being loaded up with prodigious amounts of alcohol, which is rapidly sold at huge profits. There is anecdotal evidence that this pattern may be giving way – partly as a result of increasing levels of car ownership in communities – to more frequent, small-scale grog-running, where purchasers smuggle in a modest amount of liquor – perhaps a

couple of 'slabs' of beer – which they drink with a few friends and kin in their homes, rather than sell for profit. Such a practice, although illegal, resembles what in other settings would be regarded as quite normal, acceptable drinking.

Another form of supply and consumption in contravention of permit schemes occurs when permit holders in a community supply liquor to non-permit holders. This can involve simply sharing liquor with family members living in the same house, or it can become a way of making money. In one community, for example, we were told that people who are banned from the pub can go to one of the permit holders to buy grog. In another, some permit holders were alleged to use their access to liquor as a bargaining tool for favours, including sexual favours.

In one community<sup>13</sup>, we received several reports alleging another form of infraction: permit holders flouting both the legal conditions and the informal expectations attached to their permits by drinking to excess, creating disturbances, and displaying their drunkenness:

*We get shame when we hear them partying. People are drinking, yap yap yap, and the next day white man don't come to work if drunk too much.*

Indigenous male, 50s, school employee, drinker, non-permit holder

*When I was working for Night Patrol you'd only see whitefellas walking the streets at night intoxicated – either stoned or pissed – asking for trouble. All these young school-teachers walking the streets at 2, 3 in the morning, doing handstands, acting silly.*

Indigenous male, 40s, employee, non-permit holder

A second problem associated with compliance and enforcement, mentioned in two communities, was the limited amount of induction or training attached to holding a liquor permit in a restricted area. As we have seen, in Lajamanu local police have devised their own code of conduct, and some organizations in communities – both

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<sup>13</sup> Wadeye.

governmental and non-government – ensure that any of their staff who hold liquor permits are made aware not only of the legal requirements attached to the permit, but also of their informal responsibilities towards the community. Others, however, receive no such preparation.

A third problem that has given rise to frustration and confusion in some communities is the interpretation of ‘invited guests’ for purposes of sharing liquor. The provisions relating to guests of permit holders are set out in section 88 of the *Liquor Act*, reproduced in Figure 7.3 below. They allow permit holders to provide liquor, at home, to an invited guest who ‘does not reside in the general restricted area to which the permit relates’. They do *not* permit a permit holder to provide liquor to an invited guest who is a resident of the same community unless the guest also has a permit to drink in that community. In other words, permit holders can share liquor with visiting friends, but not neighbouring friends, unless the latter also hold permits.

**Figure 7-3: Entitlement of permit holders to share liquor with guests**

**88. Guest of permit holder may consume liquor**

A person who:

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

In at least one community, confusion has arisen not only among non-Aboriginal permit holders, but also among local police. The OIC Police stated that, while she was uncertain, she was in the habit of telling permit holders that they could invite non-permit holders to drink at their homes, as this was the advice passed on by the previous OIC at handover. Although, as shown above, this is incorrect, the reason may well lie in the wording of the liquor permit application form (see Appendix 2) where, in clause 4(e), it is stated that a person’s permit may be revoked if that person has ‘supplied liquor to another person who is not a permit holder or who is not an invited guest of the permit holder’. There is no reference to the invited guest having to be a non-resident, and the implication clearly is that a permit holder may supply liquor to an ‘invited guest’.

These examples suggest that, at the very least, the application form should be amended to conform with the legislation and also, given the inherently social nature of drinking both in Aboriginal and non-Aboriginal cultures, consideration be given to amending the legislation to allow permit holders to supply liquor to invited guests in their own homes.

Some non-Aboriginal permit holders in one community expressed frustration at not being able to share a beer with workmates at the end of the week. An Aboriginal man and former council chairman from the same community stated that several years ago the council had proposed to the NT Licensing Commission that permit holders be permitted to invite others to their homes to share a drink, but that the Commission had never replied.

#### 7.2.4 Cultural issues: the problem of ‘humbugging’

The problem of ‘humbugging’ – that is, non permit-holders importuning permit holders to supply them with liquor, usually by invoking kinship-based obligations to share – was mentioned by residents of six communities, either by way of cases where it was known or believed to happen, or as a reason advanced by some people why they would not apply for permits, even though they were entitled to do so. The liquor permit system rests on an implied model of drinking as an act of individuals, whereas in Aboriginal communities, as indeed in many cultures, drinking liquor is culturally framed primarily as a *social* act. There is, therefore, a tension built into the legislation itself, which is almost certainly aggravated because the obligation to share with one’s wider family is so powerful in Australian Aboriginal cultures. A female Aboriginal non-drinker in one community gave an example:

*There’s a couple with permits here. Sometimes it’s hard for them, lots of family are drinkers and they want to drink with them, starts a problem. Someone with permit, some go ask them for grog, they don’t invite them there but it’s too hard for them to tell them to go away because they’re family. They stay and have a few drinks and have fights.*

Some permit-holders, both Aboriginal and non-Aboriginal, tried to keep their status a

secret.

*I haven't advertised I've got it – I don't want break-ins or humbug.*

*Female, 40s, nurse, non-Indigenous, permit holder*

In many cases, however, Aboriginal people minimised their exposure to both break-ins and humbug by not applying for liquor permits. Some people, while believing in principle that liquor permits should be as accessible for Indigenous residents as it appeared to be for non-Aboriginal employees, nevertheless believed that, with a few possible exceptions, most of their countrymen would have extreme difficulty in resisting pressures of 'humbugging' and would therefore, sooner or later, place themselves in breach of the law, and in all likelihood lose their permits. As one man – a Traditional Owner in his community, aged in his 50s – put it:

*If I get a permit half the community would be down there at my house because I've got a lot of relations. If I say no I break my cultural law and I get a lot of spear, a lot of boomerang on my back. Then I'd lose my permit.*

Not everyone, however, saw humbugging as an insurmountable problem:

*Humbug is a problem for some people – I say no, apply for your own permit.*

*Indigenous male, 30s, Health worker, permit holder.*

### 7.2.5 Other problems

Three other problems were mentioned, each in one community. The first was a view that liquor permits were, in themselves, a source of harm in the community, in part because they exposed non-drinkers to disturbances created by drinkers, and in part because they created temptation for non-permit holders to smuggle grog into the community.

*Not fair for non-drinkers – we have to put up with problems every day, and not fair for others without permits because they have to sneak grog into the community.*

*Female, 50s or 60s, Aboriginal permanent resident, non-drinker.*

*I don't want more people to have permits – the kids wouldn't get sleep, parties.  
Better if they drink outside.  
Female, 50s, Night Patrol worker, non-drinker.*

The second problem was a complaint about the length of time taken to process and issue permits – allegedly up to 3 – 4 months. The third 'other' problem voiced was a view that people working in communities for short periods only often had no commitment to the wellbeing of those communities, and should not be issued with liquor permits unless they intended to stay for a minimum period (no minimum was suggested). An example given was pig-hunters, who 'only come out for hunting, no family here, they trespass on everybody's property, shoot and leave'.

### 7.3 Perceived benefits of exemption-type liquor permit schemes

In several communities, people spoke of liquor permits as offering a safe alternative to either going into town to drink, with all the attendant risks, or frequenting the informal 'bush' drinking areas that have grown up in recent years. This issue has been particularly salient ever since the 2007 NTNER, under which possession and consumption of liquor was prohibited on all land designated as Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976*, except where specifically exempted. The practical effect of this measure was to lead drinkers to gather in places that were manifestly unsafe as drinking sites, such as the verges of highways, which, as crown land, were exempt from the NTNER provisions. If community members could obtain permits, they could avoid these places. As one female Aboriginal non-drinker and former permit holder put it:

*It's good to have a permit, at least they're away from the drinking area; we've had four tragic deaths. It's a fair way from the community, anything can happen there especially now when it's hot and there's no water and get dehydrated and when it's flooding. It's better for them to have permits to come here.*

This benefit is only available, however, to the extent that community members have a reasonable chance of obtaining a liquor permit. As the analysis above shows, this appears not to be the case in several communities.

## 7.4 Operational issues, problems and benefits in exemption type liquor permit schemes: a summary

This section reviews operational issues, problems and perceived benefits in contemporary exemption-type liquor permit schemes.

### 7.4.1 Operational issues

A total of 11 operational issues emerged from examination of documents and interviews with stakeholders. These were grouped in three domains: (1) procedures used in applying for and issuing liquor permits; (2) monitoring and revoking permits, and (3) setting limits on types and/or amounts of liquor in permits.

Sections 90 to 94 of the *NT Liquor Act* set out the procedures for applying for, granting, and revoking liquor permits. There are two main requirements: an applicant must lodge an application in writing with the DGL; the latter, in considering the application, is obliged to take account of the opinions ‘of the people who reside in the restricted area to which the application relates’ regarding the application. Applications are lodged using a standardized application form, available as a download from an NT Government website and from police stations and regional council offices. Liquor permits in Groote Eylandt, Gove Peninsula and Maningrida each have community-specific application forms. For applications in all other communities, a common form is used.

With one possible partial exception – the community of Lajamanu – community input today into liquor permit applications in communities with exemption-type permit schemes is minimal or non-existent. In Lajamanu, the Kurdiji Law and Justice Group, as one of its functions, gives or withholds community approval for liquor permit applications, although it does not appear to be actively engaged in this activity at present. While many non-Aboriginal employees working in the community have liquor permits, the Kurdiji group at present does not support applications by local Aboriginal residents.

No other community with an exemption-type scheme has a functioning permit committee, or any other body that performs the role of such a committee. Community councils, which in the early years following introduction of the liquor permit system in 1979 were regarded as the voice of local communities, were abolished in the NT under local government reforms in 2007, and amalgamated into shire (later renamed 'regional') councils. Since then, arrangements have evolved in individual communities under which certain individuals – sometimes, but not always, traditional owners – are willing to sign individuals' applications on behalf of 'the community'. In some communities, even this vestige of community input does not exist.

Effective power to support or block applications for liquor permits lies with local police officers, who exercise that power with varying degrees of transparency and consistency. Similarly, responsibility for monitoring compliance with liquor permit conditions lies, in effect, with police, whose task is made formidable by a combination of limited resources and a plethora of back roads into most communities.

In five communities, some liquor permits issued specify amounts and/or types of liquor that may be brought into the community. In some of these communities there is uncertainty as to the basis or authority for imposing these limits (the *Liquor Act* makes no provision for limits) and evidence of resentment at what is seen as arbitrary decision-making by police. In one community, however, police report that they sometimes add amount limitations to permits at the request of permit holders, in order to protect the latter from 'humbugging' for grog by relatives.

#### 7.4.2 Problems

Stakeholders reported a number of problems in exemption-type liquor permit schemes. These were grouped as follows: (1) problems associated with community involvement, or the lack of involvement; (2) application of what were seen by some as 'double standards' for non-Aboriginal and Aboriginal drinkers in regard to permits; (3) problems of compliance and enforcement; (4) cultural issues, and (5) a residual 'other' category.



Most of the perceived problems associated with community involvement derived from the procedures outlined above. In general, it appears that the exercise of effective control over issuing permits by police is not *in itself* a cause for concern in communities. However, we found evidence of widespread resentment towards what were seen as *lack of clarity* regarding the criteria for accepting or opposing a liquor permit application; *lack of consistency* by some police officers in dealing with applications, and lack of *transparency* in the application process and the way in which that process was handled by police and the DGL.

In only one community – Nauiyu – did we find evidence that local police had attempted to define the criteria for supporting or not supporting liquor permit applications, and conveying those criteria to the community.

The perception that ‘double standards’ apply to liquor permit applications by Aboriginal and non-Aboriginal persons respectively dates back to the origins of liquor permits under the *Liquor Act*, with non-Aboriginal applicants sometimes being seen as able to obtain permits more or less routinely while Aboriginal applicants are subjected to the kinds of barriers described above. Some community councils have historically endorsed a stance under which local non-Aboriginal employees, but not Aboriginal residents, should be eligible for permits, but in other communities the apparent discrepancy gives rise to resentment and a sense of adverse discrimination.

Three main problems of compliance and enforcement emerged. The first concerned people importing and drinking liquor in communities in contravention of permit conditions, which in turn took three forms: firstly, ‘grog-running’ – that is, people purchasing substantial amounts of liquor, bringing it into a community, and selling it for profit; secondly, permit holders supplying non-permit holders in the community with liquor, and thirdly, permit holders flouting both the formal requirements and informal expectations associated with holding a liquor permit, for example by becoming visibly intoxicated and causing disturbances. (This last problem was mainly attributed to some non-Aboriginal permit holders in communities.)

A second problem associated with compliance was a lack of induction or training about the responsibilities and expectations attached to holding a liquor permit, while a third arose from perceived ambiguities regarding the conditions under which a permit holder may share liquor with an 'invited guest'.

The major cultural problem associated with liquor permits was 'humbugging': the invocation of cultural obligations by non-permit holders to pressure permit holders to share liquor with them, thereby contravening the conditions of the permit.

Other problems identified were (1) a view that liquor permits exposed families of permit holders to harms; (2) a complaint about the length of time taken to process and issue permits (though this was mentioned in only one community), and (3) a perception that permit were sometimes given to people who were working in communities for short periods only, with no commitment to community wellbeing.

#### 7.4.3 Benefits

The main benefit associated with liquor permit schemes in these communities was a belief that permits provided a safe alternative to unsupervised drinking in unofficial drinking areas, many of which – following the prohibition of drinking on Aboriginal land under the *NT National Emergency Response* and, from 2012, the *Stronger Futures in the Northern Territory Act* – are located in places exposed to vehicle traffic and out of range of support and communication from the home community.

## 8 Permit-based community alcohol management schemes: operational issues, problems and benefits

While most communities in the NT that allow liquor permits under the terms of their GRAs do so in order to authorise a limited number of individuals – in most instances non-Aboriginal individuals working in the community – to import and consume liquor in their homes, a smaller number of communities have developed liquor permit schemes that serve a broader purpose: that of managing alcohol use by significant numbers of local Aboriginal residents. A community that has done much to pioneer this kind of liquor permit scheme is Maningrida, located approximately 500 km east of Darwin on the north-central Arnhem Land coast. This section of the report begins by tracing the evolution of the liquor permit scheme at Maningrida, and the reasons behind it. This is followed by an account of the development of liquor permit schemes in the three Tiwi Island communities of Wurrumiyanga (Nguu), Pirlangimpi and Milikapiti. We then describe the more recent emergence of two other liquor permit schemes, one covering Groote Eylandt, the other the communities of Nhulunbuy, Yirrkala and Gunyangara on the Gove Peninsula in northeastern Arnhem Land. We then describe current operational issues, problems and perceived benefits associated with what we have labelled here as permit-based alcohol management schemes.

### 8.1 Evolution of Maningrida's liquor permit scheme

The community of Maningrida was established shortly after the end of World War Two by the then Native Affairs Branch of the Commonwealth-controlled Northern Territory Administration. Initially founded as a trading-centre and ration depot, it became a permanent settlement from 1958, attracting members of a variety of tribes and language groups. In the 2011 census, the community together with its associated outstations had an estimated resident population of 2,567 persons, making it one of the largest Indigenous communities in the NT. Of the total, 2,303 (89.7%) were Indigenous (Australian Bureau of Statistics, 2012a). In addition to the Kunibidji people, on whose land the community stands, the community is home to Kunbarlang, Nakkara, Burarra, Gunnartpa, Gurrgoni, Rembarrnga, Eastern Kunwinjku, Djinang, Wurlaki and Gupapuyngu tribal groups (Northern Territory Government, 2008).

In the months immediately following introduction of the new *NT Liquor Act* in 1979, Maningrida was one of the few communities in northern Arnhem Land that chose *not* to become a GRA. Even at this time, however, there is evidence of community concern about the amount of liquor entering the community – either by a fortnightly barge service from Darwin, or via roads that normally became impassable during the monsoonal ‘wet’ season between November and April, or by plane – and the lack of any control over where and how it was consumed<sup>14</sup>. The community council sought to restrict importation of liquor to the barge, but despite approaches to airlines and freight companies, supplies by road and plane continued. In February 1983 it was reported that 11 charter flights a week were bringing liquor into the community, in addition to liquor entering by the barge and roads. In the following month, two police officers were attacked and had their uniforms ripped off after intervening in an alcohol-related conflict that broke out during a ceremony.

In April of that year the community applied to become a GRA, a request that was granted in August 1983 for the township of Maningrida, but not for associated outstations. Under the terms of the GRA, holders of liquor permits were permitted to import liquor by barge and take it to their homes for consumption. All alcohol orders were to be placed with one Darwin outlet to enable police to monitor purchasing, and were subject to a weekly limit of two cartons of beer, two 4 litre casks of unfortified table wine, or one carton of beer and one cask of unfortified table wine. At the time of commencement of the GRA, 238 liquor permits were issued; within four years the list had grown to 713 names.

