



Liquor permits as a measure for controlling alcohol problems: a literature review

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A report prepared for the Northern Territory Department of Health.
March 2015

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Introduction: liquor permits as a control measure

Liquor permit systems form a distinctive category of measures designed to control alcohol-related harms in that they regulate access to alcohol by targeting specific individuals, rather than categories of people (e.g. laws prescribing a minimum age for purchasing alcohol), liquor outlets (e.g. trading conditions), or the population at large (e.g. taxation or other pricing mechanisms). In principle individualized measures can take two forms: *bans* on purchasing or consuming alcohol in a context where liquor is otherwise widely available, or *permits* authorizing purchases of alcohol, subject to certain conditions, in a context where such purchases are not otherwise permitted.

As Room (2012) has observed, individualized controls of the first type have recently been promoted in several countries, including Australia and the UK, with policy makers introducing measures to allow individuals labeled as ‘problem drinkers’ to be banned from licensed premises. These trends appear to be a response to several factors, including deregulation of alcohol availability under neoliberal economic policies and an associated increase in availability, and growing concern with apparent increases in youth binge drinking and associated violence, particularly in nightclub precincts (Measham & Brain, 2005; Room, 2012).

Permit systems of the second type, by contrast, are not widely used today, although they once formed a key part of alcohol control policies in Canada, some states of the US and in Scandinavia, and remain in place in one state in India.

The Northern Territory is unusual - if not unique - in that both kinds of individualized controls are present today. Individualized bans of the first type were given a prominent role by the NT Labor Government in 2011 as part of a policy of ‘Alcohol Reforms’ that included a Banned Drinkers Register (BDR) and a requirement that any person purchasing takeaway alcohol had to provide personal identification to demonstrate that he or she was not subject to an alcohol ban that

registered them on the BDR (Northern Territory Government, 2011). Although the BDR was abolished by a Country Liberal Party government that came to power in the following year, legal mechanisms for banning individuals from purchasing alcohol that pre-dated the BDR, such as bail conditions or court orders, remain in place. For certain offences, the new government has also introduced individualised bans on purchasing alcohol in the form of Alcohol Protection Orders, under which it is an offence for anyone assigned an APO to purchase, possess or consume alcohol or to be on licensed premises for purposes other than employment or residence (Northern Territory Police, n.d.). There is, however, currently no device such as the BDR to prevent people under an APO from purchasing alcohol.

Individualised permit systems of the second type have a longer history in the Northern Territory. The Liquor Act 1979 that came into effect soon after the NT attained Self-Government in 1978 included legislative provisions under which residents in communities where alcohol was otherwise restricted or banned could apply for liquor permits. These provisions remain in place today, and form the subject matter of the review of which this literature review forms a part.

Individualised bans of the first type, such as those imposed under the BDR or APOs, are outside the scope of this literature review, which is limited to permit systems that authorize purchase, possession and/or consumption of liquor in settings where these are otherwise prohibited.

Search strategy

Permit systems are not widely discussed in alcohol policy literature. For example, a World Health Organization report on strategies to reduce the harmful use of alcohol, published in 2009, makes no mention of permit systems as a policy option (World Health Organization, 2009). Loxley et al's review of evidence relating to prevention of alcohol and other drug related harm in Australia, published in 2004, is similarly silent on individualised permit systems (Loxley, Toumbourou, Stockwell et al., 2004), as is D.I. Smith in his 1988 review of evidence relating to the effectiveness of restrictions on availability of alcohol in reducing alcohol-related problems (Smith, 1988). A comprehensive review of restrictions on the sale and supply of alcohol to

Indigenous communities in Australia and internationally, published by the National Drug Research Institute in 2007, did not identify liquor permit systems as a way of controlling access to alcohol (National Drug Research Institute, 2007). The only occasions on which permits are mentioned in the 238-page report is a description of the permit provisions contained in Section VIII of the NT Liquor Act, and a reference to the 1987 Review of Restricted Areas conducted by the present author (d'Abbs, 1987; National Drug Research Institute, 2007, p.97).

For this literature review, the following databases were searched through James Cook University library:

- 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*'. In addition, JCU's 'OneSearch' facility was used to search the catalogue, ejournals and online resources simultaneously, using the same search terms. In addition, relevant published and unpublished literature known to the author was consulted. The search did not bring to light any evaluative studies of liquor permit systems, although a number of case studies of permit systems were located, and a small number of studies that examined the apparent impact of abolishing permit systems on alcohol consumption and associated harms. These studies are summarized below.

This report begins by examining international literature, and then turns to studies of permit systems in the Northern Territory.

Evidence from international literature

Towards the end of the 19th century and into the early decades of the 20th century, widely supported temperance organisations, often allied with labour movements, the women's movement and, in some cases, nationalist movements, campaigned vigorously for prohibition throughout north America and the Scandinavian countries of Sweden, Finland and Norway (Johansson, 2000; Levine, 1985). It was within this political and social context that a number of countries adopted individualized permit systems to regulate access to liquor, either as an alternative to prohibition, or in place of prohibition regimes that were introduced, then abandoned. According to Room (2012), no cross-national account of the permit systems that emerged during this period exists, but a number of descriptive accounts and some evidence as to the impact of individual systems enable us to understand something of the outcomes of these initiatives.

