



## Australian Government

### Department of the Prime Minister and Cabinet

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ONE NATIONAL CIRCUIT  
BARTON

Mr Trevor Riley  
Chairperson  
Alcohol Policies and Legislation Review  
C/- Department of Health  
PO Box 40596  
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Dear Mr Riley

Thank you for your letter of 23 May 2017 inviting the Department of the Prime Minister and Cabinet (PMC) to make a submission to the *Northern Territory Alcohol Policies and Legislation Review*.

We welcome the opportunity to contribute to this Review. The Australian Government is committed to improving outcomes for Indigenous Australians, and recognises that addressing the high levels of alcohol-related harm in the Northern Territory (NT) is critical to achieving this. We know that Aboriginal and Torres Strait Islander people experience disproportionate rates of substance misuse and harm compared with the non-Indigenous population. Data shows that the NT has one of the highest rates of alcohol related-death, and of Indigenous alcohol-related hospitalisation among all the states and territories.

To support the Review's work, our attached submission provides an overview of alcohol-related legislation, policy and programs that sit within the PMC portfolio.

We look forward to continuing to work closely with the NT Government to ensure policy and program delivery across our two governments is coordinated and effectively targeted to reduce alcohol-related harm for Indigenous Australians in the NT.

Yours sincerely

A handwritten signature in blue ink that reads "Ian Anderson".

Professor Ian Anderson  
Deputy Secretary  
Indigenous Affairs Group

## **Introduction**

The following submission provides details on alcohol-related legislation, policy and programs that sit within the Minister for Indigenous Affairs portfolio responsibilities, and are administered by the Indigenous Affairs Group in PMC. It is divided into four parts:

- Part 1: Tackling alcohol abuse measure under the *Stronger Futures in the Northern Territory Act 2012*;
- Part 2: Funding in the Alcohol schedule under the *National Partnership on Northern Territory Remote Aboriginal Investment*; and
- Part 3: Funding for community safety and drug and other alcohol treatment services under the Indigenous Advancement Strategy.
- Part 4: Other measures

PMC's efforts to reduce alcohol-related harm align with the harm minimisation approach advocated by the National Drug Strategy (NDS).<sup>1</sup> The NDS seeks to minimise harm through coordinated, multi-agency responses that address three priorities or "pillars": demand reduction, supply reduction and harm reduction.

PMC supports funding of robust well-governed services with a properly trained alcohol and other drug workforce to deliver culturally accessible treatment to a vulnerable cohort.

### **Part 1: The Tackling alcohol abuse measure under the *Stronger Futures in the Northern Territory Act 2012***

The *Stronger Futures in the Northern Territory Act 2012* (SFNT Act) comprises three measures aimed at building stronger futures for Indigenous Australians in the NT. These are the tackling alcohol abuse (TAA) measure, the land reform measure and the food security measure.

The measures in the Act were developed taking into account the views of Indigenous Australians expressed during the extensive consultation process following the release of the *Stronger Futures in the Northern Territory Discussion Paper* in June 2011. The results of these consultations were published in the *Stronger Futures in the Northern Territory Report on Consultations* in October 2011.

#### Tackling alcohol abuse measure

The object of the TAA measure is to enable special measures to be taken to reduce alcohol-related harm to Indigenous Australians in the NT.

The continued harm caused by alcohol abuse was a consistent theme that arose from the 2011 consultations, especially the harm to communities, families and children. The consultation feedback noted that the harm caused by alcohol included accidents, deaths and health problems in communities. There were also discussions about the alcohol restrictions in place in communities. Many Indigenous Australians in communities indicated that they wanted to maintain their 'dry' status.

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<sup>1</sup> The *National Drug Strategy 2017-2026* was endorsed by the Ministerial Drug and Alcohol Forum on 29 May 2017.

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There are three core elements of the TAA measures:

- Alcohol Protected Areas
- Alcohol Management Plans; and
- Power to modify licenses and permits

#### Alcohol Protected Areas

Division 7 of Part 2 provides the Commonwealth Minister for Indigenous Affairs the power to prescribe that an area in the NT is an Alcohol Protected Area (APA). The Minister also has power to amend or revoke APAs.

It should be noted that all areas which were "Prescribed Areas" under the *Northern Territory National Emergency Response Act 2007* as at 16 July 2012 are treated as APAs under the SFNT Act. Prescribed Areas are "dry areas" which were preserved under the *Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Act 2012*.