The liquor permit system continued in place, more or less unchanged, until the late 1990s. In 1997 a community decision was taken to restrict the system to beer only. By this time, use of a number of other drugs had taken hold in the community, including kava – which was banned by the NT Government in 1998 – and marihuana, which has since become a drug of choice, in preference to alcohol, for many community members.

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<sup>14</sup> The account of events in Maningrida that follows is based largely on archived NT Liquor/Licensing Commission files, 03000501 – 0300505, Maningrida Area General Correspondence.

In January 1998, police at Maningrida raised concerns about Aboriginal permit holders consuming their two carton quota as quickly as possible following unloading from the barge. The disruption associated with barge weekends came to a head early in December 2000, when more than 300 cartons of beer were delivered. Police described the effects on the community as “devastating” and formally complained about the increasing violence they had to contend with, the need to call in assistance from other stations, and the excessive hours of work entailed. A number of factors were advanced as explanations for what appeared to be a break down of the liquor permit system. One was an increase in privately owned outstation vehicles, making the illegal importation of liquor much easier. Another, according to a letter to the NT Liquor Commission from the Chairman of the Maningrida Health Board, was a decline in Aboriginal people’s control over their community brought about through a combination of unsuitable Balanda managers who had entrenched themselves and failed to train locals to take over, a decline in local employment, and excessive interference by government officers<sup>15</sup>.

Early in 2001 a working group was established to address alcohol issues in the community. The Council informed the NTLC that it did not wish to prohibit liquor completely for fear that Aboriginal people would leave the community to drink in Darwin, and that Balanda staff would quit their jobs and move on. In May 2001 a Liquor Management Plan was adopted by the community. It outlined an overhauled permit system, managed by a permit committee made up of representatives from the Community Council, Health, Education, Wardens, Traditional Owners and NT Police. The committee was to meet monthly to assess and discuss all liquor permit applications, consider complaints against any permit holder, discuss alleged breaches, and review any Police decision to suspend a permit immediately upon an alleged breach. The committee was to send recommendations to the Licensing Commission, which would make final decisions on permits.

Under the revamped permit system, a number of conditions were attached to permits:

- Applicants had to be resident in Maningrida or an outstation for 3 months or more.
- All applicants had to be aged over 18 years.

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<sup>15</sup> Letter, Chairman Maningrida Health Board to Chairman, NT Licensing Commission, 18 December 2000, File 0300505 Maningrida Area General Correspondence.

- All applicants had to consent to a police check for determining whether they were fit and proper persons.
- Contractors or other persons employed for less than 3 months could apply for a 'special permit' through standard procedures.
- Special Function Permits would be considered for special occasions and events
- Permits entitled a person to purchase a maximum of two cartons of canned beer or six cartons per residence where three or more permit holders lived each fortnight.
- Persons holding a permit for wine could purchase up to 12 bottles per fortnight or six bottles of wine in lieu of a carton of beer. Cask wines were not allowed.
- Liquor could only be consumed at the permit holder's nominated residence.
- Aboriginal permit holders could only place orders via the Maningrida Council whilst non-Aboriginal permit holders were responsible for placing their own orders.
- All alcohol was to be delivered fortnightly by barge, and transported in a refrigerated container.
- Permit holder had to collect any orders delivered.
- Photographic ID and a database were to be introduced for permit holders and maintained by Maningrida Police.

A permit could be varied, suspended or cancelled on any one of four grounds, namely, if a person:

- caused substantial annoyance or disrupted the peace and order of the community;
- assaulted any person, or was involved in any alcohol-related offence, or
- illegally brought in alcohol or other illegal substances, including drugs, or
- breached any permit conditions.

The Liquor Management Plan also stipulated that certain support services would be available during the barge weekend. These included the Maningrida Women's Shelter and the Maningrida Wardens. The Restricted Area was also expanded.

Interestingly, within a few months the Maningrida Liquor Permits Committee was adopted as a model by Nguiu Community Government Council on the Tiwi Islands.

Between 2001 and 2009 a number of further changes occurred. Most importantly, the role of the Liquor Permits Committee was expanded beyond liquor permits to include programs, policies and initiatives relating not only to alcohol, but also to other drugs such as cannabis, volatile substances and kava. By 2009 the Committee had changed its name to the Drug, Alcohol and Volatile Substance Committee (DAVSCOM), and delegated assessment of permit applications to a sub-committee made up of local Night Patrol members. Patrol members came from a variety of clans, and were aware of families and individuals with issues. They also had networks across the community to help inform judgements about the suitability of a person to hold a permit. Essentially the sub-committee assessed whether the safety and wellbeing of the person, their family and/or the broader community might be jeopardised by an applicant's drinking habits. The sub-committee's recommendations were forwarded to DAVSCOM.

In 2009, one of the authors of this report (IC) was engaged by Bawinanga Aboriginal Corporation to consolidate and clarify the changes that had evolved over recent years. Maningrida by this time had been exempted from prohibition placed on possessing or consuming liquor on Aboriginal land through the NTNER in 2007, retaining its GRA status, with a condition that liquor permits were to be renewed at the end of each financial year. Today, applications for liquor permits are made through the Maningrida Progress Association (MPA). Forms are submitted to the police to check the person's criminal history and then to the night patrol for community input into deciding about a person's suitability to hold a permit. The final recommendations are sent by MPA to the Director General of Licensing. Three categories of permits exist, with limits set partly to satisfy Commonwealth Government demands under the NTNER. Permits currently allow for:

- a) One carton of heavy beer and one carton of light/mid-strength beer; or
- b) One carton of heavy beer plus one carton of light/mid-strength beer, or six bottles of wine plus one carton of light/mid-strength beer; or
- c) Two cartons of light/mid-strength beer.

As of August 2014 there were 243 permits, many of them for non-Aboriginal staff. (One likely reason for the modest number of current permits for Aboriginal residents is that, as mentioned earlier, marihuana has now become the preferred drug of choice for many

people.) There appears to be a general consensus that the permit system is working well. This is attributed to the rules being consistently applied and widely understood, and the consequences for any breaches being clear. The processes involved in obtaining or losing a permit are also simple and seen as being administered fairly. Local administration allows for knowledge of personal and family situations and risks to be incorporated into recommendations, while local police have the authority and capacity to conduct criminal history checks. Further, police enforcement is exercised with discretion, focusing on major breaches and habitual trouble-makers rather than attempting to intervene in every minor incident.

The permit system is seen as helping to keep people in the community and reducing concerns that people will go to Darwin where alcohol is more readily available. Permits are also considered important for attracting and retaining skilled workers. Finally, an effective system provides an opportunity for people to demonstrate they can control alcohol responsibility as individuals and as family and community members.

The current system is not free of problems. Grog running still occurs, especially during the dry season when roads are passable. Grog-runners often time their activities to coincide with the arrival of the barge, as they know the police will be occupied with the distribution of liquor, and that it is impossible to distinguish barge alcohol from illegal supply once the former has been distributed. Another problem is the practice of permit holders supplying liquor to non-permit holders, a practice associated with pressures arising from cultural expectations and obligations to share. Some non-permit holders are believed to regularly “harvest” a part of each order delivered. Finally, binge drinking continues to follow the fortnightly distribution of barge orders, in part because of the interval between shipments and difficulties in securely storing supplies. Most alcohol is consumed immediately, giving rise to what one police officer described as an “inevitable shitfight”. At the same time, there is a grudging acceptance that this gets potential trouble over and done with. The community can prepare for a day or two of alcohol-related upsets, but know that this will be followed by many days of calm and normality. Women and children will often go fishing or to outstations until the drinking is over. Having alcohol once a fortnight also allows police to plan ahead and roster accordingly.



Elements identified as important for making the system work include:

- Local administration that allows for knowledge of what is going on in the community and an awareness of personal and family situations or risks to bear on decisions.
- Enforcement, especially by Police who have the authority to stop fights and stealing and can control the distribution on barge weekends. Yet it is also acknowledged that enforcement needs to be exercised with discretion so the focus is on major breaches, habitual trouble-makers and excessive drinkers rather than low level incidents and people who are essentially responsible.
- Having community input into the amounts available is advised – this relates to both the frequency of delivery and the volumes allowed. When limits are imposed the community can find them unrealistic and be more likely to disregard them. Having local input garners community support and ownership.

## 8.2 Liquor Permits on the Tiwi Islands

The Tiwi Islands, located 80kms north of Darwin, have been inhabited by Aboriginal people for more than 7,000 years. A Catholic mission was established in 1911 and the islands were proclaimed an Aboriginal Reserve in 1912. Local governance was returned to traditional owners in 1978 and the Tiwi Islands Regional Council now administers the three major towns of Wurrumiyanga (formerly Nguuu), Pirlangimpi and Milikapiti. The 2011 census estimated the resident population to be 2,579, with 87.9% being Indigenous. While there are strong links between the peoples of Bathurst and Melville islands, the settlements on Bathurst are characterised more strongly as Tiwi while those on Melville have emerged from early government programs to house children of mixed race from across the Territory.

The nature and functions of permits on the Tiwi Islands have changed over time.

Initially they served to exempt individuals, principally non-Aboriginal people employed at communities, from restrictions. More recently they have applied to local Aboriginal residents in an attempt to control the quantities of beer being consumed and reduce the prevalence of alcohol-related harms resulting from liquor smuggling, abuse of entitlements and disregard for rules. Each of the three communities also operates a licensed club. The liquor permit schemes face challenges, partly in relation to the licensed clubs, and partly on account of difficulties in policing the coast. Periodically in

the past, the permit systems have been suspended, then subsequently reinstated. Today, the permit schemes are incorporated into broader Alcohol Management Plans.

In Milikapiti, under the Commonwealth Ordinance prior to the new *NT Liquor Act* of 1979, permits operated to allow non-Aboriginal council employees to import beer, wine or spirits from Darwin and consume in their own homes. The permits strictly prohibited sharing or selling to Aboriginal people. However, local Aboriginal people were permitted to buy limited beer rations from the local store. In 1980, following reports to the NTLC about growing resentment regarding perceived disparities in access to alcohol, the NTLC restricted permits to wine and spirits, while Tiwi residents were permitted to purchase unlimited amounts of beer from the local store.

Three years later, following an upsurge in alcohol-related assaults and other offences, triggered in part by people bringing in beer from Darwin, beer was also made subject to permits. In December of that year the NTLC agreed to the local council determining who should be allowed a permit, with permits entitling the holder to purchase up to six cans of beer per day (and a dozen on Saturday), from the local store only.

The opening of the Milikapiti Sports and Social Club in August 1985 created a new source of liquor – and of alcohol-related problems. These in turn led to the club being restricted to sales of takeaway beer and food, with purchasers requiring a permit and being restricted to buying six cans per day. However, alcohol problems continued to manifest from time to time over the following years, largely as a result of people on-selling their allocations, disqualified permit holders still obtaining alcohol, smuggling of liquor into the community and unauthorised use of permits. At one point, in mid-2001 when all takeaway sales were suspended, the local clinic reported 70% fewer after-hours presentations and 20% fewer clinic consultations as a consequence. Staff also reported people having more money to spend on food and other essential goods; families spending time together and looking after children; no drunks in the community during the day; people spending more time hunting; less break-ins and violence, and less rubbish lying around. When permits were subsequently reinstated, they allowed only for alcohol to be ordered from Darwin and delivered on the fortnightly barge. Police would monitor the offloading and distribution of orders and were informed of the

orders made and by whom. This regime was again altered early in 2016, when the DGL allowed takeaway purchases from the local club as an alternative on a trial basis, in an attempt to keep profits within the community. The weekly limits applied to takeaway orders are currently:

- 24 cans of light beer ; or
- 24 cans of mid-strength beer; or
- 12 cans of full strength beer or premix drinks; or
- 3 bottles of wine (not fortified)

The permit system at Wurrumiyanga (formely Nguiu) has a similar history, with permits originally providing access to alcohol by non-Aboriginal people employed at the community being later extended to give Tiwi residents limited access to beer. As in Milikapiti, the permit system developed alongside a licensed club in the community, and as in Milikapiti, the 1980s witnessed increasing concerns in the community about emerging problems, including underage drinking, alcohol being given to non-permit holders and family violence. In December 1988, at a community meeting 575 people out of 676 present voted to have permits revoked. The community was said to be sick of domestic violence, children not being fed, male health issues being exacerbated by drinking, poor role modelling for children, loss of culture and more. The NTLC subsequently canceled all permits and stopped takeaway sales from the club. Henceforth, those wanting to drink could only do so legally at the Club

In mid-2000 the Nguiu Council applied to have permits re-introduced so people could have an alternative to on-premises drinking at the club. The Commission agreed to a six month trial, but required the Council to set the conditions that would apply. These were:

- Permit holder must be at least 21 years of age.
- Permit allows 1 carton of beer and 1 cask of wine per week (no glass packaging)
- Alcohol can only be bought in Darwin and brought to island on Tiwi Barge or by plane.
- Consumption only at permit holder house or invitation to another permit holders' house, not in public places within town boundary or at card games or football games.

- Revocation immediate for anti-social behaviour, ban from Nguuiu club, medical conditions, non-payment of Council fees, criminal record, Domestic Violence Offences, parents of children absent from school for more than a month, drinking during ceremony, not having secure storage if children absent from school for more than two weeks.
- Same rules apply to all permits
- Establish a Liquor Permit Committee comprising four councillors, Council Clerk and representatives of Correctional Services and Tiwi Health Board to make recommendations about applications to the Commission for decision.
- Each application to be endorsed with signature of each member of Committee.
- Stipulations about individuals being personally responsible for ordering and collecting supplies and for paying for orders up front.

Interestingly, Police were not included on the committee after expressing concerns about use of limited resources and with sharing confidential information about individuals. Police suggested they should comment after Council deliberations since Council were more likely to know about the applicants and associated risks.

Today, liquor permits in Wurrumiyanga allow the importation of the same quantities as in place in Milikapiti (see above) on a weekly basis, with purchases to be made outside of the community and delivered by barge. The system is said to enjoy general community support.

At Pirlangimpi, the permit system has evolved along a slightly different course. In 1980, the community resolved to make beer available for consumption at the Pularumpi Club, with permits available to non-Aboriginal workers and visitors to bring in wine and spirits as well as beer. As in Wurrumiyanga and Milikapiti however, as the years passed there were growing problems with alcohol in the community, including domestic violence, with the problems attributed to smuggled liquor, the impact of visitors from other communities, and the introduction of takeaway sales from the club. The community responded by placing limits on takeaways and exercising authority through the four skin groups that traditionally lived on the islands, who agreed to work together to care for the community and maintain order. Troublemakers were referred to their

respective skin group for punishment to be determined for any misbehaviour (e.g. impose a ban from club). The preference was to intervene with troublemakers prior to their reaching the attention of Police. This approach continued successfully for several years as elders ensured younger generations were handed the necessary status over time. It was undermined, however, by the change in governance arrangements introduced by the NTG in 2007.

It is strongly argued by community members that without permits the community focus tends to be “drinking at the pub”. Permits, with moderate limits informed by the community (e.g. a six pack of beer), allow people to spend time away from the club and more readily engage in family activities. Permits also help keep people from drifting out of the community in search of alcohol and they counter the need to drink more and faster at the club.

The community nominated the essentials for an effective permit system to be:

- Good communication across the community of who is in trouble/needs attention. A governing body that listens to community members so problems can be averted.
- Strong leadership by the four skin groups and respect for elders to enforce decisions.
- Everyone knowing the rules.

While acknowledging that permits are good for limiting problems, they are seen to rest heavily on rules being rigorously enforced by traditional authorities. This underscores the need to have local people on any governing committee to enable early identification of people at risk.

Today, permits on the Tiwi Islands place a significant administrative load on Police. This is compounded by the absence of active liquor permit committees in any of the three communities. The participation of local community members has fluctuated over the years, but currently police are left to deal with applications. Local members are volunteers and experience pressure from family and others to get permits or have permits reinstated and it is difficult for them to make “hard decisions” about individuals they know well. Many prefer the police to take those responsibilities. For many locals the demands are too much and they simply withdraw, even though representation is still

a feature that locals would like to see. Notably, the involvement of agencies such as Education and Health has also dropped off over time.