The best documented case is Sweden, where a system known after its architect as 'the Bratt system' took effect in 1917 and remained in place until 1955 (Elmer, 1957; Frånberg, 1987). Originally proposed by Bratt as an alternative to prohibition, the system combined restrictions on purchase by individuals with a government monopoly over production of spirits and over retail off-licence sales of all liquor except low-strength beer (Johansson, 2000). In order to purchase liquor one had to be aged 25 or above and in possession of a *motbok* (ration book), which contained not only the permit itself but also a record of all purchases by the holder, and any limitations that might have been imposed by local temperance boards. These were local bodies, composed of lay persons and often headed by a local schoolteacher or priest, with responsibilities not only for rationing consumption, but also for counseling and, where they saw fit, institutionalizing 'alcoholics' for mandatory treatment (Rosenqvist & Takala, 1987). Under the *motbok* system the maximum that any person could purchase was set at 4 litres of spirits per month, but few people were permitted to purchase the maximum amount (Room, 2012). *Motboks* could be

refused, revoked or amended by temperance boards, which took account of a person's lifestyle, economic circumstances, and evidence of drinking problems. Women's levels were always lower than men's and, because a family was entitled to only one *motbok* which would normally be held by the man, married women could not normally hold a *motbok*. As late as 1952, more than 1,000 women had their *motboks* revoked as a result of getting married (Frånberg, 1987). Married women were also expected to exercise a moderating influence over their husbands' drinking (Järvinen, 1991). Alcoholics and persons convicted of drunkenness were not issued *motboks*. Indeed, Rosenqvist and Takala (1987) suggest that the control system was geared, not to addressing those who might be medically diagnosed as 'alcoholic' *per se*, but rather at those whose drinking was associated with public drunkenness, homelessness and vagrancy. Sale of liquor in restaurants was also tightly regulated (Elmer, 1957).

The Bratt system came under fire for violating personal responsibility, being inordinately expensive to administer, and ineffective in preventing drunkenness by young people. In 1955 the permit system (but not government monopolies on production and sales) was abandoned. Initially, any person over 20 years could purchase alcohol in unlimited quantities from state monopoly stores (while 18 year olds could purchase liquor for on-premise consumption, or beer up to 3.5% alcohol content from groceries¹). In conjunction with the change, resources for the treatment of alcoholics and for education campaigns were expanded.

In the first year following abandonment of the Bratt system, total consumption of alcohol in Sweden increased by 25% and arrests for drunkenness in cities more than doubled (Elmer, 1957). However, as Room (2012) points out, it is not clear to what extent the increase in harms was due to abolition of the permit system itself, or to the removal of limits on amounts that could be purchased - that is, a rationing system. In any event, the increase in consumption led in turn to the introduction of identification requirements and blacklists in 1957 (Tigerstedt, 2000). These were further tightened in the 1960s, and not finally abandoned until 1977. Even after that

¹ Professor Robin Room, *pers.comm.*

date, arguments in favour of rationing purchases by individuals continued to be mounted in Sweden. In 1964, in an interesting pre-cursor to the NT's BDR, a 'red lamp' was introduced into Swedish liquor outlets, and used to pick out customers on a random basis. Once the red lamp lit up on a particular purchase, the customer was required to produce ID to show that he or she was not on a blacklist (Tigerstedt, 2000).

Over a longer period, between 1950 and 1980, Swedish per capita alcohol consumption doubled, while male cirrhosis mortality quadrupled. Norström (1987) analysed shifts in the distribution of consumption that followed in the wake of abolition of the permit system, and concluded that the increase in male cirrhosis mortality was largely if not entirely attributable to the abandonment of the Bratt system of rationing and permits.

Finland, which adopted prohibition between 1919 and 1932, introduced an individualized permit system in 1943 as a wartime measure, and extended it to the whole country in 1948 (Room, 2012). Under the Finnish systems, amounts purchased and dates of purchase were recorded on the permits. Individuals who purchased large amounts were subject to interrogation and investigation by inspectors employed by the state alcohol control system, who would visit the customer at home and also interview neighbours and gather information from police and other authorities. Evidence of alcohol-related problems could lead to revocation or restriction of the permit. All purchases had to be recorded up to 1957, after which only persons suspected of alcohol abuse had to record purchases. The system itself was finally abolished in 1971 (Tigerstedt, 2000).

Evidence of the impact of the Finnish system according to Room is limited. A small study comparing 'alcohol abusers' who had been subjected to an intervention under the system with another group of 'alcohol abusers' who had received no intervention found only a small difference in consumption patterns between the two groups, while another small study found evidence that recording of amounts purchased had some effect on amounts purchased.

In Greenland, a country colonized by Denmark since the early 18th century and today an autonomous country within the Kingdom of Denmark, a policy of alcohol rationing was briefly introduced by the Greenland Parliament in 1979, following a plebiscite and the granting by Denmark of Home Rule² (Schechter, 1986). (Greenland's population, then as now totaling a little over 50,000, comprises 89% Greenlandic Inuit people and 11% Europeans.)

The rationing system was points based: any person aged 18 years or over and not under criminal sanction was entitled to 72 points worth of alcohol per month, with 1 beer equivalent to 1 point and a 750 ml bottle of table wine requiring 3 points (according to Schechter the local government was keen to foster a 'Mediterranean' drinking culture). A 750 ml bottle of fortified wine required 12 points, and a 750 ml bottle of spirits, 24 points.