Division 2 of Part 2 inserts provisions into the NT Liquor Act that create offences for possessing or supplying alcohol within an APA, as well as a range of defences.

Division 3 of Part 2 subjects all liquor licences in an APA to a statutory condition that the licensee must not sell liquor for consumption away from the premises (take-away liquor) without a permit.

Division 4 of Part 2 provides that the NT Government may determine to post a notice about alcohol offences in APAs. This Division also sets out the requirements for such notices, including that the NT Government should consult the community before determining to post a notice, and that the wording of the notice is respectful to Indigenous Australians.

#### Alcohol Management Plans

Division 6 of Part 2 of the SFNT Act deals with alcohol management plans (AMPs) and provides a process for the approval of alcohol management plans by the Commonwealth Minister. If a community applies for approval, the Minister must determine whether the plan should be approved. Importantly, the Minister cannot approve a plan unless he/she is satisfied that the plan meets the requirement that are prescribed by the rules. The *Stronger Futures in the Northern Territory (Alcohol Management Plans) Rule 2013* prescribes minimum standards for AMPs in relation to:

- Consultation and engagement;
- Managing the alcohol management plan (that is, the plan must set out governance arrangements);
- AMP strategies for supply, demand and harm reduction (that is, the plan must identify community strategies to reduce harm to individuals, families and communities that results from alcohol abuse);
- Monitoring, reporting and evaluation; and
- Clear geographical boundaries.

On 30 May 2014, the Commonwealth Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, announced that he had approved the AMP for the NT Community of Titjikala.<sup>2</sup> At the time, Minister Scullion noted that the process was overly bureaucratic and that he had

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<sup>2</sup> <http://www.indigenous.gov.au/minister-scullion-titjikala-alcohol-management-plan-approved>



tasked PMC to streamline the process to reduce the red tape that had been causing delays in implementing AMPs.

Under the streamlined process, communities are encouraged to work directly with the NT Government to develop AMPs. AMPs can proceed without Commonwealth ministerial approval.

To support this, the Commonwealth Government is providing around \$13 million over seven years to support communities to develop practical, place-based strategies, known as Alcohol Action Initiatives (AAIs), to address alcohol-related harm.<sup>3</sup> A further \$14.2 million has been committed over seven years to fund an AAI workforce, which is working with communities to develop and implement AAIs.

#### Licenses and permits

Division 3 of Part 2 gives the Commonwealth Minister the power to modify NT liquor licences and permits that are in force in APAs, and sets out the process for doing so. This includes requiring the Commonwealth Minister to consult with the NT Minister and NT Licensing Commission, and consider their written comments before making any such modification.

Division 5 of Part 2 allows the Commonwealth Minister to request that the NT Minister appoint an assessor to conduct an assessment of a licensed premises if the Commonwealth Minister reasonably believes that the sale or consumption of alcohol from that premises is causing substantial alcohol-related harm to the community. The NT Minister must appoint an assessor to conduct an inspection unless the NT Minister reasonably believes that the requirement places an undue financial burden or that the inspection would otherwise be inappropriate.

The SFNT Act does not require the Commonwealth Minister's support for a liquor permit system.

#### Statutory reviews

The SFNT Act also sets out requirements for two reviews.

Under Section 28, the Commonwealth and NT Ministers were required to cause an independent review of relevant legislation, including the NT Liquor Act and NT Liquor Regulations, to:

- (a) assess the effectiveness of those laws in reducing alcohol-related harm to Aboriginal people living in the Northern Territory; and
- (b) assess whether any provisions of those laws should be amended or repealed to increase the effectiveness of those laws in reducing alcohol-related harm to Aboriginal people living in the Northern Territory; and
- (c) consider any other matter specified by the Minister and the NT Minister.

This review was undertaken by Minter Ellison and the findings published in the report, *Stronger Futures in the Northern Territory Act 2012—Independent review of the effectiveness of Northern Territory and Commonwealth laws in reducing alcohol-related harm* (August 2015). This report was tabled in the both houses of the Commonwealth Parliament and the NT Legislative Assembly on 16 September 2015. The report is also available on PMC's website.<sup>4</sup>

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<sup>3</sup> Under the National Partnership on Northern Territory Remote Aboriginal Investment (further information is in Part 2 below.