While these pressures are understandable, the permit systems in the Tiwi Islands today highlight the administrative burdens generated by liquor permit systems, at least when they are used to manage alcohol consumption by community members, and raise the question of how these burdens should be handled. Permits generate time-consuming paperwork, with both local and interstate background checks on all applicants and the preparation of extensive correspondence when there are issues. The revocation of permits involves notices being served and forms being completed. There is also time taken up with responding to community member enquiries about permits. While police involvement provides information that can assist enforcement practices and the suspension of permits is useful as an immediate consequence for people behaving badly, administration of permits is not core police business, and police themselves have expressed doubts as to whether all the administrative activity contributes to a reduction in problems or to making policing any easier.

Permits on the Tiwi Islands are now part of the broader range of strategies that each community has developed in its Alcohol Management Plan.

### 8.3 The Groote Eylandt Alcohol Management System: origins

In July 2005, a permit-based strategy for managing alcohol use, known officially as the Groote Eylandt Alcohol Management System (GEAMS), commenced operation. Groote Eylandt (Dutch for 'big island') lies in the Gulf of Carpentaria, approximately 600 km east of Darwin. It contains three major settlements – the Aboriginal communities of Angurugu and Umbakumba – and the mining town of Alyangula, as well as a number of smaller settlements, including nearby Milyakburra (Bickerton Island). The Estimated Resident Population of the Anindilyakwa Statistical Area – comprising Groote Eylandt and Bickerton Island – in 2011 was 2,571 persons, of whom 1,559 (60.6%) were Indigenous (Australian Bureau of Statistics, 2012d).

The GEAMS incorporated two important innovations: firstly, liquor permits were used to regulate *purchases* of takeaway liquor, rather than possession, consumption or

importation of liquor; secondly, permits were activated electronically. Groote Eylandt is home to just two takeaway liquor outlets: Alyangula Golf Club and Alyangula Recreation Club. Under the GEAMS, each takeaway outlet has a computer node linked to a central server in Darwin, where all permit information is stored. Under the system, it became illegal to buy or sell takeaway liquor without a permit. On-premise sales were not contingent on having a permit.

Prior to commencement of the GEAMS, Groote Eylandt had a history of alcohol-related problems dating back to the commencement of manganese mining on the island by Groote Eylandt Mining Co (GEMCO) in the 1960s (Conigrave, et al., 2007). Over the years a number of measures had been implemented, including GRA declarations under the *NT Liquor Act* and, in the case of Umbakumba on the north coast of the island, establishment of a licensed club allowing limited purchases of beer to residents of the community. Despite some of these initiatives bringing apparent benefits, the situation by the early 21<sup>st</sup> century was continuing to cause alarm, especially among Aboriginal communities.

In July 2005, following extensive engagement and consultation involving the Anindilyakwa Land Council, GEMCO, Angurugu Community Council, local NT Police officers and the NT Licensing Commission, as well as a series of community meetings, the GEAMS came into effect. Under it, any person – Aboriginal or non-Aboriginal - wishing to purchase takeaway alcohol required a permit, which also stipulated where the alcohol could be consumed, and the amounts and types of liquor that could be purchased. Applications for a permit are considered by a local Permit Committee, which makes recommendations to the DGL, who in turn is required to take account of the Committee's recommendation before deciding on whether or not to issue a permit. The Permit Committee was initially composed of representatives of:

- Police;
- Anindilyakwa Land Council;
- GEMCO;
- each of the three Community Councils;
- each of the two licensed clubs in Alyangula;
- health services, and
- a community or consumer representative (Conigrave, et al., 2007).

Under the GEAMS, the DGL can also suspend all permits for 24 hours on recommendation of the Permit Committee or Police for reasons of community safety or events of cultural significance. Permits can also be revoked for breaches of permit conditions.

An independent evaluation of the GEAMS, conducted in 2007, described the origins and implementation of the system, and its impact over the first 12 months of operation (Conigrave, et al., 2007). It reported that, at the time of commencement in July 2005, a total of 1,020 annual permits were issued. Over the following year, permits continued to be issued at an average of 46 permits per month. The steps involved in applying for a permit, as the system had evolved at the time of the evaluation, were as follows:

1. The applicant would collect an application form from Alyangula Police, fill it in, and submit it to the Permit Committee;
2. If the applicant was resident in one of the Aboriginal communities, a letter from the Community Council was required to support the application.
3. Police would perform a criminal record check on all new permit applicants.
4. Any applicants with a criminal record or police record of concern (particularly if it involved alcohol-related offences, or violence) would be discussed at the Permit Committee meeting with a view to determining the applicant's suitability.
5. Others applications were checked by at least two Committee members for any concerns; if there were concerns the application would be referred to the Permit Committee.
6. A recommendation would be sent by the Permit Committee to the Licensing Commission in Darwin, recommending granting or refusal of permits
7. The Licensing Commission generally agreed with the Permit Committee's recommendation and sent back to the Police a letter granting or refusing the permit. As of 2007, there had been no cases where the Commission failed to endorse the Committee's recommendation on individuals, but one case where it had overruled a Permit Committee decision to license an outdoor event (Conigrave, et al., 2007).

The evaluation found strong evidence of beneficial outcomes. For example, all of the women interviewed at Angurugu community indicated that their community was now



safer for women and children, while some drew attention to the positive impact on role models for children:

*Before, there was violence. Women scared, children scared. Children growing up seeing violence. Then when they grow up, they think 'If it is alright for my father, why shouldn't I do that?' [ID 37, Indigenous woman, Angurugu]*

*Before kids suffering, teenagers suffering, wives suffering, partners suffering... teaching younger men into alcohol. [ID 45, Indigenous woman, Angurugu]*  
(Conigrave, et al., 2007, p.31)

In 2005-06, the year following introduction of the system, recorded assaults and aggravated assaults fell by 73% and 67% respectively in comparison with the preceding year, and the number of persons placed in 'protective custody' for being publicly intoxicated fell from 90 to 11 over the same period. The number of reported domestic disturbances did not decline over the same period, in fact increased by 17% over 2004-05, to a point still below the level of 2003-04. Police suggested that these figures may have been due to the introduction of a more pro-active policing role with respect to domestic violence, together with greater willingness of people to report incidents, rather than an increase in the number of incidents themselves. The evaluators also found that the permit system was widely supported among Aboriginal and non-Aboriginal residents alike. However, they also found evidence of problems. The most prominent was the considerable administrative burden that the permit system generated for the Permit Committee, and the inadequacy of financial or administrative support provided by the Licensing Commission or other NT Government agencies. As a result, much of the work involved in setting up the Permit Committee, developing operating procedures, creating signage and educating the community about the system had been performed by local police. According to some of those interviewed for the evaluation, this had in turn contributed to a perception that the permit system was a police rather than a community initiative.

An associated complaint aired by some interviewees was the need for the Permit Committee to develop clear operating guidelines to assist it in making consistent and defensible decisions, and to ensure that community members were aware of these guidelines. The evaluators also heard reports of high and increasing levels of cannabis

use, which sometimes generated violence, especially when individuals ran out of supplies.

The current operation of the Groote Eylandt liquor permit system is examined further below.

#### 8.4 Origins and early development of Gove Peninsula, NT, Alcohol Management System

In December 2007 the NT Licensing Commission officially endorsed a system modelled in part on the GEAMS, this one to apply throughout the Gove Peninsula area of north-eastern Arnhem Land, an area that includes the mining township of Nhulunbuy, Aboriginal communities of Yirrkala and Gunyangara, as well as a number of smaller settlements and homelands settlements (d'Abbs, et al., 2011). Estimated Resident Population of the area in 2011 was 4,931, of whom 1,029 (20.9%) were Indigenous (Australian Bureau of Statistics, 2012b, 2012c). An independent evaluation of the Gove Peninsula Alcohol Management System (GPAMS) was conducted by the Menzies School of Health Research in 2011 (d'Abbs, et al., 2011).

**Table 8-1: Estimated Resident Population, 2011**

Locality	Indigenous	Non-Indigenous	Not stated	Total
Nhulunbuy	240	3,384	309	3,933
Gunyangara	140	12	3	155
Yirrkala	649	194	0	843
<b>Total</b>	<b>1,029</b>	<b>3,590</b>	<b>312</b>	<b>4,931</b>

Source: Australian Bureau of Statistics. 2011 Census of Population and Housing, Basic Community Profiles.

The Licensing Commission's decision to initiate the GPAMS was in response to a joint application by East Arnhem Harmony Mäyawa Mala Inc – a group made up of Yolŋu and non-Yolŋu, government and non-government agencies – and NT Police. It involved the following measures:

- An area encompassing the whole of the Gove Peninsula was designated a General Restricted Area (GRA) under the *NT Liquor Act*.

- Possession and consumption of takeaway liquor anywhere in the GRA would be permissible only for those people who had been granted permits to purchase takeaway liquor.
- Areas occupied by existing licensed premises would be excised from the GRA. Consumption of liquor on licensed premises was not subject to special conditions.
- In addition, specific areas would be designated as Public Restricted Areas (PRAs), enabling the Licensing Commission to authorize consumption of liquor in these areas subject to special conditions.
- Separate permit committees were to be established for Nhulunbuy, Yirrkala and Gunyangara respectively with powers to recommend granting, refusing or revoking applications for permits, and to place additional conditions on the amounts and kinds of liquor that could be purchased.
- Operation of the permit system was to be facilitated through an 'Alcohol Management System' designed and supplied by ID Tect Pty Ltd, a software development company. Each takeaway outlet was to be given a computer node linked to a central server in Darwin, where all permit information was to be stored. This allowed purchases from multiple outlets on a single day to be monitored and, if necessary, blocked.
- The new system was to take effect from 1 March 2008 (d'Abbs, et al., 2011).

Liquor Permit Committees (LPCs) at Yirrkala and Gunyangara were established in January 2008, and at Nhulunbuy in June 2008. Procedures for granting permits for residents of Nhulunbuy differed from those applicable to residents of Yirrkala and Gunyangara. In both of the latter communities, each application for a permit was to be individually assessed by the relevant permit committee, and also required agreement from traditional owners. In Nhulunbuy, by contrast, each eligible resident was granted a permit automatically by the Licensing Commission, without input from the LPC. Only if a resident had his or her permit revoked as a result of breaching the conditions of the permit, and subsequently sought re-instatement of their permit, would the case come before the Nhulunbuy Permit Committee.

Permit committees initially received administrative support from the relevant local community government council. With the abolition of these councils following the NT

local government reforms in July 2008, and their absorption into the East Arnhem Shire Council, this function was transferred to the Department of Justice in Nhulunbuy (Northern Territory Department of Justice, 2009).

At the time of the 2011 evaluation, LPCs had similar compositions. For example, the Terms of Reference of the Nhulunbuy Liquor Permit Committee (LPC) stipulated that the LPC would consist of a representative of the following agencies:

- Nhulunbuy Corporation Ltd
- Northern Land Council
- NT Police Force who is of or above the rank of Senior Sergeant or OIC of a Police Station
- Alcohol and Other Drugs
- NT Department of Family and Children's Services (FACS)
- Licensee from a nominated liquor outlet in Nhulunbuy
- North Australian Aboriginal Justice Agency (NAAJA).

Gunyangara and Yirrkala LPCs from the outset also included local residents.

To assess outcomes of the GPAMS, the evaluation collected and analysed four groups of indicators, covering:

- trends in alcohol sales in Nhulunbuy as indicated by wholesale supply of alcohol to outlets in Nhulunbuy;
- presentations at the Emergency Department of Nhulunbuy Hospital for alcohol-related disorders, and alcohol-related hospital separations at Nhulunbuy Hospital;
- trends in incidence of alcohol-related assaults in Nhulunbuy, as recorded by NT Police, and
- trends in public order incidents and apprehensions for public drunkenness in Nhulunbuy as reported by NT Police.

In the 12 months following commencement of the permit system, the total volume of alcohol supplied to outlets in Nhulunbuy declined by 22.3%, and by a further 12.3% in the following 12 month period. While this suggested that the permit system had a significant and sustained impact on liquor sales, the evaluation also noted that the

downward trend began *before* introduction of the permit system, at the end of 2006, largely as a result of a decline in supplies of cask wine.

In the 12 months prior to the permit system commencing there were 50 Indigenous presentations at the Gove Hospital Emergency Department for conditions coded as 'mental and behavioural disorders due to alcohol'. In the 12 months following commencement of the system, the number fell by 22% to 39 presentations. In the subsequent 12 month period the total fell by more than 50% again to 18 presentations. Trends in Indigenous hospital separations for mental and behavioural disorders due to alcohol told a similar story, falling from 109 in the 12 months prior to the permit system to 70 in the next twelve months (down 35.8%), and 65 in the following 12 months.

Although recorded assaults also declined, the fall did not occur until the permit system had been in place for more than 12 months, which suggests that the permit system itself cannot have been the prime cause for the decline. Similarly, while apprehensions for public drunkenness fell substantially in the 12 months following introduction of the permit system, from 2840 to 889 episodes (a fall of 68.7%), this trend had commenced prior to introduction of the permit system.

The evaluation also explored people's views regarding the permit system, through both stakeholder interviews, and from a street survey conducted in February 2011, in which 112 questionnaires were completed. A little over half of respondents (54.4%) supported the permit system, while 43.8% did not support it. A majority of respondents (59.6%) believed that the permit system had had beneficial effects in the community, but almost as many (50.8%) believed that it had had harmful/negative effects in the community. (Some respondents perceived both beneficial and harmful effects.) Over two-thirds of respondents (69.4%) supported the current ban on drinking in public throughout much of the region, while 30.6% did not support it. Support was less high among Indigenous respondents: almost half (48.5%) were in favour and 51.5% not in favour. Two-thirds of respondents (65.3%) were in favour of the current system under which no special restrictions are imposed on drinking inside licensed premises, with this pattern consistent among both Indigenous and Non-Indigenous respondents.

Around two-thirds of respondents (65.4%) either favoured retention of the permit system in its present form (29.5%), or with modifications (35.9%), the latter including a suggestion that the permit system should apply to on-premise as well as takeaway sales, and a call for greater community consultation in relation to re-issuing revoked permits. Some non-Indigenous respondents suggested that the permit system should not be imposed on everyone, but only on those with past histories of alcohol misuse or alcohol related violence. Because the sample was not a true random sample, it was not possible to infer with accuracy the degree of support for the current system across the whole community. However, the findings suggested that the system enjoyed majority support among the non-Yolŋu population, while among Yolŋu it remained a matter of contention. Semi-structured interviews with Yolŋu people at Yirrkala and Gunyangara also pointed to the presence of divided opinions about the permit system, with many people believing that it had contributed to a reduction in harmful drinking in the communities, but some also asserting that the system had led to a migration of drinkers to Katherine and Darwin. Some Yirrkala residents also expressed concern that their community had previously been formally 'dry' under the *NT Liquor Act*, whereas now those with permits could legally bring liquor back into the community. Agencies such as social and health services tended to be strongly supportive of the system, although several agencies also drew attention to a dearth of services for non-Yolŋu people in need of help for alcohol-related issues.

## 8.5 The Groote Eylandt and Gove Peninsula permit systems today

The three components of the Groote Eylandt and Gove Peninsula liquor permit systems today are (1) liquor permit committees (LPCs) in Alyangula (covering the whole of Groote Eylandt), Nhulunbuy, Yirrkala and Gunyangara; (2) a single Permit Officer employed by the NT Department of Business and based in Nhulunbuy, and (3) Licensing NT, Department of Business. The four LPCs accept applications for liquor permits and make recommendations to approve, deny, amend or revoke permits. The Permit Officer provides administrative support to the four LPCs and serves as a link between the LPCs and Licensing NT, while Licensing NT administers the legislative and regulatory frameworks within which the LPCs operate, manages an electronic permits database and a central server for both the Groote Eylandt and Gove Peninsula permit systems. As indicated earlier, the Groote Eylandt system as of 11 August 2014 included 1,854

permits, while the Nhulunbuy, Yirrkala and Gunyangara systems between them included 4,644 liquor permits.

Although the mechanism of controlling alcohol supply by an electronically-supported system of permits to purchase takeaway liquor is common to both the Groote Eylandt and Gove Peninsula systems, the systems are by no means identical, but rather shaped by local contextual factors. On Groote Eylandt, permits are in effect a mechanism to allow individuals working and living in the mining town of Alyangula to have access to takeaway liquor, while at the same time prohibiting them from supplying liquor to others. In principle, any resident of the island – Aboriginal or non-Aboriginal – can apply for a permit, and a small number of Aboriginal people hold permits. However, elders in the communities of Angurugu and Milyakburra have, from the inception of the Groote Eylandt Alcohol Management System, insisted on no residents of those communities being given a liquor permit. In more recent years the community of Umbakumba has adopted a similar stance. The Department of Business permits database does not distinguish Indigenous from non-Indigenous permit holders, but a member of the Groote Eylandt Liquor Permit Committee who has been associated with the permit system since its introduction in 2005 estimates the number of Groote Eylandt Aboriginal permit holders at no more than 1% of the total.