Following introduction of the rationing system, importation and consumption of alcohol (which in Greenland are synonymous) fell sharply, from 513,627 litres of pure alcohol in 1978 to 406,856 litres in 1979. It remained around this level for the next two years. Reports of child neglect, emergency cash advances and violent crime all declined while the system was in place. On the negative side, burglary increased, a black market in sales of points arose, and smuggling of alcohol and narcotics both increased. The rationing system was also criticized as expensive to administer.

In March 1982, less than three years after the system had been introduced, the Greenland Parliament voted to abolish rationing, to take effect with just four days notice. Access to alcohol became unlimited to persons aged 18 years and over. Taxes on full-strength beer and spirits were increased, and prohibition on home-brewing (but not home distilling) was removed. According to Schechter, the stated reason for the decision was its unpopularity, but the level of support was never put to the test, and Schechter speculates that the real motive is likely to have been economic. Abolition of rationing came just five weeks after another public plebiscite in which a

² Strictly speaking, the 1979 decision marked a re-introduction of rationing, an earlier rationing system having been abolished in 1954.

majority called for Greenland to withdraw from the EEC (forerunner of the EU), which it subsequently did in 1985. As Schechter notes, withdrawal from the EEC entailed a significant loss of economic assistance, and therefore a problem for state revenue.

In 1982, following abolition of rationing, importation rose by 56% over the previous year to 680,640 litres of pure alcohol, equivalent to apparent per capita consumption by Greenland adults of 20.18 litres of pure alcohol. Together with tobacco taxes, alcohol taxes in this year accounted for *one-fifth* of Greenlandic Treasury's total income. Levels of thefts, vandalism, attempted homicide and assaults all increased, and hospitals and emergency rooms reported increases in admissions.

In 1984, one isolated hunting town in Greenland and a company monopoly mining town both reintroduced local rationing systems, the former following a local plebiscite. Notwithstanding these developments, Schechter argues that alcohol controls in Greenland and Denmark have become highly centralized, in contrast to Arctic Canada, where many communities have utilized Local Option provisions to ban or restrict access to alcohol. For example, in 1981 the Alaska legislature introduced State-wide laws giving indigenous communities powers to regulate alcohol via a Local Option referendum, on a petition signed by at least 35% of residents (Berman & Hull, 2001; Berman, Hull, & May, 2000). Communities could select from three options: sale of alcohol prohibited, importation permitted for personal use; importation prohibited, sale permitted, but only at one licensed take-away store; both sale and importation of liquor prohibited (Berman, Hull, & May, 2000).

Between 1981 and 1999, 197 Local Option elections were held, 69% of which led to introduction of new restrictions on alcohol; in another 13%, existing restrictions were rescinded, while in 18% of cases insufficient support was mustered to change existing restrictions. In communities that voted to ban or restrict alcohol, around two-third voted to ban both the sale and importation of alcohol (Berman & Hull, 2001).

Berman et al (Berman, Hull, & May, 2000) examined nearly 2000 injury deaths (accident, homicide, suicide) occurring in these communities between 1980 and 1993, comparing injury rates in communities with different availability regimes, and in the same community under different regimes. They also examined evidence of a displacement effect by looking at injuries in communities close to those that imposed restrictions. They found that injury death rates were generally lower when restrictions were in place; 'damp' controls (that is, bans on sales or importation, but not on both) reduced suicides; 'dry' controls (bans on sale and importation) significantly reduced homicides. The authors estimated that Local Option restrictions may have prevented about one fifth of all injury deaths that would have occurred in the absence of restrictions, with the strongest evidence relating to homicides, which fell from 9 times the national average to 2.6 times in 1990. A control group of 61 small communities that did not change control status showed no significant changes over time in accident or homicide death rates. The authors also failed to find any evidence that injury, deaths or problem drinkers were displaced when communities became dry. They did, however, find that effects of restrictions were weaker in less remote communities than in more remote communities (a finding that, on the face of it, may be relevant to the NT).

Canada is another country where liquor permit systems were once widely used, in conjunction with a government monopoly on liquor sales (Room, 2012). In 1917, in response to a vigorous and widely supported campaign, British Columbia became the last province in Canada to adopt prohibition (Campbell, 1988). Throughout the 1920s, however, support for prohibition abated. In 1919 Quebec became the first province to abandon it, followed in 1921 by British Columbia. By 1930 all remaining provinces had abandoned prohibition except Prince Edward Island, which followed suit in 1948. In British Columbia, purchase of liquor required a permit, which could be revoked at any time by a control board. Initially, purchased liquor had to be consumed in private homes; licensed public venues were not allowed although, following pressure from hoteliers and others over ensuing years, this prohibition was also removed and beer sales by the glass in licensed venues were allowed.

According to Campbell, the provincial government's capacity to enforce its control system was undermined by bootleggers and legal purchases from outside British Columbia. However, it appears from Campbell's analysis that this outcome cannot be attributed to the permit system *per se*, but rather to the government monopoly system of which the permit system formed part, and the context of a federal system.

In the province of Ontario, liquor permits were introduced by the Liquor Control Board of Ontario (LCBO) following the ending of prohibition in 1927 and retained until 1962 (Genosko & Thompson, 2009). Under the system, anyone wishing to purchase liquor from one of the LCBO monopoly stores required a permit, which operated in a way similar to a driver's licence. Purchasers were also required to fill in a Purchase Order Form which recorded, in addition to details of liquor purchased, the person's name, address and permit number.