<sup>4</sup> <https://www.pmc.gov.au/resource-centre/indigenous-affairs/stronger-futures-northern-territory-act-2012-independent-review-effectiveness-northern-territory-and-commonwealth-laws-reducing-alcohol-related-harm>

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Under section 117, the Commonwealth Minister was required to undertake a review of the first three years of the operation of this Act to:

- (a) assess the effectiveness of the special measures provided for by this Act; and
- (b) consider any other matter specified by the Minister.

This review covered the Land reform and Security measures, as well as the TAA measure.

This review was completed by KPMG and the findings published in the report, *Stronger Futures in the Northern Territory Act 2012—Independent review under section 117 of the Act—Report by KPMG (July 2016)*. This report was tabled in both houses of Commonwealth Parliament on 12 October 2016. The report is also available on PMC's website.<sup>5</sup>

Key findings from both reviews are:

- the Act has largely been effective when assessed against its objective;
- there have been some positive changes in alcohol consumption, including a decrease in wholesale alcohol supply between 2007 and 2014; and
- given data limitations, neither review could identify whether the observed changes were directly caused by the TAA measures, or impacted by other legislative and policy measures implemented around the same time.

## **Part 2: National Partnership on Northern Territory Remote Aboriginal Investment**

The objective of the Northern Territory Remote Aboriginal Investment (NPNTRAI) is to improve schooling for Indigenous children, make remote Indigenous communities safer and healthier, and increase access to interpreter services and job opportunities for adults.

### NPNTRAI Community Safety Implementation Plan: Alcohol Schedule

The Commonwealth is providing around \$91.5 million over seven years under the Alcohol Schedule to support the NT Government's efforts to reduce alcohol-related harm for Indigenous Australians. Key components of the Alcohol Schedule are:

- \$13 million for Alcohol Action Initiatives (AAIs)  
AAIs are practical, locally developed and implemented strategies targeted at reducing alcohol related harm in identified communities. Importantly, AAIs aim to develop community capacity, local governance and leadership to manage alcohol related harm.
- \$14.2 million for an AAI Workforce  
The AAI workforce is responsible for working with communities to develop, implement, manage, monitor and review AAIs, as well as building capacity and develop skills in the community to manage alcohol-related harm.
- \$10.2 million for an Individual Support Programme (ISP)  
The ISP operates in two regional centres (Alice Springs and Katherine) for individuals living rough and visitors from remote communities who are vulnerable to alcohol misuse. ISP provides outreach, direct support and case management to assist individuals manage their own alcohol use. Services can include encouragement into employment and training, and assisting with return to country.
- \$31.4 million for Remote Alcohol and Other Drug (AOD) Workers  
Remote AOD workers provide clinical intervention and management of AOD misuse in communities. This includes supporting treatment and rehabilitation, community

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<sup>5</sup> <https://www.pmc.gov.au/resource-centre/indigenous-affairs/stronger-futures-northern-territory>



interventions and education, and data gathering and coordination with license inspectors and the AAI workforce.

- \$9.8 million for Aftercare Treatment Services  
This funding is used to help individuals access support services up to 6 months after treatment to promote recovery and prevent relapse. Services include brokering and coordinating a mix of therapeutic, social and cultural support; monitoring need and follow up of planned interventions; and providing crisis intervention and ongoing care coordination.
- \$11 million for Liquor License Compliance  
This funding supports the NT Government's regulatory enforcement of alcohol restrictions through education, engagement and inspections. It provides continued support for a program of liquor license compliance in accordance with a risk based regulatory licensing and compliance approach. The risk based approach is to take into account data by location on wholesale consumption, alcohol-related assaults and alcohol-related hospitalisations.

The Alcohol Schedule also included \$1.8 million for work completed in 2015-16 prior to finalisation of the Agreement.

### **Part 3: Indigenous Advancement Strategy (IAS)**

#### Funding for Alcohol and Other Drug Treatment

Under the IAS the Commonwealth will provide around \$69 million in 2016-17 to support over 80 providers of AOD treatment servicing Indigenous clients across Australia. In the NT, PMC provides \$12.6 million to 15 providers to deliver culturally appropriate AOD treatment.