As a drinking environment, Groote Eylandt is distinctive, firstly in being an island, and therefore relatively isolated from the rest of the NT, and secondly in being served by just three liquor outlets, only two of which are licensed to sell takeaway liquor. Both the Alyangula Golf Club and Alyangula Recreation Club can sell takeaway liquor to club members who hold a liquor permit. The third outlet – Groote Eylandt Lodge – does not have a takeaway licence, and is permitted to sell liquor for on-premise consumption only to current liquor permit holders.

One consequence of the Groote Eylandt liquor permit system is that the drinking options available to non-permit holders on the island are very limited: they cannot purchase takeaway liquor, and the only options available for on-premise consumption are the two clubs in Alyangula, both of which, under the terms of their licences, can sell on-premises liquor only to club members and their guests.

This is in contrast to the situation on the Gove Peninsula where, while the permit system effectively limits sales of takeaway liquor to permit holders, would be drinkers from Nhulunbuy, Yirrkala and Gunyangara can choose from five accessible liquor outlets in Nhulunbuy, one of which has a Tavern licence entitling it to sell on premises to the general public, while the remaining four are licensed to sell on-premise liquor to club members and to visitors in the presence of a member. In effect, while the liquor permit system regulates takeaway sales, on-premise consumption is not subject to any regulation other than those applicable to all licensed outlets in the NT. Nhulunbuy outlets are listed in Table 8.2.

**Table 8-2: Liquor outlets in Nhulunbuy**

<b>Outlet</b>	<b>Conditions</b>
Gove Peninsula Surf Life Saving Club	On premise sales to club members or visitors in presence of member.
Gove Country Golf Club	On premise sales to club members or visitors in presence of member.  Takeaway sales to club members only.
Gove Yacht Club	On premise sales to club members or visitors in presence of member.  Takeaway sales to club members only.
The Arnhem Club	On premise sales to club members or visitors in presence of member.  Takeaway sales to club members only.
Walkabout Tavern	On premise and takeaway sales.
Woolworths (BWS Nhulunbuy)	Takeaway sales.

In the town of Nhulunbuy itself, the liquor permit system serves to facilitate purchases of takeaway liquor by town residents, while (a) deterring permit holders from supplying liquor to non-permit holders, and (b) providing a mechanism for restricting or prohibiting takeaway purchases by people deemed to misuse alcohol. In Yirrkala and Gunyangara, where there are no liquor outlets, the liquor permit systems are designed to enable the communities to regulate the amount of liquor that residents can bring back into the community and consume, and also to prohibit permit holders from supplying liquor to non-permit holders.



### 8.5.1 Operating principles and structures

The LPCs are all similar though not identical in structure. All include representatives of police, health, shire councils (or, in the case of Nhulunbuy, the Nhulunbuy Corporation), alcohol and other drug agencies, and licensees, as well as other services such as night patrols and crisis accommodation. The Groote Eylandt LPC also includes representatives of Anindilyakwa Land Council and Groote Eylandt Mining Co (GEMCO). Meetings of all of the LPCs are chaired by the Licensing NT Permit Officer. For all LPC meetings, a quorum of five members is required for making recommendations regarding revocation, variation or reinstatement of permits. In Yirrkala, Groote Eylandt, and Gunyangara LPCs, at least two members present must be members of the relevant community.

Under new terms of reference for the four LPCs prepared by Licensing NT in late 2015, the four committees have similar functions, namely:

- Make recommendations to the DGL about people in the area who should and should not receive a Liquor Permit;
- Where a Liquor Permit application is supported, if appropriate, make recommendations on specific conditions that should be applied to a Liquor Permit like the amounts and type of alcohol such as light/midstrength beer only;
- The Permit Manager (Licensing NT, Dept. Business) will forward all Liquor Permit applications (both supported and denied) to the DGL for a Decision;
- Consider a permit holder's behaviour and conduct when a breach is triggered by breaking the Groote Eylandt Liquor Permit System rules ;
- Make recommendations to the DGL if a permit holder has behaved in an inappropriate manner such that a Liquor Permit should be revoked or varied with conditions;
- Recommendations submitted to the DGL must give reasons why a Liquor Permit is to be revoked or varied with conditions;
- Advise Licensing NT and the DGL on issues affecting the General Restricted Area and/or the operation of the Liquor Permit System (Northern Territory Department of Business, 2015d).

#### *8.5.1.1 Applying for a liquor permit*

A person who wishes to apply for a liquor permit must first fill out a Liquor Permit Application Form and provide suitable proof of identity. In filling out the form, the

applicant agrees to a police check. On Groote Eylandt, applications are lodged in the first instance with Alyangula Police, who will conduct a police check and make a recommendation based on the check. The form with the Police recommendation is then forwarded to the permit office in Nhulunbuy for processing. Applications from residents of Nhulunbuy, Yirrkala and Gunyangara are normally lodged in the first instance with the Permit Officer. Applicants for new permits from Nhulunbuy are routinely granted permits without restrictions, and without a police check, unless the applicant has previously resided in Yirrkala or Gunyangara, in which case the applications will be referred to police for a police check<sup>16</sup>. Applicants for new permits residing in Yirrkala or Gunyangara are subject to a police check. In the next step, once police checks have been conducted and police recommendations recorded, new applications from Groote Eylandt, Yirrkala and Gunyangara are placed on the agenda for the next meeting of the relevant LPC. Since new applications from Nhulunbuy (other than from applicants previously residing in Yirrkala or Gunyangara) are issued automatically, they are not brought to the attention of the LPC.

New applications are considered by the relevant LPC, which may endorse the police recommendation or make a separate one of its own. The results of these deliberations are then forwarded to the DGL, who will make a formal decision either to grant or deny a permit, or delegate an officer to do so.

Three kinds of liquor permits are issued: (1) long term resident permits, issued to persons residing in the locality for more than twelve months, valid for up to three years; (2) long term visitor liquor permits, issued to frequent visitors to the region, such as government workers who visit once a month and regularly stay overnight, and (3) short term visitor permits, issued to non-permanent residents, for a specified period – eg two weeks or six months – depending on circumstances.

#### *8.5.1.2 Eligibility for a liquor permit*

In Nhulunbuy, Yirrkala and Gunyangara, any resident aged 18 years and over may apply for a liquor permit, while visitors to these areas are subject to the arrangements described above. In Groote Eylandt the situation is more complex. Residents of (and

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<sup>16</sup> Permit Officer, Nhulunbuy, Pers. comm.

visitors to) the township of Alyangula, and Groote Eylandt Lodge, are eligible for permits. At the request of elders of the communities of Angurugu, Umbakumba and Milyakburra (Bickerton Island), however, no residents of these communities are eligible for liquor permits, as the elders wish to allow no liquor into the communities. Residents of a worker accommodation site located on the island, known as Pole 13, are also ineligible for liquor permits, as Pole 13 lies outside of the Alyangula GRA.

The question of what sort of access to liquor should be available to non-Aboriginal staff working in the three communities of Angurugu, Umbakumba and Milyakburra, and to workers residing in Pole 13, and how to reconcile any such access with the principles governing the Groote Eylandt Alcohol Management System, has been the subject of considerable discussion recently among members of the Groote Eylandt LPC. These people are eligible to apply for membership of either the Alyangula Recreation Club or the Alyangula Golf Club, which would entitle them to drink liquor on these premises, but not to purchase takeaway liquor<sup>17</sup>. Under the recently approved revised Terms of Reference of the Groote Eylandt system, provision has been made to allow residents of Pole 13 and the three communities to apply for a permit which, if granted, allows the holder to *consume* liquor at the invitation of a permit-holding resident of Alyangula, at that person's residence, but not to *purchase* takeaway liquor.

#### **8.5.1.3 Liquor permit entitlements**

As already mentioned, all new permits issued to residents of Nhulunbuy and Alyangula are unrestricted; that is, they entitle holders to purchase as much or as little of any type of liquor as they wish whenever they wish. (They are, however, restricted in another sense, as are all permits issued in Groote Eylandt and the Gove Peninsula, in that they allow the holder to consume any liquor purchased only in their own homes or that of another permit holder, or in any locality that has been specifically exempted from the GRA conditions.)

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<sup>17</sup> As of December 2015, the constitution of Alyangula Golf Club reportedly precluded persons not residing in Alyangula from becoming members, but consideration was being given to amending this provision.

All new permits issued in Yirrkala and Gunyangara, however, as well as all permits re-issued to persons in Groote Eylandt or Nhulunbuy following a period of revocation, are subject to a graduated scale, in which permit applicants are required to begin at the lowest level and work their way up, should they wish to do so, to higher level purchasing entitlements step by step, at intervals of at least one month per level. The levels applicable in each community are shown in Table 8.3. As the table shows, there are both similarities and differences across the communities. In all communities, level 1 is 'six cans of light beer or one bottle of wine'. That is the maximum amount of liquor that any level 1 permit holder may purchase on any given day. Even here, however, local differences apply. In Groote Eylandt, a person whose permit is reissued after a period of revocation must remain on Level 1 'successfully being responsible with no breaches' for a period of three months before being eligible to upgrade to Level 2, whereas in Nhulunbuy the minimum period at Level 1 is one month (Northern Territory Department of Business, 2015a, 2015c).

**Table 8-3: Takeaway purchase limits (daily limits)**

Level	Groote Eylandt	Nhulunbuy	Yirrkala	Gunyangara
1	6 x 375 ml cans light beer OR 1 bottle wine(a)			
2	6 x 375 ml cans mid-strength beer OR 12 x 375 ml cans light beer AND/OR 1 bottle wine (b)			
3	6 x 375 ml cans full-strength beer OR 12 x 375 ml cans mid-strength beer OR 6 x 375 ml cans pre-mixed drinks (<5% alcohol) AND/OR 1 bottle wine	6 x 375 ml cans full-strength beer OR 12 x 375 ml cans mid-strength beer AND/OR 1 bottle wine		
4	12 x 375 ml cans full-strength beer OR 24x 375 ml cans mid-strength beer OR 12 x 375 ml cans pre-mixed drinks (<5% alcohol)	<b>For Permits issued BEFORE July 2015</b> 12 x 375 ml cans full-strength beer OR		12 x 375 ml cans full-strength beer OR 24x 375 ml cans mid-strength beer

	AND/OR 2 bottles wine		24x 375 ml cans mid- strength beer AND/OR 2 bottles wine	AND/OR 2 bottles wine
5	Unrestricted	30 pack carton of full strength beer (375 ml cans) OR 30 pack carton of mid strength beer (375 ml cans) OR 24 x 375 ml cans pre-mixed drinks (<5% alcohol) AND/OR 2 bottles wine	Unrestricted	Unrestricted
6		Unrestricted		

(a) In Nhulunbuy, Yirrkala and Gunyangara, the text reads 'AND/OR' instead of 'OR'.

(b) The 'AND/OR' phrase wherever it occurs in this table is, strictly speaking, ambiguous, in that it could mean (in this level) (6 x 375 ml cans mid-strength beer OR 12 x 375 ml cans light beer) AND 1 bottle wine, or it could mean 6 x 375 ml cans mid-strength beer OR 12 x 375 ml cans light beer OR 1 bottle wine.

As Table 8.3 shows, Level 2 is also the same across the four permit sites, but here the uniformity ends. In Nhulunbuy and Groote Eylandt, Level 3 permit holders may purchase six cans of pre-mixed spirit drinks, but this option is not available to Level 3 permit holders from Yirrkala or Gunyangara. The Gunyangara liquor permit system caps purchasing entitlements at Level 4, as did the Yirrkala system up until June 2015. At that time, however, the Yirrkala LPC, concerned about the amount of liquor entering the community, decided to reduce the cap to Level 3. While any existing Level 4 permit holders retained their entitlements, no new or newly-reinstated permits will progress beyond Level 3.

In Groote Eylandt, no further restrictions apply beyond Level 4; Level 5 entitles the holder to make unrestricted daily purchase. The Nhulunbuy system, however, includes a fifth 'restricted' level – in which the holder may purchase 'only' one 30 pack carton of full strength beer daily.

There is of course no reason why the four liquor permit systems should follow the same graduated scale of entitlements, especially as part of the purpose of these systems is to

allow individual communities to tailor restrictions to their own needs and priorities. However, the attempt to control takeaway purchases with so many calibrated levels, together with other aspects of the permit systems in operation, calls into question the goals and rationale underpinning the system, as we explore below.

#### **8.5.1.4 Procedures for revoking and reinstating liquor permits**

All of the liquor permit systems are governed by similar sets of rules that define breaches of permit conditions, and the penalties attached to breaches. A minor breach attracts a 3 month permit revocation; moderate breach, a 6 month revocation, and a major breach, revocation for 12 months. The actions listed under each of these three headings are shown in Table 8.4. As the Table shows, these actions range from leaving grog-related litter in a GRA or ‘humbugging’ – both considered minor breaches – to supplying liquor to a non-permit holder or supplying a ‘dangerous drug’ to another person – both major breaches. Breaches can be identified by an LPC or the police. In order for an allegation of a breach to be considered by the LPC, a statutory declaration must be completed.

**Table 8-4: Rules defining breaches of liquor permits**

<p><b>Minor Breach - 3 month Permit cut-off (Permit Revocation)</b></p> <ul style="list-style-type: none"> <li>• Causes an alcohol related criminal act, or getting an Alcohol Protection Order; substantial annoyance or disruption of community order and peace; this includes noisy parties; public drunkenness; minor alcohol related antisocial behavior/ disturbances; humbugging’ or begging.</li> <li>• Leaving litter from the liquor (grog litter) in the Restricted Area.</li> <li>• Low range drink driving offence - blood alcohol between .05% and .08%.</li> </ul> <p><b>IMPORTANT</b> - If a Permit Holder does any of these twice (2 x) - it’s a 12 month Ban.</p>
<p><b>Moderate Breach – 6 months Permit cut-off (Permit Revocation)</b></p> <ul style="list-style-type: none"> <li>• Banned from any licensed premise on Groote Eylandt or is served with a Trespass Notice from a licensed premise or public/private event.</li> <li>• Medium range drink driving offence - blood alcohol between .08% and .15%.</li> <li>• A driver who is on alcohol restrictions of 0.0% blood alcohol and is caught with a drink driving offence.</li> <li>• Unsecured liquor in Permit Holders possession.</li> </ul> <p><b>IMPORTANT</b> - If a Permit Holder does any of these twice (2 x) - it’s a 12 month Ban.</p>
<p><b>Major Breach – 12 months Permit cut-off (Revocation)</b></p>

- Unlawfully supplies liquor to any person under the age of 18 years.
- Supplies liquor to another person who is not a Permit Holder; (The Liquor Act does provide for a Permit Holder to supply liquor to a Non-Permit Holder, however that Non-Permit Holder must reside outside the General Restricted Area).
- Assaults any person or is involved in alcohol-related domestic or family violence<sup>18</sup>.
- Gets an NT Police Restraining Order.
- Supplies a dangerous drug to another person, or possesses a trafficable quantity of a dangerous drug.
- Gets caught drink driving with (high range) blood alcohol content — 0.15% or greater.
- Fails to do a breath test (drink driving).
- Drives under the influence of alcohol involving a motor vehicle accident or injury to a person.
- Unlawfully possesses, supplies or brings Kava into the Gove/Nhulunbuy General Restricted Area.
- Any alcohol related serious crime.
- At the discretion of the Court.

IMPORTANT - If a Permit Holder does any of these twice (2 x) it's a 2 YEAR Ban.

Can also have Permit revoked if an alcohol ban is issued from a Court, from Probation/Parole conditions, from an Alcohol Mandatory Treatment Tribunal Aftercare order or from an Alcohol Protection Order.