Liquor permits were not issued automatically; to be eligible, a person had to be at least 21 years of age, a 'well behaved citizen', and purchasing 'within their financial means'. Any person 'abusing their permit privilege' was to be denied a permit (Genosko & Thompson, 2009). Between 1927 and 1958, permits not only contained personal information about the holder, but also recorded every single purchase of liquor made by the holder, a practice facilitated from 1944 by the LCBO's introduction of new IBM punched card technology to track individuals' purchases, permit limits and revocations.

Initially, liquor permits were pre-emptively denied to three categories of people: First Nations and Inuit peoples defined as 'Indians' under the *Indian Act*, minors (i.e. under 21 years of age), and individuals found guilty of specified offences in the criminal justice system. All those so denied were placed on an Interdiction List, which became popularly known as the 'Drunks List' and, by way of illustrating the racial profiling which Genosko and Thompson claim flourished through the system, the 'Indian List'. Genosko and Thompson argue that, among other consequences, the LCBO system helped to reinforce popular stereotypes of the 'drunken Indian'. In 1929 welfare recipients were added to the categories of those to be 'pre-eliminated' from the permits system (Genosko & Thompson, 2006).

In the following years, as the technology of surveillance and capacities for statistical analyses and modelling both developed, the LCBO began the practice of issuing 'preventative cancellations' with respect to individuals that the Board considered *would* - at some time in the future - abuse their permit conditions. By 1933, over 150,000 individuals had been inspected by the LCBO and more than 10,000 placed on the Interdiction List.

In 1958, the LCBO dropped the practice of recording every purchase on the permits, and in 1962 the permit system itself was abolished. According to the LCBO, it had become 'a source of irritation and annoyance to many purchasers' and something against which resistance continued to manifest itself³. However, purchasers were still required to complete Purchase Order Forms with every purchase, and these continued to be used to track individuals' purchases until they too were abolished in the 1970s (Genosko & Thompson, 2009).

Although the LCBO's permit system generated an enormous amount of data, according to Room (2012), no research was conducted to gauge the effectiveness or impact of the system.

From the 1950s onwards, liquor permit systems as a policy instrument were progressively abandoned in most of Scandinavia and north America. Room, noting that this was also a time when public drunkenness was decriminalised in many jurisdictions, sees the shift as part of a broader reconsideration of responses to so called 'victimless crimes', together with increasing concern regarding what appeared to be discrimination on the basis of gender, class and/or race that was implicitly built into the workings of many permit systems (Room, 2012). The 1960s also marked the beginnings, at least in Western societies, of the 'new public health' (Petersen & Lupton, 1996), in which health problems came to be conceptualized not as diseases of individuals but as largely preventable attributes of populations – or

³ Annual Report of the LCBO 1961-62, p. 5, cited in (Genosko & Thompson, 2009). See also <http://www.puncheddrunk.ca/index.html>.

population groups – shaped by social and cultural determinants as well as by the actions of individuals. Under this paradigm, direct control and surveillance of individuals by governments tends to be replaced by more indirect controls based on epidemiological assessments of *risk*, computed at the level of both populations and individuals. While public health policies aim to minimise risk at the population level – eg by prohibiting smoking in public places - individuals are increasingly expected to manage their own exposure to risks of various kinds – such as obesity and intoxication – aided by scientific knowledge made available by experts. In the field of alcohol policy, the emerging perspective was first articulated most fully in Bruun et al's 1975 publication Alcohol Control Policies in Public Health Perspective (Bruun, Edwards, Lumio et al., 1975), which became the foundation for alcohol control policies advocated by WHO and other bodies. In recent decades, the pricing measures and controls on availability advocated by Bruun and his colleagues have come to be seen as restrictive, but as Tigerstedt (1999) has shown, they were originally formulated as a liberal alternative to what were seen as the paternalistic and discriminatory policies that directly controlled consumption by individuals. Especially since the late 20th century, however, the public health approach – and in particular, emphasis on controlling availability – has collided with the increasingly pervasive influence of economic deregulation and notions of consumer sovereignty in the service of contemporary globalized consumerism.

One country that has taken a different course in modern times is India, where prohibitionist policies were central to the movement for independence that evolved in the first half of the 20th century (Varma, 1984). Mahatma Gandhi was among several political leaders who was strongly committed to prohibition (Shah, Patel, Patel et al., 2013; Varma, 1984), and the new Constitution of India that took effect with independence in 1947 called for the adoption of pro-prohibition policies throughout India. However, as Varma notes, the same Constitution also limited the power of the central government to impose its will on state governments, and the ensuing result according to Varma has been a patchwork of differing, sometimes contradictory and often changing policies. Several states – including Gujarat, Nagaland and parts of Manipur– remain legally dry to this day, and the state of Kerala has recently announced its intention to introduce phased restrictions leading

to total prohibition in ten years (BBC News (India), 2014). In the state of Maharashtra (which includes the city of Mumbai), a liquor permit is required in order to purchase, possess, transport or consume liquor (Anon., 2013). Eligibility for a permit is limited to persons over 25 years of age, and laws also limit the amounts that can be bought. So far as I am aware, no evaluations of this permit system have been published.

Varma, writing in 1984, also noted the existence in some jurisdictions of permits for 'medicinal use' of alcohol – a system he described as being widely abused. Foreign visitors to India can also, at least in some jurisdictions, apply for special permits to enable them to drink, and sometimes drink more, than Indian citizens. (Former Australian cricket captain Doug Walters experienced both of these contingencies in his quests for beer while touring India in 1969-70, claiming to fellow cricketer and biographer Ashley Mallett that in order to buy beer he had to sign a form declaring that he was an alcoholic (Mallett, 2008).)