The range of services funded under the IAS includes early intervention; treatment and prevention; residential rehabilitation; transitional aftercare; and outreach support. Elements of support may include access to sobering up shelters; advocacy and referral; counselling; mediation; case management; youth specific support; education and health promotion; cultural and capacity building; and life skills support.

Where possible the Commonwealth works with state and territory governments, including the NT Government, to ensure that Commonwealth-funded AOD treatment services meet the needs of communities, does not duplicate the work of existing Commonwealth and/or state and territory-funded AOD treatment services, and to better address service gaps in a coordinated approach.

### **Part 4: Other measures**

The Review's Issues Paper notes that:

*Domestic and family violence is often fuelled by alcohol. Alcohol is involved in 65 per cent of all cases of domestic and family violence reported to NT Police. In 2015 there were 4,076 victims of family and domestic violence-related assault in the Northern Territory, or 1,668 victims per 100,000 people.<sup>6</sup>*

The following section outlines Commonwealth support to improve community safety in the NT, including measures to address domestic violence.

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<sup>6</sup> Northern Territory Alcohol Policies and Legislation Review (July 2017), p14

### Women's Safety Package

Under the \$100 million Women's Safety Package (announced 24 September 2015) \$21 million of IAS funding was provided for Indigenous specific activities. In recognition of the scale of the issue in the NT, a large portion of the \$21 million was directed to the NT to support police to better respond to calls for help, extend prisoner throughcare services to change perpetrator behaviour, expand and extend the Cross Border Domestic Violence Intelligence Desk, and extend Community Engagement Police Officers.

### Third Action Plan

The 2016-17 Budget included \$100 million over three years for Commonwealth initiatives under the Third Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022*. The Third Action Plan was launched jointly by the Prime Minister, the Minister for Women and the Minister for Social Services at the COAG Domestic Violence Summit on 28 October 2016.

\$25 million of these funds have been allocated for Indigenous specific investments. The package of Indigenous initiatives includes:

- trauma-informed therapeutic services for Indigenous children affected by family violence to break the cycle of intergenerational violence;
- services for perpetrators to encourage behaviour change and prevent future offending;
- intensive family-focused case management to address behaviours that lead to family violence; and
- increasing the capacity of Family Violence Prevention Legal Services (FVPLS) to deliver holistic, case managed crisis support to Indigenous women and children experiencing family violence.

Two providers in the NT will receive Commonwealth funding to deliver services under the Third Action Plan.

### Family Violence Prevention Legal Services (FVPLS)

The Commonwealth has maintained funding for all 14 Indigenous FVPLS under the IAS, providing more than \$95.9 million over four years (including \$3.5 million under the Third Action Plan).

One of these providers, the North Australian Aboriginal Family Legal Service, received additional funding (\$8.3 million over three years) to expand its service to a further nine communities in the NT.

The Commonwealth also provides:

- \$12.4 million over four years from 2014-15 to legal assistance services for supplementary legal assistance for Aboriginal and Torres Strait Islander people in the NT.
- \$4.8 million over four years from 2015-16 to Community Legal Centres under the IAS for Indigenous Women's Projects (1 provider in the NT).
- \$1.2 million over two years to the Central Australian Aboriginal Legal Aid Service to provide prisoner through care to Indigenous female prisoners with violent offending histories. Many of these women have also experienced family violence.

### Remote Policing

The Commonwealth is also providing around \$208 million over seven years through the Remote Policing Schedule under NPNTRAI to support community safety in remote Indigenous communities

Funding is being used to enhance remote police presence, provide additional police infrastructure and support specialist units.

The program supports the activities of the Southern Substance Abuse Intelligence Desk, the drug dog detection capabilities of the Southern Dog Operations Unit, and the Cross Border Domestic Violence Intelligence Desk to enhance community safety in the tri-state region bordering the NT, SA and WA. The Cross Border team's mission is to reduce domestic violence in remote cross border communities by interrupting the supply of illicit substances and targeting domestic violence offenders through information sharing and enforcement activities.

The Commonwealth is also supporting remote policing in the NT under the IAS. Around \$18 million from the NPNTRAI and up to \$10 million under the IAS has been committed to support the police presence in Wadeye.

Policing on Groote Eylandt is also being strengthened through Commonwealth investment of \$13.9 million to upgrade police facilities in Alyangula and Angurugu, and support police operations (including establishing a Dog Operations Unit).