Source: (Northern Territory Department of Business, 2015a, 2015b, 2015c, 2015d)

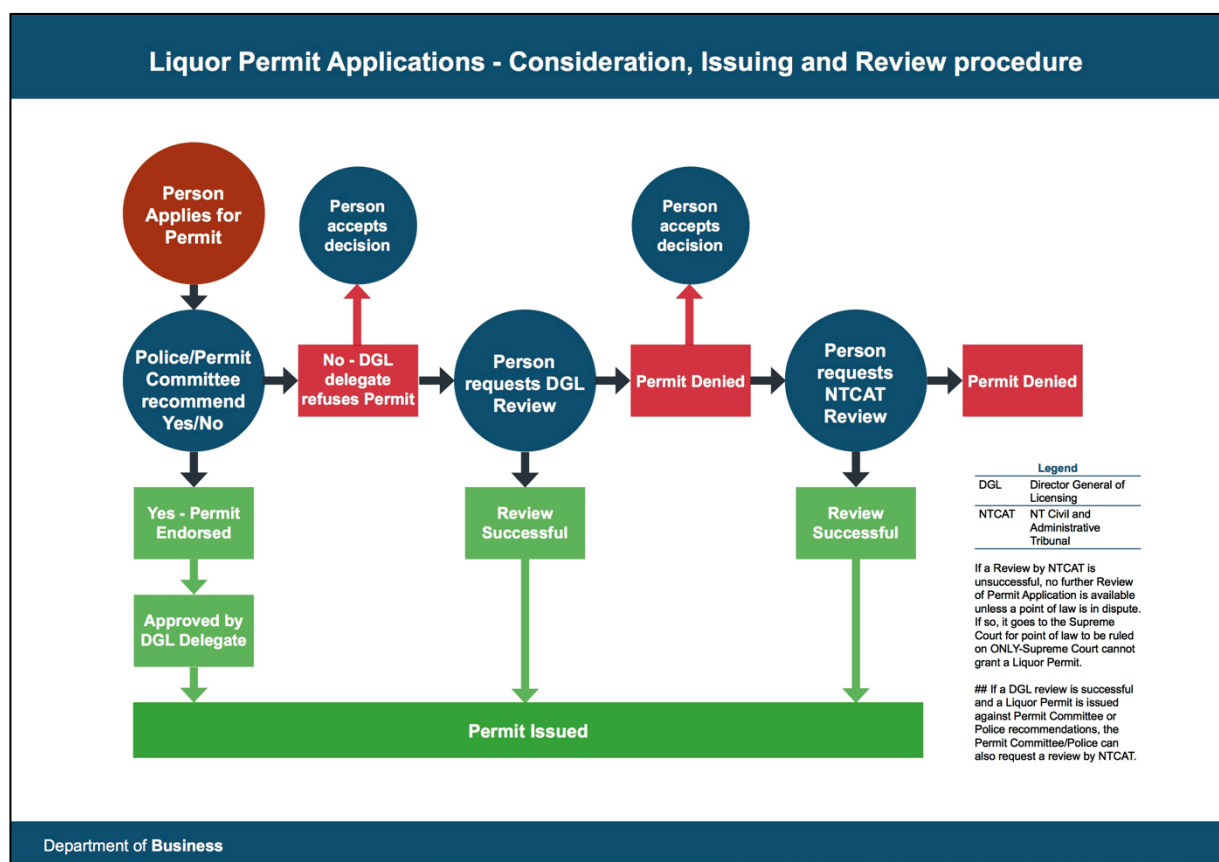
In the past, recommendations by an LPC to revoke someone's permit were forwarded to the DGL or the DGL's delegate (or the DGL's predecessor), who would normally ratify the recommendation and notify the LPC and the permit holder concerned, whereupon the period of revocation commenced. Since July 2015, however, decisions to refuse a permit application or revoke an existing permit have become subject to a new appeals regime. Any such decision is a 'reviewable decision' under the *NT Liquor Act*. The DGL can no longer simply revoke someone's permit for a given period, but is required to issue a 'Show Cause' notice to the permit holder, giving the permit holder seven days in which

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<sup>18</sup> It has been suggested that the phrase 'in the commission of' be added after 'involved in' in order to distinguish assailants from victims of domestic violence. We support this suggestion.

to show cause why his or her permit should not be revoked. Should the DGL, after this period, proceed to revoke the person's liquor permit, that person has a further 28 days in which to seek a review of the decision. If the decision to revoke the permit has been made by the DGL's delegate, the DGL must then review the decision. If the permit holder is still dissatisfied with the outcome of the DGL's review, he or she is entitled to apply to the NT Civil and Administrative Tribunal for a review of the DGL's decision. These procedures are set out schematically in Figure 8.1.

**Figure 8-1: Procedures for considering, issuing, revoking and reviewing liquor permits**



Source: NT Department of Business

Because the current appeals regime has not been in place for very long, it is not possible to assess its impact. It is, however, possible to foreshadow some likely consequences. Firstly, what was a reasonably simple, quick process has been replaced by a protracted and potentially complex one, in which the connection between someone's action and the consequences of the action becomes mediated by legalistic and bureaucratic processes that weaken the connection itself. Along the way, the capacity of the LPC to respond promptly and with authority to local issues as they arise is eroded, not least in the eyes



of the people who give up their time to attend LPC meetings. It is worth comparing the role of an LPC here with that of the management of a licensed club in a community. In several of the latter, as soon as a person is found either to have misbehaved on club premises, or done so as a result of drinking on the premises - for example, by going home and behaving violently - that person is liable to be banned from the club for a specified period. The banning decision is immediate and often advertised publicly in the community. The link between action and consequence, between action and sanction, is plain for all to see - including the person banned.

Introduction of the new appeals regime has no doubt been done for sound reasons to do with contemporary governance. Seen from the standpoint of community action, it is an example of the ways in which governments, with the resources at their disposal, can all too easily and inadvertently swamp community groups in their own administrative priorities and regulations.

In light of the removal of the LPC's power to initiate a prompt and simple temporary revocation process, we believe consideration should be given to empowering LPCs to temporarily suspend a permit, pending the revocation process taking place, and providing that the LPC has before it clear evidence of a breach, and clear evidence that the permit-holder's behavior is causing harm.

Procedures for reinstatement of permits have not been modified. In order to be eligible for re-instatement of a revoked permit, an applicant must demonstrate in writing to the relevant LPC that:

- they are a fit and proper person, and responsible enough to have their permit reinstated;
- they have committed no further alcohol-related offences during the revocation period, and
- they are 'remorseful (sorry for what happened and accept responsibility)' (Northern Territory Department of Business, 2015a, 2015b, 2015c, 2015d).

If the LPC is satisfied that these conditions have been met, it will normally recommend to the DGL that the permit be reinstated. However, all reinstated permits must begin at

Level 1 in their respective communities and abide by the procedures for upgrading under that LPC.

### 8.5.2 Groote Eylandt and Gove Peninsula liquor permit schemes in practice

The structures and processes described in the preceding section constitute the *design* of the Groote Eylandt and Gove Peninsula liquor permit systems. But they don't tell us how the systems actually work. In this section we draw on observations made in attending LPC meetings in Nhulunbuy, Yirrkala and Alyangula late in 2015, as well as on interviews with stakeholders, examination of documents including minutes of LPC meetings, and analysis of data recorded on Licensing NT's liquor permits database in order to look at the ongoing implementation of the liquor permit schemes.

On Groote Eylandt, as of 11 August 2014, all but 25 of the 1,854 current liquor permits were unrestricted. The limits on daily takeaway purchases in force among the 25 restricted permits were as shown in Table 8.5.

**Table 8-5: Restrictions on liquor permits, Groote Eylandt, August 2014**

Limit on daily purchase	Number
6 cans/stubbies light beer	10
6 cans/stubbies mid-strength beer	4
6 cans/stubbies full-strength beer	3
12 cans/stubbies full-strength beer	3
1 bottle wine	5
Unrestricted	1,829
Total	1,854

Amongst the Gove Peninsula liquor permit systems there was both a larger number of restricted permits (162, out of a total of 4,644 permits), and a greater variety of restrictions, as Table 8.6 shows. (The Department of Business permits database from which these figures are drawn does not distinguish between Nhulunbuy, Yirrkala and Gunyangara.)

**Table 8-6: Restrictions on liquor permits, Gove Peninsula, August 2014**

Limit on daily purchase	Number
6 cans/stubbies light beer	44
12 cans/stubbies light beer	1

6 cans/stubbies mid-strength beer	24
24 cans/stubbies mid-strength beer	4
6 cans/stubbies full-strength beer	13
12 cans/stubbies full-strength beer	24
24 cans/stubbies full-strength beer	2
30 cans/stubbies full-strength beer	3
1 bottle wine	41
2 bottles wine	6
Unrestricted	4,482
Total	4,644

Central to the management of the liquor permit systems, especially of restricted permits, were the meetings of LPCs, which served three main functions: firstly, they provided a forum for considering matters to do with individual permits, mainly new applications, applications to upgrade levels, applications for reinstatement of revoked permits, and proposals to revoke permits. Secondly, they also provided a forum in which to consider issues associated with the liquor permit system or, more broadly, with addressing alcohol-related problems in the community, and thirdly, they provided a channel for communication between LPCs and Licensing NT. To show how one LPC performed these functions, we describe a meeting of the Nhulunbuy LPC, held in late 2015.

The meeting was attended by six committee members, representing respectively the East Arnhem Regional Council; alcohol and drug services of Territory Health (two representatives); Nhulunbuy Corporation, NT Police, and two liquor outlets (Arnhem Club and the Golf Club). Two Indigenous committee members, both of whom work at Miwatj Health Service, sent apologies. The meeting was chaired by the local Permits Officer with the NT Department of Business. The agenda included one application for a new permit, seven applications seeking an increase in daily purchase limits, and 11 cases in which the committee would be asked to endorse proposed revocation or temporary suspension of liquor permits.

The first application to be considered was for a new permit. The committee was told that the applicant – a young woman – was now residing with a man who had recently been served notice to show cause why his permit should not be revoked for three months for supplying liquor to a non-permit holder (so-called ‘secondary supply’). The

committee agreed that, while this was cause for concern, it did not constitute grounds to deny the applicant a permit on her own right. The Permit Officer, however, was urged to make it clear to the applicant that secondary supply was an offence, with consequences.

Attention then turned to the seven applications for increased purchasing limits. Two of the applicants were Yolŋu, the remaining five Balanda (non-Aboriginal). The first of the Yolŋu applicants to be considered was a man whose permit history – details of which were set out in the agenda paper - stretched back to March 2008, when he had been granted a permit to purchase six cans of mid-strength beer per day. The initial permit amount was increased to 12 cans of full-strength beer in May 2008, but revoked the following month because he had exceeded his daily limit. Later in the same year he re-applied for a permit, but was refused on the grounds that by now he was residing permanently on an outstation, rather than in Nhulunbuy.

He next appeared on the liquor permit record as a resident of Gunyangara. In February 2014, the Gunyangara Liquor Permit Committee granted him a permit to purchase six cans of light beer daily. Two months later, this was raised to six cans of mid-strength beer daily, and the following month, to six cans of full-strength beer daily. From 2015, now a resident of Nhulunbuy, his liquor permits were approved by the Nhulunbuy LPC; in February he was permitted to purchase six full strength beers daily, and in April, the limit was raised to 12 full strength beers daily. In August 2015 he applied for the highest level on the ladder: to be permitted to purchase one 30-can pack of full strength beer per day. At the September 2015 meeting of the Nhulunbuy LPC, his application was approved.

Two of the Balanda applicants for upgrades also had liquor permit histories dating back to 2008. Brian, for example (not his real name), was granted an unrestricted permit in February 2008, but in June 2009 his permit was revoked for three months in connection with an assault. In November of that year his permit was reinstated by the Nhulunbuy LPC but, in keeping with permit system provisions, he was now required to begin at Level 1 and could only increase his purchasing entitlements by proceeding level by level at intervals of at least one month per level. As Table 8.7 shows, between November 2009 and September 2015, Brian climbed the ladder of permits twice. Between November

2009 and February 2012 he worked his way back to an unrestricted permit, before having his permit revoked for three months in July 2013. Thereafter he had to commence once again at level 1. At the September 2015 meeting, his application to be upgraded to level 4 – one carton of mid-strength beer per day or 12 full-strength beers per day, was endorsed.

**Table 8-7: One Balanda male's liquor permit history**

<b>Date</b>	<b>Permit to purchase:</b>
February 2008	Unrestricted permit issued
June 2009	Revoked – assault a person – three (3) months
November 2009	NLPC – approved six (6) light beers
March 2010	NLPC – approved twelve (12) light beers
June 2010	NLPC – approved one (1) carton of light beers
November 2010	NLPC – approved one (1) carton mid-strength beers
March 2011	Seeking increase to one (1) carton heavy beer.
June 2011	NLPC recommend increase to 1 (one) carton heavy.
December 2011	Seeking increase to be unrestricted
February 2012	NLPC – increase to unrestricted supported.
July 2013	Permit Revoked – 3 months; entitled to reapply after 1 October 2013.
October 2013	Seeking reinstatement
November 2013	NLPC – Approves Six (6) Light Beers Daily <b>(1)</b>
December 2014	NLPC – Approves Six Mid Strength beers Daily <b>(2)</b>
April 2015	NLPC – Approves 12 Mid Strength and One Bottle of Wine daily <b>(3)</b> .
July 2015	Seeking upgrade to Carton Mid Strength beers Daily <b>(4)</b>
September 2015	NLPC Approves one carton of mid-strength beer daily OR 12 full-strength beers.

Of the seven applications for permit upgrades at the September 2015 meeting, six were recommended for approval, while one was deferred on the grounds that the applicant had left Nhulunbuy – though with the hopes of returning in future.

Five ‘show cause’ letters proposing to revoke liquor permits, in each case for three months, were also ratified by the Committee after discussion. The revocations arose from offences including secondary supply, drug offences and DUI offences. The Permit Officer informed the meeting that ‘show cause’ letters had also been sent to another six Nhulunbuy residents alleged to have been involved in a fracas that had occurred in the

Walkabout Hotel, Nhulunbuy on the night of 20 August 2015. However, further police investigations of the incident, including viewing of CCTV footage, had led to some of these letters being withdrawn, while in other cases revocation proceedings were under way.

The deliberations and recommendations generated by this meeting illustrate a key characteristic of these liquor permit systems, especially the Nhulunbuy system, and that is the high degree of micro-management exercised over individuals' liquor purchasing entitlements. The seven applicants for permit upgrades whose cases were tabled at the September 2015 meeting accounted, between them, for 58 applications (or revocations) involving the Nhulunbuy LPC, dating back in some cases to 2008. Below we consider further the implications of this practice.

A second issue that we believe warrants consideration is the type of evidence that can and cannot be brought before the committee. As noted above, concerns were raised about one applicant for a new permit on the grounds that the applicant was believed to have begun cohabiting with a man whose own permit was subject to possible revocation for supplying liquor to non-permit holders. On this occasion the committee decided not to withhold a permit recommendation on these grounds, but the fact that the allegation was tabled and clearly considered admissible raises questions, in our view, about the criteria that should be used to distinguish admissible from inadmissible evidence. One of the potential benefits of referring applications to a local, community-based committee is that people around the table hold relevant knowledge about the applicant. But the LPC is not a judicial body, and is not bound by the rules of evidence applicable to such bodies; neither is it a statutory agency, bound by laws and regulations governing privacy and confidentiality. At the very least, we believe there needs to be a discussion with LPCs and relevant NT Government agencies aimed at developing guidelines framing admissible and inadmissible evidence.

Other LPC meetings followed a similar structure. For example, the June 2015 meeting of the Yirrkala LPC, as well as considering one new permit application, and eight applications for permit upgrades (five of which were not endorsed), discussed concerns raised by Yolŋu committee members about the amount of grog entering the community,

and associated break-ins by young people in search of grog. Prior to this meeting, the highest permit level in Yirrkala was Level 4, which allowed for daily purchases of 12 full strength cans of beer, or 24 cans of mid-strength beer, or 12 cans of premixed drinks, ‘and/or’ two bottles of wine<sup>19</sup>. The meeting resolved to lower the level permissible to Level 3: 6 cans of full strength beer, or 12 cans of mid-strength beer, or 6 cans of premixed drinks, and/or one bottle of wine. The meeting also agreed that one of the Yolngu committee members would draft a letter to be given to all permit holders in future. The text of the resulting letter is shown in Figure 8.2.

**Figure 8-2: Letter to liquor permit holders, Yirrkala Liquor Permit Committee, June 2015**

Dear Permit Holder,

As Community members on the Yirrkala Liquor Permit Committee, we would like to advise you of our expectations of you as a Liquor Permit holder in our community.

Many issues our community faces on a regular basis are a result of alcohol consumption (e.g. family violence, property damage, break-ins and theft, verbal and physical abuse and loss of respect for elders and culture). Whilst we are making every effort to educate our young ones to either drink sensibly or not at all, we also have concerns about how much alcohol is currently being consumed in our community and whether permit holders fully understand the consequences many of our families face as a result of alcohol being supplied or stolen from Yirrkala permit holders residing in our Community.