Liquor permits under the NT Liquor Act

With the exception of the 'Local Option' restrictions among communities in Alaska and two similar local initiatives in Greenland, all of the permit systems cited above in Scandinavia, north America and India are (or have evolved into) instances of centralized, government-administered alcohol controls, operating in contexts where the same governments were or are intent on controlling production, distribution and retailing of liquor in order to prevent drinking patterns and levels being shaped by competitive market forces. These conditions are very different from those prevailing in Australia today. Liquor permit systems have nonetheless been used in the Northern Territory, and are reportedly under consideration in a number of Indigenous communities in Far North Queensland (McKenna, 2014).

In the NT, permit systems are local policy instruments. Although formal authority to grant a liquor permit is vested in the NT Licensing Commission, in both principle and practice decisions to grant permits usually incorporate a high degree of community input (although just how this takes place is the subject of the review of which this

literature review forms part). Further, permit systems in the NT operate in a broader policy context in which the NT Government, in accord with prevailing neoliberal economic principles, sees its role as using the minimal regulatory powers required to maintain an orderly market in which private enterprises carry out the production, distribution and retailing of liquor. This is a very different context from the government monopolies or quasi-monopolies associated with liquor permit systems elsewhere.

The legislative basis for local permit systems in the NT is to be found in the Northern Territory Liquor Act 1979, Part VIII of which is a mechanism for implementing what has elsewhere been called 'Local Option', although this term is not used in the Act (or more generally in contemporary Australian alcohol policy discourse) (Northern Territory of Australia, 1979). Aboriginal people in the NT had been legally entitled to consume liquor since 1964 (prior to which they were forbidden to drink liquor). However, prior to the NT attaining self-government in 1978, possession or consumption of liquor in Aboriginal communities in the NT remained prohibited except in a handful of communities where licensed clubs operated. Under the 1979 Liquor Act introduced by the newly self-governing jurisdiction, these provisions were rescinded (Northern Territory Liquor Commission, 1982). Henceforth, Aboriginal communities were in principle no different with respect to liquor to any other place in the NT. However, the new Act also included a set of provisions, in Part VIII, under which individuals or groups could apply to the Liquor Commission (as it was then known) to have a particular area designated a 'Restricted Area'. Should the application be granted, it would become illegal under NT Law to import, possess or consume liquor except under such conditions as may be included in the application (Northern Territory of Australia, 1979). Upon receiving an application, the Commission could either dismiss it as frivolous or vexatious or investigate further by conducting a hearing, in which it was required to ascertain the opinions of residents and other stakeholders regarding the application. In the event of an application

being granted, the area covered by it became known as a ‘Restricted Area’⁴ under the Liquor Act.

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 conduct such investigations as it saw fit, but to include efforts to ascertain the opinions of people in the community concerned, before deciding whether to grant or refuse the application.

The NT Liquor Act has been much amended since 1979, 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).

Today, the principles and provisions enshrined in Part VIII of the 1979 NT Liquor Act, including the clauses relating to liquor permits in what are now defined as General Restricted Areas, remain substantially unaltered since that time (Northern Territory of Australia, 2014). However, section 13 of the Stronger Futures in the Northern Territory Act 2012 specifically empowers the Commonwealth Minister to disallow or modify liquor permits issued under the NT Liquor Act in areas defined

⁴ More recently the term for areas designated under this process has been changed to General Restricted Area, partly to distinguish these areas from a variety of other place-based restrictions on consuming alcohol introduced by subsequent NT and Commonwealth governments.

under the Stronger Futures Act as 'alcohol protected areas' (that is, in effect, General Restricted Areas under the NT Liquor Act).

The provisions for 'Local Option' under Part VIII of the Act were rapidly taken up across the NT. An internal review of the Restricted Areas provisions contained in Part VIII of the NT Liquor Act 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 the 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 the present author to conduct an independent review of the so called 'Restricted Areas' provisions of the NT Liquor Act, with one term of reference directing the review 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)⁵. The review noted that many of these communities had explicitly decided, as part of the conditions governing the Restricted Areas, that no liquor permits were to be granted 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 system that had evolved (none of which were formally recognized in the Act):

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 – but not Indigenous residents – 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 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 granted⁶. 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

⁵ 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)

⁶ 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.

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).

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 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 the system for monitoring the permit system was inadequate, largely because of 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, in some instances, having their permits revoked.

Groote Eylandt Alcohol Management System

The two cases of permit systems that are the most instructive for communities in the NT today are those established in Groote Eylandt in 2005 and in the Gove Peninsula in northeast Arnhem Land in 2008, both of which have been independently evaluated.

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, established in the 1960s to service a manganese mine operated by Groote Eylandt Mining Co. (GEMCO), as well as a number of smaller settlements, including nearby Bickerton Island (Conigrave, Proude, & d'Abbs, 2007). The Estimated Resident Population of the Groote Eylandt Statistical Local Area in 2006 was 1,722 persons, of whom 45.9% were Indigenous (Australian Bureau of Statistics, 2008).