***Having a liquor permit in our community is a privilege and should not be taken advantage of in any way.*** Please find below our requirements and expectations of you as a current liquor permit holder:

- DO NOT SHARE YOUR ALCOHOL WITH ANY NON PERMIT HOLDERS – You are responsible for who you share your alcohol with. Do not assume that everyone is a permit holder. Those who supply alcohol to non permit holders will have their permits revoked immediately for a period of time.
- STORE YOUR ALCOHOL SECURELY AND OUT OF SIGHT – You must ensure that all alcohol is securely stored in your house (particularly those who travel out of town or to the homelands for work regularly). If you are away for a long period of time, we recommend that you dispose of all alcohol on your premises during your absence.
- SET A GOOD EXAMPLE TO OUR YOUNGER COMMUNITY MEMBERS – We would appreciate your support in not promoting excessive drinking and/or inappropriate behavior, whether it is during a family gathering or inviting guests over for a house party. You are residing in a small community, with many curious eyes and we, as a community are trying to take a stand against the abuse of alcohol and promote healthy living and smart choices for our people. Your co operation with this is essential.

<sup>19</sup> See comment (b) under Table 6.3 above regarding the inherent ambiguity in this use of ‘and/or’.

- NO ALCOHOL IS TO BE TAKEN TO THE HOMELANDS - Permit holders who choose to take alcohol to the homelands or reported supplying alcohol to any community members residing in the homelands will have their permits revoked.

Once again we ask that you acknowledge the negative impact that alcohol has on our community and respect the wishes of those of us who are not only affected by the impacts of alcohol, but are also trying to make some positive changes for the betterment of our people and our community.

Thank you

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Banambi Wunungmurra  
Committee Member  
Yirrkala Liquor Permit Committee

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Djapirri Mununggirritj  
Committee Member  
Yirrkala Liquor Permit Committee

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Rarriwuy Marika  
Committee Member  
Yirrkala Liquor Permit Committee

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Fiona Djerrkura  
Committee Member  
Yirrkala Liquor Permit Committee

Similarly, throughout 2015 the Groote Eylandt LPC devoted time to exploring uncertainties and anomalies associated with the takeaway purchasing entitlements of residents of Groote Eylandt not living within the Alyangula permit area. As pointed out above, this issue was finally clarified in new Terms of Reference for the Groote Eylandt LPC that were prepared by Licensing NT and released early in 2016.

### 8.5.3 Operational issues associated with the Groote Eylandt and Gove Peninsula liquor permit systems

In both Groote Eylandt and on the Gove Peninsula, the liquor permit systems contribute to keeping the prevalence of alcohol-related problems below the levels that were current prior to commencement of the respective systems. They also provide a mechanism for the wishes of senior Aboriginal people in communities in the regions to be respected, while at the same time allowing non-Aboriginal residents of Alyangula and Nhulunbuy to have access to both on premise and takeaway liquor, subject to their not misusing alcohol. The systems also provide a mechanism to deter permit holders from supplying liquor to non-permit holders. Finally, the presence of the systems appears to be widely accepted in communities in both regions. These are important benefits and constitute grounds both for retaining them in the regions concerned, and for considering them as a model for possible adoption elsewhere.



At the same time, this review has identified a number of problems and anomalies in both systems that have the potential to undermine both their effectiveness and sustainability. These should be addressed, both in order to improve the existing systems and to prepare them for possible use as a model for other locations. The problems and anomalies have to do with:

- the graduated permit levels systems, and the rationale underpinning them;
- criteria for distinguishing admissible from inadmissible evidence in LPCs;
- maintaining a balance between local community control and centralized, bureaucratic management.

#### ***8.5.3.1 Graduated permit levels***

The liquor permit systems in Groote Eylandt, Yirkala, Nhulunbuy and Gunyangara, and the alcohol management systems in which the permit systems are embedded, grew in part out of a desire to enable communities to exercise a degree of control not only over who could possess and consume alcohol in their communities but also what amounts and kinds of liquor they could bring into their communities. Since that time, all of the LPCs have evolved into a common system for micro-managing the drinking behaviour of targeted individuals that is not grounded in either evidence, logic or regulatory principles, that is not compatible with a key principle of the systems' own terms of reference, and that is resource intensive to a degree that raises questions about sustainability.

Central to the system that has evolved are the graduated permit levels attached to each LPC. The most elaborate of these is in Nhulunbuy, where the scale consists of five levels of restriction -ranging from 6 cans of light beer only or one 750 ml bottle of wine per day (Level 1) up to level 5, that allows for a daily takeaway purchase of one 30 pack carton of full strength or mid strength beer, or 24 cartons of pre-mixed drinks, 'and/or' two bottles of wine – plus a sixth 'unrestricted' level. One of the Permit Committee Principles listed in the new terms of reference of all of the LPCs – and one that has been there since the first revised terms of reference were drafted in 2009 – states that 'Where applicable, recommendations made by the Committee will take into consideration the National Health and Medical Research Council: "Attachment A - Alcohol Guidelines

FAQs- LPC members”. ‘ In fact, *none* of the permit levels accord with the 2009 NHMRC recommendation for minimizing lifetime risk of alcohol-related harm (2 standard drinks per day for both men and women), and only Level 1 is in keeping with the recommendation for minimizing harm on any drinking occasion (no more than 4 standard drinks) (National Health and Medical Research Council, 2009). All of the other levels range from being over the guidelines to grossly over the guidelines: a 30 pack carton of full strength beer contains no fewer than 45 standard drinks.

The NHMRC guidelines, of course, were never intended as a guide to liquor purchasing, but rather as a guide to *consumption*. As far as we are aware, there are no scientifically validated guidelines linking liquor purchasing patterns to health or harm related outcomes, and this is hardly surprising, since any such outcomes will inevitably be mediated – and largely determined – by consumption patterns and drinking contexts, not by how much someone buys when they walk into a liquor store.

By the same token, the liquor permit provisions contained in the GRA section of the *NT Liquor Act* were never intended as a means of managing individuals’ drinking behavior in accordance with clinical or other health-based guidelines, but rather as a way of ensuring that alcohol use within a community did not undermine community wellbeing by precipitating violence or other community level harms.

The strategy of calibrating levels of purchasing on a graduated scale, combined with the vague reference to the NHMRC guidelines, creates the illusion but not the reality of an evidence base. There is no justification based in health-related or therapeutic evidence for limiting someone to purchasing six cans of full strength beer a day, or 12 cans of mid strength beer a day (Level 3); still less for telling him or her that if they don’t offend for a month they can come back and ask to be allowed to double their daily purchase limit (Level 4).

In reality, the permit levels have become tools for micro-managing targeted individuals’ drinking behavior, in a manner that is not only resource intensive and devoid of any evidence of therapeutic efficacy, but also – at least in Nhulunbuy, Yirrkala and Gunyangara – illogical, insofar as drinkers have access to on-premise outlets where they

can drink as much as they like, subject only to the limitations of their (or their friends') wallets and the normal rules governing behavior in licensed premises in the NT.

The micro-management approach that has evolved also has a curiously paternalistic, moralistic tone, in that individuals seeking re-instatements of permits after a period of revocation not only have to demonstrate in writing that they have kept out of trouble during the period of revocation, but also that they are 'remorseful (sorry for what happened and accept responsibility)'. We fail to see what business a community liquor permit committee has in requiring expressions of remorse before a person is entitled to have their permit reinstated. (Neither this requirement, nor the graduated scale of permit levels, were part of the 2009 draft terms of reference of LPCs.)

How should these anomalies be addressed while not losing sight of the original objectives that gave rise to them? We believe that three principles need to be prioritized: (1) simplicity, (2) a credible relationship to evidence, and (3) more clearly articulated linkages between means and ends. For example, if a community wishes to place limitations either on the amount of liquor that can be brought into the community, or to restrict certain individuals from accessing, say, full strength beer, or both of these controls, it could do so by setting a cap on the maximum that can be brought into the community (as Yirrkala has attempted to do indirectly by capping takeaway purchase amounts at the current Level 3), and by having a simple scale of no more than two or three levels to restrict purchasing levels (eg (1) mid-strength beer only; (2) mid, full strength beer or bottled table wine only). If the intention is to manage consumption by regulating purchases, consideration should be given to setting weekly rather than daily purchasing limits. In any event, the relationship between ends and appropriate means needs to be considered carefully, rather than expecting one means – daily takeaway purchase limits – to serve a variety of ends, such as consumption levels and importation into a community.

#### ***8.5.3.2 Criteria for defining admissible evidence in relation to permits***

One strength of a local community group such as a liquor permit committee is the local knowledge that participants bring to the table; an associated danger is that gossip and hearsay can mingle with systematically sifted evidence. At present there are no criteria

for defining what constitutes admissible evidence. As we saw in the account above of a meeting of Nhulunbuy LPC, when the suggestion that an applicant for a new permit was living with someone allegedly involved in supplying liquor to non-permit holders, the allegation was adjudged *not* to constitute grounds for refusing the applicant a permit. The LPC could, however, have reached the opposite conclusion. There is nothing in the current terms of reference of the LPCs to guide members on this issue.

The need for clarity on this issue is particularly important in light of the new legal arrangements that took effect from July 2015 governing appeals against refusal and revocation of permits.

### *8.5.3.3 Maintaining a balance between local community control and centralized bureaucratic/legal administration*

LPCs are a manifestation of community management of local alcohol problems, but the key decisions that give effect to local management – who is granted or denied a permit to purchase what amounts and kinds of takeaway liquor – rest not with the LPCs but with the DGL or the DGL’s delegate. In this respect, an LPC differs from, say, the management committee of a licensed club in a community. The latter – faced with a member of the community who is apparently abusing alcohol by, say, becoming violent – can simply ban that person from the club for three months, or six months, and that is the end of the matter. An LPC lacks comparable autonomy. As we have seen, any move to revoke someone’s liquor permit triggers a ‘show cause’ process that can potentially become complex and protracted.

Ideally, the combination of local input and government involvement results in decisions that are sensitive to local conditions, backed up by the authority of the government. In a less than ideal world, government agencies can all too easily undermine or over-ride local groups, often unintentionally. There is evidence of this having happened in the development and implementation of Alcohol Management Plans in NT towns in the first decade of this century (d’Abbs, Ivory, Senior, Cunningham, & Fitz, 2010; d’Abbs, McMahon, Cunningham, & Fitz, 2010; d’Abbs, et al., 2011). The recent introduction of a more complex procedure for refusing and revoking permits, with its sequence of ‘show cause’ and ‘appeals’ involving multiple agencies, could over time have a similar effect,

undermining the capacity of LPCs to act as agencies of community control over alcohol problems.

#### 8.5.4 Recommendations

To summarise the recommendations arising out of the preceding review, we believe that the liquor permit systems currently in place in Groote Eylandt, Nhulunbuy, Yirrkala and Gunyangara should be retained, but that a number of issues require attention, especially if they are to be considered as possible models for application elsewhere. Specifically:

- The graduated permit levels should be simplified, grounded more strongly in relevant evidence than at present, and be tailored to clear objectives, rather than attempting to micro-manage targeted individuals' drinking behaviour.
- Criteria for defining admissible evidence and excluding inadmissible evidence should be clarified.
- In light of the removal of the LPC's power to initiate a prompt and simple temporary revocation process, we believe consideration should be given to empowering LPCs to temporarily suspend a permit, pending the revocation process taking place, and providing that the LPC has before it clear evidence of a breach, and clear evidence that the permit-holder's behavior is causing harm.
- Ongoing attention should be paid to preserving a viable balance between community-level management and centralised administrative control, in particular to ensure that the latter does not stifle the former.

#### 8.6 Summary

In four regions – Maningrida, the Tiwi Islands, Groote Eylandt and the Gove Peninsula – liquor permit schemes provide the foundation for strategies to manage local alcohol use. In Maningrida and the Tiwi Islands, the use of liquor permits to allow residents to import limited amounts of liquor from Darwin dates back to the 1980s. In Groote Eylandt, a permit scheme to regulate purchases of takeaway liquor, linked to an electronic ID scanning system with nodes in liquor outlets and a central server in Darwin, was introduced in 2005. A similar scheme commenced in Nhulunbuy, Yirrkala and Gunyangara in 2008.

Today, applications for liquor permits in Maningrida are made through the Maningrida Progress Association (MPA), with input from the police and the night patrol. Final recommendations are sent by MPA to the DGL. Three categories of permits exist:

1. One carton of heavy beer and one carton of light/mid-strength beer; or
2. One carton of heavy beer plus one carton of light/mid-strength beer, or six bottles of wine plus one carton of light/mid-strength beer; or
3. Two cartons of light/mid-strength beer.

As of August 2014 there were 243 permits, many of them for non-Aboriginal staff. The permit system is widely believed to be working well. This is attributed to the high level of community input and consistent application of rules that are widely understood. The processes involved in obtaining or losing a permit are also simple and seen as being administered fairly. Local administration allows for knowledge of personal and family situations and risks to be incorporated into recommendations, while local police have the authority and capacity to control fighting and stealing and oversee the distribution of grog on barge weekends.

On the negative side, grog running still occurs, especially during the dry season when roads are passable, as does the practice of permit holders supplying liquor to non-holders, sometimes under pressures arising from cultural expectations and obligations to share. Binge drinking also continues to follow the fortnightly distribution of barge orders, but is limited to a brief, predictable period.

The Tiwi Island liquor permit schemes allow approved individuals to purchase limited amounts of liquor from outside the community and consume it in their own homes. (Recently the Milikapiti scheme was amended to allow permit holders to purchase takeaway liquor from the local club as well.) While the systems in the communities of Milikapiti, Wurrumiyanga and Pirlangimpi appear to enjoy broad community support, in none of these communities is there an active liquor permit committee, with a result that a significant administrative burden falls to local police, who have limited resources and little in the way of guidelines to assist them.

The Groote Eylandt liquor permit scheme covers the mining town of Alyangula and the communities of Angurugu, Umbakumba and Milyakburra (Bickerton Island). The island has only three liquor outlets: Alyangula Golf Club and Alyangula Recreation Club, both of which are licensed to sell takeaway liquor, and Groote Eylandt Lodge, which is not.

Prior to the introduction of the permit scheme in 2005, communities on Groote Eylandt experienced a high level of alcohol problems, especially violence. The permit scheme was developed jointly by Anindilyakwa Land Council, Groote Eylandt Mining Co (GEMCO), and Angurugu Community Council, and involved extensive community consultation. Under the scheme, purchases of takeaway liquor require a liquor permit, and are subject to any restrictions attached to the permit. The scheme is administered by a Liquor Permit Committee (LPC) with representatives from NT Police, Anindilyakwa Land Council, GEMCO, communities, licensees, and health services. Elders from Angurugu, Umbakumba and Milyakburra have indicated that they do not want any liquor entering their communities, and that no residents from these communities should be granted permits. An independent evaluation of the first 12 months of the scheme's operation concluded that it had led to a significant drop in alcohol-related violence and enjoyed widespread community support. It also found, however, that the liquor permit scheme generated a heavy administrative burden, for which the Liquor Permit Committee did not receive adequate administrative support from the NT Government.

Liquor permit schemes in Nhulunbuy, Yirrkala and Gunyangara, based on an alcohol strategy initiated by East Arnhem Harmony Mäyawa Mala Inc and incorporating many of the principles of the Groote Eylandt liquor permit scheme, came into effect in 2008. As in Groote Eylandt, each of these localities is served by a LPC, which recommends the granting, variation and/or revocation of permits, with the power to act on those recommendations resting with the DGL or the DGL's delegate. An independent evaluation in 2011 of the Gove Peninsula Alcohol Management Plan (AMP), of which the three liquor permit schemes formed part, found that the AMP had led to a reduction

both in the volume of liquor supplied to outlets in Nhulunbuy and in indicators of alcohol related violence and illness.

Today, the four LPCs receive administrative support from a single Permit Officer, employed by the NT Department of Business and based in Nhulunbuy. The Permit Officer also handles many day to day matters that arise, and serves as a communication channel between the LPCs and Licensing NT.

As of 11 August 2014 the Groote Eylandt liquor permit scheme included 1,854 permits, all but 25 of which were unrestricted, while the remaining 25 were subject to restrictions on the amounts and types of takeaway liquor that could be purchased on any one day. The Nhulunbuy, Yirrkala and Gunyangara systems between them included 4,644 liquor permits, 162 of which were subject to restrictions.

All new permits issued in Nhulunbuy and Alyangula are unrestricted; that is, they entitle holders to purchase as much or as little of any type of liquor as they wish whenever they wish. New permits issued in Yirrkala and Gunyangara, as well as all permits re-issued to persons in Groote Eylandt or Nhulunbuy following a period of revocation, are subject to a graduated scale, in which permit applicants are required to begin at the lowest level and work their way up, should they wish to do so, to higher level purchasing entitlements step by step, at intervals of at least one month per level. In Nhulunbuy, the graduated scale contains five levels of restriction – ranging from a daily purchasing limit of six cans of light beer or one bottle of wine (Level 1) to a daily limit of one 30 pack carton of full strength beer, or a 24 can carton of mid strength beer, or a carton of pre-mixed drinks, and/or two bottles of wine (Level 5). The scale also includes a sixth ‘unrestricted’ level. The Groote Eylandt scale comprises four levels of restriction plus a fifth ‘unrestricted’ level. The Yirrkala and Gunyangara scales do not allow for unrestricted purchases. The Yirrkala scale comprises three levels, the Gunyangara scale four levels.

The review concluded that, in both Groote Eylandt and on the Gove Peninsula, the liquor permit schemes continue to provide important benefits to the community and to enjoy widespread acceptance. However, the review also identified a number of problems and



anomalies that should be addressed, both to ensure the ongoing viability and sustainability of the existing schemes, and to enable them to be used as a possible model for application elsewhere. These concerned:

- the graduated permit levels systems, and the rationale underpinning them;
- criteria for distinguishing admissible from inadmissible evidence in LPCs;
- the need to maintain a balance between local community control and centralized, bureaucratic management.

Although the terms of reference of each of the four LPCs refer to the NHMRC 2009 guidelines for reducing risks from consuming alcohol, the daily purchasing limits set out in the graduated permit levels bear no resemblance to these guidelines, nor are they grounded in any evidence of health benefits or therapeutic effectiveness. Rather, they have become tools for a time-consuming, resource-intensive micro-management of targeted individuals' drinking behavior. In Nhulunbuy, Yirrkala and Gunyangara, the rationale for compelling individuals to undergo a protracted sequence of graduated levels of takeaway purchasing entitlements is further compromised by the presence of several accessible outlets where the same individuals can enjoy unrestricted purchases of on-premise liquor.

The attempt to link liquor permits with the NHMRC drinking guidelines appears to reflect a misunderstanding of the nature and purpose of liquor permit provisions under General Restricted Areas. These provisions were not designed to manage individuals' drinking behaviour in order to reduce the health-related harms experienced by those individuals, and are not capable of doing so, since they do not control individuals' *consumption* of liquor. Rather, they were designed to ensure that the amount of liquor that individuals were permitted to bring into a community would not undermine community wellbeing, in particular by precipitating alcohol-related violence and other harms.

We recommend that the scale of takeaway purchasing entitlements be simplified to no more than three levels, and that greater consideration be given to matching means to ends. For example, if the objective is to limit the amount of alcohol that can be brought into a community on any given day, then this should be clearly stated as the objective,

rather than pursuing the objective indirectly by regulating the amount of liquor that may be *purchased*.

At present there are no explicit criteria for distinguishing admissible from inadmissible evidence in consideration of permit applications. We believe that clear criteria should be set out – especially in light of the provision for appeals against denial and revocation of permits that have come into effect since July 2015.

In light of the removal of the LPC’s power to initiate a prompt and simple temporary revocation process, we believe consideration should be given to empowering LPCs to temporarily suspend a permit, pending the revocation process taking place, and providing that the LPC has before it clear evidence of a breach, and clear evidence that the permit-holder’s behavior is causing harm.

Finally, we note that LPCs incorporate both local community control and central government management, and urge attention to maintaining a viable balance between the two, to ensure that the much greater powers and resources available to government agencies do not stifle or disempower the community component.

## 9 Recommendations

### 9.1 Objectives of recommendations

This review has revealed an anomaly: on the one hand, exemption-type liquor permit schemes are marked by a near total absence of guidelines and regulations while, on the other, liquor permit schemes on Groote Eylandt and the Gove Peninsula have generated webs of rules and regulations, some of which in our view serve no useful purpose. A more strategic approach to making liquor permit schemes effective, efficient and receptive both to local community input and support and direction from the NT Government should involve creating appropriate guidelines and procedures for exemption-type schemes (without drowning them in bureaucratic minutiae), while simplifying the regulatory frameworks governing LPCs in those areas where liquor permits are a core element in local alcohol management. Our specific recommendations have these objectives in view.

These recommendations are based on the assumption that the two main types of liquor permit scheme – exemption-type and permit-based alcohol management systems – will continue to exist in future, since each has evolved over time to meet distinctive community priorities, and these are likely to endure. These recommendations are also based on what we would argue is a more clear-headed understanding than sometimes prevails at present regarding what liquor permit schemes under the *NT Liquor Act* can and cannot be expected to achieve. As we have stated earlier, liquor permit schemes are a way of managing alcohol use at a community level in order to avoid alcohol-related harms such as violence and humbugging, not a tool for health promotion. The goal of encouraging individuals to consume alcohol according to NHMRC and/or other evidence-based guidelines is a worthy one, but it cannot be achieved by regulating individuals' entitlements to purchase takeaway liquor, especially in contexts where those same individuals' access to on-premise liquor is not similarly regulated. Our recommendations are designed to make liquor permit schemes more effective in achieving their proper purpose.

## 9.2 Recommendations

1. All communities in GRAs that provide for liquor permits, including communities with exemption-type liquor permit schemes, should be encouraged to form and maintain liquor permit committees, with responsibility for accepting applications for liquor permits in the community, and for making recommendations to Licensing NT regarding granting, revoking, modifying, suspending and/or revoking permits, and for liaising between Licensing NT, local police and the community on matters relating to liquor permits in the community.
2. Permit committees should include senior members of major clan and family groups, as well as local police, health, regional councils, and other agencies a community might wish to include.
3. Except where the number of liquor permits in a community is small (say, less than 10 individuals), liquor permit committees require administrative support from Licensing NT, or another NT government agency authorized by Licensing NT. Liquor permit committees cannot be expected to discharge their roles – and, in practical terms, are unlikely to do so – in the absence of adequate administrative support.
4. Liquor permit committees should not be imposed on communities, or created through any kind of coercion. This is not just a matter of moral principle, but a recognition of the limits of governmental power. If a community lacks either the will or capacity to maintain a liquor permit committee (whose members are volunteers), there is little an agency such as Licensing NT can do about it. Our inquiry has shown that, while most communities with permit-based alcohol management systems have functioning liquor permit committees, this is not true at the present time of *any* communities with exemption-type permit schemes. From an administrative and policy point of view, therefore, the question of how Licensing NT should proceed in the case of a community that already has, or wishes to introduce, a liquor permit scheme but demonstrates neither the will nor capacity to operate a liquor permit committee, must be addressed.
5. In communities where the *de facto* function of a liquor permit scheme is to enable non-local employees in a community to bring liquor into what is otherwise a dry community, there are no grounds for insisting that the community maintains a liquor permit committee, although if it chooses to do so, the decision and the committee

should be supported by Licensing NT. On the other hand, if a substantial proportion of community members have or want liquor permits, then the community should be prepared to take some responsibility for deciding who gets what sort of permits; responsibility should not be left solely to police, for whom liquor permits are not core business. Any definition of 'substantial' in this context is to some extent arbitrary, but the following guidelines are recommended, at least for trial:

- Small community (population  $\leq 300$ ) if 20 or more community members apply for permits, then some mechanism for community input is required;
- Larger communities (pop  $> 300$ ) if 50 or more community members, then some mechanism for community input is required.

The only consideration here should be numbers of community members, not non-community employee residents.

While a designated liquor permit committee is one mechanism for ensuring community input, it need not be the only mechanism, and Licensing NT should be willing to be flexible in heeding community wishes and capacity. The key point is that some body or persons must be designated as speaking on behalf of the community, and willing to do so.

6. Practically speaking, in the absence of a functioning liquor permit committee, recommendations about permits and local administrative tasks associated with liquor permits become the responsibility of local police who, as this review has shown, operate without legislative or other guidelines or additional support.
7. It is in the interests of all parties - NT Police involved in making recommendations about permits, applicants themselves and the community concerned - that guidelines be prepared setting out 'ground rules' governing police responses to liquor permit applications. We recommend that these guidelines contain the following provisions:
  - a. All applications for liquor permits – provided that the applicant is in principle eligible and fills out the appropriate form – must be forwarded to the DGL, irrespective of any police and/or community recommendations regarding the application.

- b. All decisions by the DGL or her/his delegate in response to a liquor permit application must be conveyed to the applicant. (This is in fact required under section 92(2) of the *Liquor Act*, although evidence presented to us indicates that this does not always occur.)
  - c. In the case of an applicant who has been found guilty of an alcohol-related offence within two years or less of making an application for a liquor permit, the police officer may at his or her discretion recommend against granting the application. (The intention here is that a police officer may not recommend against granting a permit application, but should he or she choose to do so, the fact that an alcohol-related offence has been committed within the two-year period constitutes, in itself, sufficient grounds for such a recommendation.)
  - d. Committal of an alcohol-related or other offence more than two years prior to an application for a liquor permit being lodged, or committal of a non-alcohol related offence at any time, does not, in itself, constitute grounds for denying the applicant a liquor permit.
  - e. A police officer may, at his or her discretion, recommend against granting a liquor permit if he or she believes the applicant is not a fit and proper person to hold a liquor permit.
  - f. In all cases where a police officer recommends against granting a permit, the applicant is entitled to be given the reasons for the recommendation in writing.
8. The issue of whether or under what circumstances a liquor permit holder may supply liquor to a guest in his or her home needs to be clarified, as it is currently a cause of some confusion. Further, the wording in the official liquor permit application form does not conform with section 88 of the *Liquor Act*. According to the *Liquor Act*, a permit holder may supply liquor to a guest who 'does not reside in the general restricted area to which the permit relates'. By implication, a permit holder may *not* supply liquor to a guest who *does* live in the same GRA, unless that guest has a permit in her or his own right. However, Clause (e) in the 'Permit criteria' section of the general liquor permit application (that is, for all communities except Groote Eylandt, Gove Peninsula and Maningrida) requires only that a permit holder refrain from supplying liquor to a person 'who is not a permit holder or who is not an

invited guest of the permit holder'. The logical implication – and the interpretation used by local police in at least one community – is that a permit holder may supply liquor to another resident of the community who is not a permit holder, provided that the latter is an 'invited guest' of the permit holder. Given that the objective of section 88 of the *Liquor Act* is presumably to make it illegal to supply liquor to non-permit holders living in the same community as the permit holder, the narrower interpretation – i.e. the one in the *Liquor Act* at present – should be retained, and the wording in the permit application form amended accordingly.

9. Liquor permits should be issued for three years, unless the circumstances clearly warrant a shorter period, such as a limited period contract to work in a community. At present, long term permits under both the Groote Eylandt and Gove Peninsula liquor permit schemes are issued for a period of three years, but in all other communities – so far as we are aware – they are issued for 12 months only. Moreover, all permits have to be renewed at a specific time each year rather than 12 months from being granted. These processes generate considerable paperwork and computer checks for police. We see no good reason to require annual renewal of liquor permits.
10. Should a permit holder move away from a community within the three year period, his or her permit would no longer be valid.

#### 9.2.1 Additional recommendations for communities with permit-based alcohol management schemes

11. Graduated liquor permit entitlement schemes should have no more than three steps. This is so (a) in order to minimise administrative requirements, while (b) allowing LPCs a degree of discretion in regulating purchasing entitlements. It should be recognised that all but the smallest purchasing entitlements are well in excess of consumption guidelines for minimising alcohol-related harms, and are therefore unsupported by evidence that they promote low-risk consumption.
12. Criteria for defining admissible evidence, and excluding inadmissible evidence in LPC deliberations should be clearly specified.
13. At present, one of the grounds for defining a 'major breach' of a liquor permit is where a person 'assaults any person or is involved in alcohol-related domestic or family violence'. We recommend – as has already been done in a number of specific

instances – that the phrase ‘in the commission of’ be inserted after ‘involved in’ in order to distinguish assailants from victims of domestic violence.

14. In light of the removal of the LPC’s power to initiate a prompt and simple temporary revocation process, consideration should be given to empowering LPCs to temporarily suspend a permit, pending the revocation process taking place, and providing that the LPC has before it clear evidence of a breach, and clear evidence that the permit-holder’s behaviour is causing harm.
15. In overseeing community-based LPCs, and in exercising its formal decision-making and regulatory roles, Licensing NT should be mindful of the danger of stifling the capacity of LPCs to act as agencies of genuine community input and action.



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## 11 Appendix 1: Liquor permit provisions in NT Liquor Act 2015

The legislation governing liquor permits in General Restricted Areas under the *NT Liquor Act* constitute Part VIII, Division 2 of the Act. This section of the Act is reproduced below.

### **Division 2            Permits**

#### **87            Permit for general restricted area**

- (1) Subject to this Part, the Director-General may grant a permit to a person:
  - (a) who resides in; or
  - (b) who is temporarily living in, or intends to temporarily live in, a general restricted area.
- (1A) The permit may only be granted on an application by the person mentioned in subsection (1).
- (2) Subject to subsection (3), the holder of the permit may:
  - (a) bring liquor into; or
  - (b) have liquor in his possession or under his control within; or
  - (c) consume liquor within,the general restricted area to which the permit relates.
- (3) The Director-General may issue a permit subject to such conditions as the Director-General thinks fit.

#### **88            Guest of permit holder may consume liquor**

A person who:

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

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

#### **89            Person may deliver liquor to permit holder at holder's request**

A person may, at the request of the holder of the permit:

- (a) bring liquor which is owned by, or ordered under a contract of purchase by, that holder of the permit into; or
  - (b) have such liquor in his possession or under his control within,
- the general restricted area to which the permit relates, for the purpose only of delivering the liquor to that holder of the permit.

#### **89A          Permit for public restricted area**

- (1) The Director-General may grant a permit for a public restricted area to an individual or body (whether incorporated or not).

- (2) The permit may only be granted:
  - (a) on an application by the individual or body; and
  - (b) for the purposes specified in the application.
- (3) Without limiting subsection (2)(b), the purposes for which the permit may be granted include a wedding and any other event organised by the applicant.
- (4) The Director-General must specify in the permit:
  - (a) the purposes for which the permit is granted; and
  - (b) any conditions of the permit (including conditions about when liquor may be consumed in the area).
- (5) If the permit is granted, a person may consume liquor in the area in accordance with the permit.
- (6) The Director-General must, as soon as practicable after granting the permit, give notice to each of the following about the permit:
  - (a) if all or part of the area forms all or part of a local government area – the local government council for the local government area; and
  - (b) the person in charge of the police station that is closest to the area.
- (7) The notice must detail the purposes and conditions specified in the permit.
- (8) The following person commits an offence if the person engages in conduct that results in a contravention of a condition of a permit granted under subsection (1):
  - (a) if the permit is granted to an individual – the individual;
  - (b) if the permit is granted to a body corporate – the body corporate;
  - (c) if the permit is granted to an unincorporated body – a person constituting the body.

Maximum penalty: 20 penalty units.
- (9) An offence against subsection (8) is an offence of strict liability.

## **90 Application for permit**

An application for a permit under section 87 or 89A must:

- (a) be lodged with the Director-General; and
- (b) be in writing; and
- (c) be signed by the applicant; and
- (d) for an application under section 87 – include a statement of the applicant's reasons for making the application; and
- (e) for an application under section 89A – specify the purposes for the permit.

## **91 Consideration of application**

- (1) The Director-General must:
  - (a) consider the application; and

- (b) take all steps the Director-General considers are necessary to ascertain opinions regarding the application of the people who reside in the restricted area to which the application relates.
- (2) In deciding whether to grant the application, the Director-General must consider the opinions ascertained pursuant to subsection (1)(b).

**92 Decision after consideration**

- (1) Subject to section 91(2), after considering an application for a permit, the Director-General must:
  - (a) issue a permit subject to any conditions imposed under section 87(3) or 89A(4); or
  - (b) refuse the application.
- (2) As soon as practicable after making a decision under subsection (1), the Director-General must give a decision notice to the applicant.

**93 Revocation of permit**


- (1) A permit is revoked if the holder of the permit contravenes a condition of the permit.
- (2) The holder of the revoked permit must return the permit to an inspector or police officer when requested to do so by the inspector or police officer.  
Maximum penalty: 20 penalty units.
- (3) An offence against subsection (2) is an offence of strict liability.

**94 Revocation of permit by Director-General**

A permit may be revoked by the Director-General at the Director-General's discretion.