Establishment of the mine brought in its wake mounting problems associated with alcohol misuse, which in turn have generated a history of attempts to manage the harms. These have included declarations of communities as 'dry areas' 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 21st 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, an Alcohol Management System came into effect, under which any person – Aboriginal or non-Aboriginal - wishing to purchase takeaway alcohol required a

permit, which also stipulated where the alcohol could be consumed. Permits can also set limits on 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 Licensing Commission, which 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;

Anindilakwa Land Council;

GEMCO

Each of the three Community Councils;

Each of the two licensed clubs in Alyangula (Alyangula Recreation Club and Alyangula Golf Club);

Health services, and

Community or consumer representative (Conigrave, Proude, & d'Abbs, 2007).

Under the Alcohol Management System, the Licensing Commission 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 Alcohol Management System, conducted in 2007, drew on quantitative and qualitative data to document the origins and implementation of the system, and its impact over the first 12 months of operation (Conigrave, Proude, & d'Abbs, 2007).

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 (Conigrave, Proude, & d'Abbs, 2007). 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. Other 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, Proude, & d'Abbs, 2007).

The evaluation found strong evidence of beneficial outcomes, attributable largely to a high degree of ownership and engagement on the part of local communities, service providers, employers and licensees. Creation and implementation of the Alcohol Management System was also undoubtedly facilitated by the island's geographical isolation and the small number of liquor outlets per head of population compared with many other parts of the NT.

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, Proude, & d'Abbs, 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, which in turn, according to some of those interviewed for the evaluation, had 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 licensee of one of the two clubs directly affected by the permit system also reported having to make a considerable financial outlay to comply with the system, involving installation of an electronic system to monitor sales and check permits.

The evaluators also heard reports of high and increasing levels of cannabis use, which sometimes generated violence, especially when individuals ran out of supplies.

In sum, while the evaluation demonstrates that Groote Eylandt enjoys some natural

advantages in regard to alcohol controls – notably geographical isolation and a small number of outlets, whose voluntary cooperation with the initiative was secured – it also highlights the beneficial results that can accrue from a high level of leadership and engagement across community, government and corporate sectors. Hudson, in a generally critical review of supply restrictions in Aboriginal communities, suggests that the Groote Eylandt initiative might provide a model for adoption in Alice Springs, although she notes that such a proposal would elicit opposition from those who insist that drinking problems are exclusive to Aboriginal drinkers (Hudson, 2011).

Gove Peninsula, NT, Alcohol Management System

In December 2007 the NT Licensing Commission officially endorsed a system modeled in part on the Groote Eylandt Alcohol Management System 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, Shaw, Rigby et al., 2011). Estimated Resident Population of the area in 2006 was 5,826, of whom 1,707 (29.3%) were Indigenous (Australian Bureau of Statistics, 2007). An independent evaluation of the Gove Peninsula Alcohol Management System was conducted by the Menzies School of Health Research in 2011 (d'Abbs, Shaw, Rigby, et al., 2011).

The Licensing Commission's decision was made in response to a joint application by East Arnhem Harmony Mäyawa Mala Inc – a group made up of Yolngu and non-Yolngu, 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 grant, refuse or revoke 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.
- The new system was to take effect from 1 March 2008 (d'Abbs, Shaw, Rigby, et al., 2011).

Liquor Permit Committees (LPCs) at Yirrkala and Gunyangara were established in January 2008, at Nhulunbuy in June 2008. The primary functions of the LPCs are to make recommendations to the NT Licensing Commission with regard to granting, varying or revoking permits. However, procedures for granting permits for residents of Nhulunbuy differ 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; each application 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 and when 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. (See Factsheet published by NT Government in 2008 – reprinted here as Appendix 1.)

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. Even before this occurred, the administrative burden of the system had begun to exceed the capacity of the two people allocated to handle it – a Licensing Inspector and a Project Manager. Approval was subsequently given to appoint an additional staff member, who commenced duties in August 2008 (Northern Territory Department of Justice, 2009).

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

- Nhulunbuy Corporation Ltd
- Northern Land Council
- Northern Territory Police Force who is of or above the rank of Senior Sergeant or Officer-in-Charge 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.

As of 14 February 2011, the total number of permits issued was 9,103. This included 8,793 unrestricted permits) and 169 restricted permits as well as additional revoked and refused permits⁷. Unfortunately, the data system at this time did not allow one

⁷ *Pers. Comm.*. Department of Justice, Nhulunbuy. This number, however, is inflated by a large number of temporary permits issued to members of a construction workforce – estimated to be at least 3,000 strong – that was engaged in the area at the time.

to see how many permits had been issued to each locality, or to examine any special conditions (d'Abbs, Shaw, Rigby, et al., 2011, p.32).

The evaluation found that, while the steps involved in applying for and issuing permits corresponded with those envisaged in the 2007 application to the NT Licensing Commission by the Harmony Group, in devising rules and criteria for *varying* permit conditions, the LPCs appeared to have entered into domains not covered in either the Harmony Group's application or the NT Licensing Commission's December 2007 decision, in two ways. Firstly, DoJ officers, in their role as facilitators of the LPCs, had formulated guidelines for recommending revocation or variation of permit conditions by distinguishing between 'minor', 'moderate' and 'major' breaches of the permit conditions. These, as set out in the Terms of Reference for the Nhulunbuy LPC, are shown below:

Minor breach

These shall include but are not be restricted to:

- a) causes substantial annoyance or disrupts community order and peace.
This may include: consuming liquor within the General Restricted Area, noisy parties, public drunkenness, minor alcohol related disturbances, humbugging or begging; or*
- b) serious health conditions directly related to excessive alcohol consumption – e.g.: renal problems
The Liquor Permit Committee must consult with Health/Clinic staff before making this determination*
- c) spending children's money on liquor; or
The Liquor Permit Committee must have proof that this is occurring*
- d) supplies liquor to another person who is not a permit holder or who is not an invited guest of the permit holder; or*
- e) is banned from any of the licensed premises within the East Arnhem District; or*
- f) it is believed that the safety of the person, their family or any member of the community is being jeopardized by their drinking habits.*

A minor breach should result in the recommendation of some restrictions as to amount or type of alcohol that can be purchased or a one (1) month revocation.