## 12 Appendix 2: Liquor Permit application forms

### 12.1 Application for all areas except East Arnhem, Maningrida and Groote Eylandt

		<b>Application for Liquor Permit – All areas except East Arnhem, Maningrida &amp; Groote Eylandt</b>	
<p>Please print in block letters. All questions relating to the applicant must be answered and full particulars provided. Once this application form has been completed it can be faxed to either Darwin or Alice Springs Licensing, Regulation and Alcohol Strategy Office. Darwin LRAS fax (08) 8999 7498 or e-mail <a href="mailto:LRASComplianceDWN.DOB@nt.gov.au">LRASComplianceDWN.DOB@nt.gov.au</a> Alice Springs LRAS fax (08) 8951 5112 or e-mail <a href="mailto:LRASComplianceASP.DOB@nt.gov.au">LRASComplianceASP.DOB@nt.gov.au</a></p>			
<b>Application for Liquor Permit</b>			
<b>Applicant details</b>			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/>		
Full name (include middle name)			
Date of birth			
Residential address in Community			
Telephone		Email	
<b>Please choose from the following</b>			
I am a permanent resident			<input type="checkbox"/>
I am a contractor			<input type="checkbox"/>
I am a tourist			<input type="checkbox"/>
I will be in the below community between (enter dates)			and
<b>Location</b> (Please tick your location and specify as needed)			
Barunga	<input type="checkbox"/>	Beswick	<input type="checkbox"/>
Gunbalanya	<input type="checkbox"/>	Jay Creek	<input type="checkbox"/>
Kalkaringi	<input type="checkbox"/>	Lajamanu	<input type="checkbox"/>
Nauiyu	<input type="checkbox"/>	Peppimenarti	<input type="checkbox"/>
Tiwi Islands	<input type="checkbox"/>	Wadeye	<input type="checkbox"/>
Wudikapildiyee	<input type="checkbox"/>	Yuendumu	<input type="checkbox"/>
Other: (insert nearest community)		<input type="checkbox"/>	
Specify Community or permit type			
In applying for this permit I understand and give approval for the relevant authority to conduct any checks, to ascertain if I am a fit and proper person to hold a liquor permit. I also understand that a breach of the criteria may result in my permit being revoked.			
Applicant's signature			Date

Department of **Business** Page 1 of 3

## Application for Liquor Permit

## Permit Criteria

That the Applicant has not:

- a) caused substantial annoyance or disrupted community order and peace; or
- b) assaulted any person or been involved in alcohol-related domestic or family violence or traffic or vehicular incidents; or
- c) illegally brought liquor into, or possessed liquor in, a restricted area; or
- d) brought a dangerous drug (defined in the *Misuse of Drugs Act*) into, or possessed a dangerous drug in, a restricted area; or
- e) supplied liquor to another person who is not a permit holder or who is not an invited guest of the permit holder; or
- f) supplied a dangerous drug to another person; or
- g) been banned from any of the licensed premises in the restricted area; or
- h) breached any of the conditions of the permit or;
- i) upon notification that an order has been made by any Court or Tribunal prohibiting a person from possessing, consuming or purchasing liquor

## Specific Conditions

**Tiwi Islands:** ☐ Liquor may only be taken into the restricted area via Tiwi Barge, after being purchased from a retailer situated outside the Tiwi Islands.

The maximum limits that may be taken into the restricted area by permit holders on a weekly basis is **one** of the following:

One (1) carton of light beer (24 x 375ml cans, less than 3%), **or** One (1) carton of mid-strength beer (24 x 375ml cans, 3% - 4%), **or** Two (2) six packs of full strength beer (12 x 375ml cans, over 4%), **or** Two (2) six packs of premix drinks (12 x 375ml), **or** Three (3) bottles of wine (750ml, not fortified)

**Yuendumu:** ☐ For the duration of the sports weekend, no liquor is to be consumed at the community by permit holders.

Other special conditions determined by committee and/or police (if applicable)

## Recommendation/Approval

**Council/Permit Committee Chairman**

Recommended ☐ Not recommended ☐

Name

Signature

Date

**Police delegate**

Recommended ☐ Not recommended ☐

Reason if "Not Recommended"

Name


Signature

Date

Application for Liquor Permit			
Director-General of Licensing		Approved <input type="checkbox"/> Not approved <input type="checkbox"/>	
Name			
Signature		Date	
Permit number		Expiry date	
General Terms and Conditions Required as a Holder of a Liquor Permit			
1.	Applicants must have attained the age of 18 years and be a resident of the General Restricted Area		
2.	The permit holder may only possess and consume liquor at their home residence or the residence of other permit holders within the General Restricted Area the permit relates to or those areas are defined as exempt within the Restricted Area		
3.	A permit may be revoked by the Director-General at their discretion		
4.	<p>A permit may also be revoked upon application to the Director-General signed by the Liquor Permits Committee or a member of the NT Police if the permit holder does one or more of the following:</p> <ul style="list-style-type: none"> <li>a) caused substantial annoyance or disrupted community order and peace; or</li> <li>b) assaulted any person or been involved in alcohol-related domestic violence or traffic or vehicular incidents; or</li> <li>c) illegally brought liquor into, or possessed liquor in a restricted area; or</li> <li>d) brought a dangerous drug (defined in the <i>Misuse of Drugs Act</i>) into, or possessed a dangerous drug in, a restricted area; or</li> <li>e) supplied liquor to another person who is not a permit holder or who is not an invited guest of the permit holder; or</li> <li>f) supplied a dangerous drug to another person; or</li> <li>g) been banned from any of the licensed premises in the restricted area; or</li> <li>h) breached any conditions of the permit; or</li> <li>i) upon notification that an order has been made by any court or Tribunal prohibiting a person from possession, consuming or purchasing liquor</li> </ul>		
5.	A person whose permit has been revoked may reapply for a new liquor permit by submitting a new application form		
For more information please contact:			
Licensing, Regulation and Alcohol Strategy Department of Business Darwin Licensing Officer			
Phone	(08) 8999 1800	Facsimile	(08) 8999 7498
Email	<a href="mailto:LRASComplianceDWN.DOB@nt.gov.au">LRASComplianceDWN.DOB@nt.gov.au</a>		
Alice Springs Licensing Officer			
Phone	(08) 8951 5195	Facsimile	(08) 8951 5112
Email	<a href="mailto:LRASComplianceASP.DOB@nt.gov.au">LRASComplianceASP.DOB@nt.gov.au</a>		



## 12.2 Application for East Arnhem General Restricted Area

	<b>DEPARTMENT OF BUSINESS</b>	<a href="http://www.nt.gov.au">www.nt.gov.au</a>
<b>Licensing NT – Liquor Permit Application for East Arnhem General Restricted Area</b>		
Once this application form has been completed it can be faxed to (08) 8999 7498. Alternatively, you can email your application to LRASComplianceDWN.DOB@nt.gov.au		
<b>Applicant Details</b>		
Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Reinstatement <input type="checkbox"/> Review		
Location: <input type="checkbox"/> Yirrkala <input type="checkbox"/> Gunyangara <input type="checkbox"/> Nhulunbuy		
Full Name:	Date of Birth:   /   / 19	Employer:
Residential Address: (Address you are residing at in the region)		
Postal Address: (Your PO Box No OR Your usual place of residence if not a permanent resident of the region) eg QLD		
Postcode		Postcode
Phone Home/Mobile:		
Email (optional) :		
Proof of residence in permit restricted area: <input type="checkbox"/> Licence <input type="checkbox"/> Other (please specify):		
<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary - dates permit required:   /   /   to   /   /		
Alcohol Preference (please tick) <input type="checkbox"/> Full Strength <input type="checkbox"/> Mid Strength <input type="checkbox"/> Low Strength <input type="checkbox"/> Wine <input type="checkbox"/> Pre-Mixed		
<b>Declaration by Applicant</b>		
I agree that I have read and understood the attached conditions, or have had the conditions explained to me and understand them, and agree to abide by them.		
I understand that if I do not abide by the attached conditions, then the Director-General of Licensing may revoke or amend the permit, and that the Director-General reserves the right to place conditions as it deems fit.		
I also understand that I may appeal a decision about the refusal, revocation or amendment of the permit by making a request in writing to the Director-General seeking a review within 28 days of receiving that notice.		
Signature of Applicant	Date	/   /
Signature of Witness (DoB Officer)	Date	/   /
<b>Information For Permit Applicant</b>		
Holding a liquor permit enables you to purchase and/or bring liquor into the Restricted Area or obtain it from premises within the Restricted Area that are licensed to sell liquor for removal and consumption away from the premises and consumed in the prescribed/restricted area but not in quantities greater than, and not of types difference from those that are specified in the permit.		
<b>Privacy Statement</b>		
I acknowledge that the information in this Permit Application and any information regarding liquor purchases made in accordance with the permit may be provided to Northern Territory Police and Licensing Inspectors of Licensing NT for the purposes of enforcement and compliance with the Liquor Act. I understand that I have the right to inspect any and all information so compiled.		
<b>Director-General of Licensing</b>		
Delegate of the Director-General <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED		
Permit#		
I hereby consent to a check of the records of the Northern Territory Police and release of details of any convictions, or other information, including, pursuant to section 15 of the Criminal Records (Spent Convictions) Act 1992, recorded against my name, either in the Northern Territory or elsewhere. Further, I hereby indemnify the Northern Territory of Australia, its servants and agents, including all members of the NT Police against all liabilities and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made in respect of the release or use hereunder of any details of any convictions or other information purporting to either relate to or involve me.		

## 12.3 Application for liquor permit in Groote Eylandt General Restricted Area

		<b>DEPARTMENT OF BUSINESS</b>		<a href="http://www.nt.gov.au" style="color: white;">www.nt.gov.au</a>	
<b>Licensing NT – Liquor Permit Application for Groote Eylandt General Restricted Area</b>					
Once this application form has been completed it can be faxed to (08) 8999 7498. Alternatively, you can email your application to LRASComplianceDWN.DOB@nt.gov.au					
<b>Applicant Details</b>					
Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Reinstatement <input type="checkbox"/> Review					
Full Name:		Date of Birth:   /   / 19		Employer:	
Residential Address: (Address you are residing at in the region)		Postal Address: (Your PO Box No OR Your usual place of residence If not a permanent resident of the region) eg QLD			
		Postcode		Postcode	
Phone Home/Mobile:		Email (optional) :			
<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary - dates permit required:   /   /   to   /   /		<input type="checkbox"/> Wine <input type="checkbox"/> Pre-Mixed			
Alcohol Preference <small>(please tick)</small> <input type="checkbox"/> Full Strength <input type="checkbox"/> Mid Strength <input type="checkbox"/> Low Strength		the prescribed/restricted area but not in quantities greater than, and not of types difference from those that are specified in the permit.			
<b>Declaration by Applicant</b>		<b>Privacy Statement</b>			
I agree that I have read and understood the attached conditions, or have had the conditions explained to me and understand them, and agree to abide by them.		I acknowledge that the information in this Permit Application and any information regarding liquor purchases made in accordance with the permit may be provided to Northern Territory Police and Licensing Inspectors of Licensing NT for the purposes of enforcement and compliance with the <i>Liquor Act</i> . I understand that I have the right to inspect any and all information so compiled.			
I understand that if I do not abide by the attached conditions, then the Director-General of Licensing may revoke or amend the permit, and that the Director-General reserves the right to place conditions as I they deem fit.		I hereby consent to a check of the records of the Northern Territory Police and release of details of any convictions, or other information, including, pursuant to section 15 of the Criminal Records (Spent Convictions) Act 1992, recorded against my name, either in the Northern Territory or elsewhere. Further, I hereby indemnify the Northern Territory of Australia, its servants and agents, including all members of the NT Police against all liabilities and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made in respect of the release or use hereunder of any details of any convictions or other information purporting to either relate to or involve me.			
I also understand that I may appeal a decision about the refusal, revocation or amendment of the permit by making a request in writing to the Director-General seeking a review within 28 days of receiving that notice.		I hereby consent to a check of the records of the Northern Territory Police and release of details of any convictions, or other information, including, pursuant to section 15 of the Criminal Records (Spent Convictions) Act 1992, recorded against my name, either in the Northern Territory or elsewhere. Further, I hereby indemnify the Northern Territory of Australia, its servants and agents, including all members of the NT Police against all liabilities and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made in respect of the release or use hereunder of any details of any convictions or other information purporting to either relate to or involve me.			
Signature of Applicant		Date   /   /		Delegate of the Director-General <input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED Permit #	
Signature of Witness		Date   /   /		Name	
<b>Information For Permit Applicant</b>		<b>Director-General of Licensing</b>			
Holding a liquor permit enables you to purchase and/or bring liquor into the Restricted Area or obtain it from premises within the Restricted Area that are licensed to sell liquor for removal and consumption away from the premises and consumed in					

## 12.4 Liquor permit application for Maningrida General Restricted Area



### Liquor Permit Application for Maningrida General Restricted Area

Please print in block letters. All questions relating to the applicant must be answered and full particulars provided.

Once this application form has been completed it can be faxed to (08) 8999 7498. Date faxed to (08) 8999 7498 \_\_\_\_/\_\_\_\_/\_\_\_\_

#### Liquor Permit Application for Maningrida General Restricted Area

1. Applicant details	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/>
Full name	
Date of birth	
Residential address	
Telephone	
Facsimile	
Is the permit temporary or permanent	<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent
Dates permit required	____/____/____ - ____/____/____ or One year <input type="checkbox"/>

#### 2. Permit class requested

A ☐ Permit holder may take delivery from the barge only one carton of heavy beer and one carton of light/mid strength beer per fortnight

B ☐ Permit holder may take delivery from the barge only, one carton of light/mid strength beer and 6 bottles of wine **or** one carton heavy beer and one carton of light/mid strength beer per fortnight.

C ☐ Permit holder may take delivery from the barge only two cartons of light or mid strength beer per fortnight.

## Liquor Permit Application for Maningrida General Restricted Area

### 3. Declaration by applicant

I agree that I have read and understood the attached conditions, or have had the conditions explained to me and understand them, and agree to abide by them.

I understand that if I do not abide by the attached conditions, then the Director-General of Licensing may revoke or amend the permit, and that the Director-General of Licensing reserves the right to place conditions as it deems fit. I also understand that I may appeal a decision about the refusal, revocation or amendment of the permit by making a request in writing seeking a review.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Date

### 4. Information for permit applicant

All alcohol must be delivered into the Maningrida restricted area by barge transport in Maningrida Alcohol containers fortnightly. Alcohol can only be collected on the Alcohol distribution day. A third party pick-up may be nominated however conditions apply. Please contact DAVSCOM for information.

By completing and signing this form you are consenting to information contained within this application being reviewed by NT Police and/or the Director-General of Licensing

Information relating to your liquor permit may be provided to NT Police and licensing inspectors to ensure compliance with the *Liquor Act*. You have the right to inspect any and all information compiled.

If you have nominated a delegate, an additional form must be lodged with DAVSCOM. Please contact DAVSCOM for information.

### 5. Night Patrol use only

This section is to be completed by the delegate of the Liquor Permit Committee only

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the applicant recommended or not recommended

Recommended ☐

Not Recommended ☐

## Liquor Permit Application for Maningrida General Restricted Area

### 6. Recommendations / Approvals

This section is to be completed by the delegate of the NT Police

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the applicant recommended or not recommended

Recommended ☐

Not Recommended ☐

This section is to be completed by the delegate of the Liquor Permit Committee

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the applicant recommended or not recommended

Recommended ☐

Not Recommended ☐

### 7. Director-General of Licensing use only

This section is to be completed by the Director-General of Licensing

Is the applicant approved or not approved

Approved ☐

Not Approved ☐

Permit # \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



## Liquor Permit Application for Maningrida General Restricted Area

### Terms and Conditions Required as a Holder of a Liquor Permit

1. Applicants must have attained the age of 18 years and be a resident of the Maningrida Restricted Area.
2. All liquor purchased in accordance with the permit is to be delivered to Maningrida via the Barge delivery service ONLY and can only be collected on the designated day by the permit holder, or approved permit holder's delegate.
3. The permit holder may only possess or consume liquor at their home residence or the residence of other permit holders within the Maningrida General Restricted Area or those areas defined as exempt areas within Maningrida.
4. A permit may be revoked by the Director-General of Licensing in his discretion.
5. A permit may also be revoked upon application to the Director-General of Licensing signed by the Liquor Permits Committee or a member of the NT Police if the permit holder does one or more of the following:
  - a) caused substantial annoyance or disrupted community order and peace; or
  - b) assaulted any person or been involved in alcohol-related domestic violence or traffic or vehicular incidents; or
  - c) illegally brought liquor into, or possessed liquor in a restricted area; or
  - d) brought a dangerous drug (defined in the Misuse of Drugs Act) into, or possessed a dangerous drug in, a restricted area; or
  - e) supplied liquor to another person who is not a permit holder or who is not an invited guest of the permit holder; or
  - f) supplied a dangerous drug to another person; or
  - g) been banned from any of the licensed premises in the restricted area; or breached any of the conditions of the permit.
6. A person whose permit has been revoked may reapply for a new liquor permit by submitting a new application form.

#### **For more information please contact:**

Licensing, Regulation and Alcohol Strategy  
Department of Business  
Darwin Licensing Inspector

Phone: (08) 8999 1800  
Facsimile: (08) 8999 7498

Office Hours: 8.00am – 4:00pm