Moderate Breach

Any repeat or continuous behavior of the above or;

- a) assaults any person or is involved in alcohol-related domestic or family violence; or*
- b) illegally brings liquor into, or possesses liquor within a restricted area;
or*

- c) brings a dangerous drug (defined in the Misuse of Drugs Act) into a restricted area; or*
- d) possesses a dangerous drug within a restricted area; or*
- e) supplies a dangerous drug to another person; or*
- f) commits a drink driving traffic offence that results in an immediate suspension of their drivers licence.*

A moderate breach should result in the recommendation of some restrictions as to amount or type of alcohol that can be purchased or a three (3) month revocation. The Permit Committee could also consider a recommendation that the person undergo some alcohol awareness education before they are allowed to re-apply.

Major Breach

A third breach of any repeat or continuous behavior of the above or a breach of the following:

- a) The supplying of alcohol to any non permit holder less than 18 years of age, where alcohol is consumed not under the effective control or supervision of a parent or guardian.*
- b) Restraining Order*
- c) Police order due to serious offences such as assault, burglary*
- d) At the discretion of the Court*

A third breach within the minor category, a second breach within the moderate category or a first breach in the major category should result in the recommendation of a one (1) year revocation.

It should also be recommended that upon re-applying for a permit, the applicant may demonstrate the following:

- That no further alcohol related offences have been committed;*
- Rehabilitation through Alcohol Awareness Education has occurred;*
- Genuine remorse*

The second innovative component of the system for revoking or varying permit conditions consisted of a set of graduated purchasing entitlements, through each step of which an applicant seeking reinstatement of his or her permit was expected to progress step by step. An individual applying for reinstatement of his or her takeaway drinking permit after having had the permit revoked – for some breach of the permit conditions – could expect in the first instance to be authorized to purchase a maximum of six cans of light beer or one 750 ml bottle of wine per day. If the individual wanted to purchase larger quantities, he or she had to make a new application, which would be heard at the next monthly meeting of the LPC, and

which would – if successful – entitle the individual henceforth to purchase *twelve* cans of light beer or six cans of mid strength beer (but still no full strength beer) per day. And so the process continued, by another four month-by-month steps before the individual could expect to regain a permit to purchase unrestricted amounts of takeaway liquor. (In the case of residents of Yirrkala or Gunyangara, it was unlikely that anyone would attain entitlement to purchase an unrestricted amount.).

The evaluation concluded that, in introducing these elements of the system, the LPCs had not only taken on an enormous administrative burden but also moved beyond both their legislative mandate and the evidence base for appropriate measures.

The evaluation collected and analysed four groups of outcome 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 declined 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, largely as a result of a decline in supplies of cask wine. This in turn is likely to have been brought about by a voluntary decision on the part of local outlets, commencing in March 2007, to stop selling cheap, high alcohol content beverages – namely casks of wine, bottles of port and ‘longneck’ bottles of beer.

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. Injury presentations at Gove Hospital also declined.

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. For the latter, Nhulunbuy Corporation issued a permit for a street stall for conducting the survey in the town centre on the dates 10-11 February and 24 – 25 February 2011. A total of 112 completed surveys were collected over the two data collection periods.

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 is 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-Yolngu population, while among Yolngu it remained a matter of contention. Semi-structured interviews with Yolngu 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-Yolngu people in need of help for alcohol-related issues.

Summary and conclusions

Liquor permit systems represent a form of individualized control over alcohol use that operates in a context where alcohol is otherwise heavily restricted or banned. They are not widely used today, largely because these kinds of contexts are themselves less prevalent than they used to be up to the mid-20th century – at least outside the Muslim world. Internationally, most of the limited amount of literature

on permit systems focuses on Scandinavia and north America, and describes permit systems that were introduced following the abandonment of prohibition. These systems embody strong centralized government controls, not only over consumption of liquor through permit systems, but also over production and distribution of liquor, through government monopolies and other restrictions on market activity. This review has not located any evaluations of the impact of these systems, although some case studies of trends in alcohol consumption and associated harms following the abolition of permit systems are reviewed.

This literature is of limited relevance to contemporary Northern Territory conditions, where liquor is widely available and heavily promoted by the powerful liquor and hospitality industries, and where governments see their role as facilitating an orderly market rather than constraining, much less supplanting, market processes.

Local restrictions on alcohol, similar to those introduced by many Indigenous communities in the NT from the early 1980s, have also been introduced by local Indigenous communities in Greenland, Alaska and Canada, but the available literature describing these initiatives does not provide a clear indication of what part, if any, permit systems play in these control systems.

In the Northern Territory, permit systems operate under the legislative framework of Part VIII of the NT Liquor Act (the so-called Restricted Areas provisions of the Act). Reviews of these provisions conducted in 1982 and 1987 reported that permit systems under the Act tended to serve one of two purposes: that of enabling substantial numbers of Aboriginal residents of communities to consume liquor in the communities, subject to conditions, and that of enabling non-Aboriginal residents – long-term or temporary – to import and consume liquor in otherwise ‘dry’ communities where Aboriginal residents were not permitted to drink.

The 1987 review found that permit systems of the first type were hampered by lack of clarity over who had authority to issue permits and who was responsible for enforcing compliance with permit systems. The review also noted that the system

for monitoring the permit system was inadequate to the task of maintaining an accurate, up to date list of permit holders.

While permit systems of the second type are in some instances non-problematic, there is also evidence that in some communities they generate resentment among Aboriginal residents regarding what they perceive as invidious discrimination. In one instance at least this has led to a community abandoning its permit system altogether.

In two regions of the Top End of the NT – Groote Eylandt and Gove Peninsula – permit systems have recently been introduced as part of local Alcohol Management Systems. In both cases the requirement to have a permit in order to purchase takeaway alcohol applies to everyone – not just Aboriginal residents – and both systems embody a high level of involvement by local community groups and other agencies. Independent evaluations of both systems indicate that they have been effective in reducing alcohol-related harms and enjoy a reasonable level of community support. Both systems also demonstrate, however, that ongoing management of permit systems requires a level of administrative support that is beyond the resources of local groups.

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Appendix 1: 2008 Factsheet: East Arnhem permit system

Fact sheet 1



East Arnhem

East Arnhem Alcohol Permit System

East Arnhem Liquor Permits

From 1 March 2008 you will require a Liquor Permit in order to buy, possess and drink takeaway alcohol within the East Arnhem Region, including the township of Nhulunbuy.

The Permit will contain a number of restrictions, including a ban on drinking in many public places within Nhulunbuy and the East Arnhem area.

Permits are required as a result of the Licensing Commission decision to declare the East Arnhem Region as a General Restricted Area under the Northern Territory *Liquor Act*.

The declaration of the General Restricted Area was on application by the East Arnhem Harmony Mayawa Mala Inc group.

It is one of a number of initiatives proposed to address the serious alcohol related issues within the region.

Who Can Apply for a Liquor Permit?

You can apply for a permit if you are:

- over the age of 18 years old; and
- a resident of Nhulunbuy;
- a bona-fide visitor or tourist to the area and have recognised accommodation; or
- a resident of an Indigenous community within the General Restricted Area that allows their residents to have a permit. Currently, these communities are Ski Beach and Yirrkala.

Proof of Residency

Permanent Residents

To obtain a permit, permanent residents will need to provide:

- a Northern Territory Driver's Licence;
- an 18+ Proof of Age Card;
- an Australian Passport or Australian Defence Force Photo ID card and a current electricity or phone bill to show proof of your address.

If you do not have photo ID, you can apply for a permit by showing a phone, electricity or other bill in your name, or a letter from your Local Government Community Council or Community Association confirming your address and:


- a Medicare card;
- a Centrelink Healthcare Card; or
- an Arnhem Club Card.

Temporary Visitors

Tourists or visitors will need to provide:

- an itinerary, invoice or other information confirming your travel arrangements; and
- Photo Identification such as Northern Territory, Interstate or International Driver's Licence or Passport

Continued...



No drinking in designated public places.

Homelands Residents

At the request of the Councils, Traditional Owners and Senior Elders belonging to Gumatj & Laynhapuy Homelands, residents of these regions will not be eligible to apply for a Liquor Permit.

Residents of Yirrkala, Ski Beach and Galupa

Before you can apply for a permit, residents of these communities need the approval of:

- the Local Government Council;
- the local Permits Committee; and
- the Senior Sergeant, Nhulunbuy Police.

To obtain a permit, you will need to show the approved application form and:

- a Northern Territory Driver's Licence;
- an 18+ Proof of Age Card;
- an Australian Passport or Australian Defence Force Photo ID card and a current electricity or phone bill;
- a Medicare card;
- a Centrelink Healthcare card; or
- an Arnhem Club card.

People from the Homelands, but now residents of these communities will need to show they have been a resident there for at least three (3) months or have obtained permanent employment.

Liquor Permits Committee

The Licensing Commission has the power to say who and who cannot have a permit. The Permits Committees provide advice to the Licensing Commission on permit applications and are made up of stakeholders within the region. Permits Committees cannot only recommend that an application is approved or rejected, they can also recommend conditions about how much and the type of alcohol you can purchase.

The Permits Committees will have representatives from a number of Government departments, Northern Territory Police, local licensees and Local Government Community Councils and Community Associations.

Non Permit Holders

You do not need a permit to consume alcohol in any of the East Arnhem licensed premises.

You will need a permit to buy or drink takeaway alcohol within the East Arnhem region.

Where do I Lodge my Liquor Permit Application?

Application forms can be lodged at:

1. **Nhulunbuy Courthouse**
Endeavour Square, Nhulunbuy
2. **Licensing & Regulation**
Level 1, 28 – 30 Knuckey Street, Darwin

For further information please contact:

Community & Justice Policy
Department of Justice
Nhulunbuy Regional Justice Project
and Coordination Officer
Ph: 8987 0409

Licensing & Regulation
Department of Justice
Darwin Licensing Inspector
Ph: 8999 1800

Nhulunbuy Courthouse
Registrar
Ph: 8987 1378

