



Liquor licensing – issues and options pertaining to the Gove Peninsula

A report by Wearne Advisors in collaboration with the School of
Australian Indigenous Knowledge Systems (Charles Darwin University)

Prepared for the Northern Territory Treasury – Racing, Gaming and
Licensing Division

February 2006



Important disclaimer:

The views expressed and the conclusions reached in this report are those of the authors. Wearne Advisors and SAIKS shall not be responsible in any way whatsoever to any person relying in whole or in part on the contents of this report. To the extent permitted by law, Wearne Advisors and SAIKS excludes all liability to any person for any consequences, including but not limited to all losses, damages, costs, expenses and any other compensation, arising directly or indirectly from using this report (in part or in whole) and any information or material contained in it.

This document was prepared by:

Wearne Advisors

Ben Wearne
Telephone: 0412 220 384
Email: ben@wearneadvisors.com.au

in collaboration with:

School of Australian Indigenous Knowledge Systems

John Greatorex
Telephone: (08) 8946-6983
Email: john.greatorex@cdu.edu.au

Michael Christie
Telephone: (08) 8946-7338
Email: michael.christie@cdu.edu.au

Suggested citation:

Wearne, B., Greatorex, J. & Christie, M. (2006). Liquor licensing – issues and options pertaining to the Gove Peninsula. Report prepared for the Northern Territory Treasury (Racing, Gaming and Licensing Division). Darwin, Wearne Advisors in collaboration with the School of Australian Indigenous Knowledge Systems (Charles Darwin University).

Acknowledgements:

The authors wish to acknowledge the informants that contributed to this report and the advice, input and support provided by Raymattja Marika-Munu\giritj, Harvey Creswell, Maggie Brady, Frances Morphy, Greg Wearne, Jonathon Wearne and Fleur Morrison.

| anitji:

... that's the new enemy for us today ...
it disturbs our sleep, our women ... our
old people¹

Table of contents

TABLE OF CONTENTS.....	4
SCOPE OF THIS REPORT.....	7
Purpose	7
Limitations.....	8
HIGH LEVEL OVERVIEW.....	9
BACKGROUND	11
<i>Demographics</i>	<i>11</i>
<i>Recent history.....</i>	<i>12</i>
Mining	13
Homeland movement.....	14
METHODOLOGY	15
ALCOHOL ON THE GOVE PENINSULA.....	17
<i>History and current supply.....</i>	<i>17</i>
History	17
Recent changes to takeaway hours	18
Current supply	19
<i>Town camps and drinking</i>	<i>20</i>
<i>Drinking at ‘The Limit’</i>	<i>21</i>
<i>Alcohol in the communities</i>	<i>21</i>
<i>Current interventions to reduce the impact of alcohol</i>	<i>22</i>
East Arnhem Community Harmony Group	22
Community/night Patrol	23
Special Care Centre	23
Crisis Accommodation	23
Education.....	23
Family and Children Services.....	23
Miwatj Substance Misuse Outreach Program.....	24
Anglicare Youth Connect Program	24
INDICATORS OF HARM.....	25
<i>Direct indicators</i>	<i>25</i>
Mortality data	25
Morbidity data	26
<i>Indirect indicators.....</i>	<i>27</i>
Police apprehensions	27
Crisis accommodation	29
Consumption and purchase data.....	29
Community/night patrol.....	31
Youth services and child protection	31

CONCLUDING REMARKS54
APPENDIX 1: CONSULTATIONS IN DETAIL56
APPENDIX 2: COMMUNITY/NIGHT PATROL LOG SHEET (JANUARY 19, 2006)..... 60
APPENDIX 3: MULTI-CRITERIA ANALYSIS OF OPTIONS.....62
APPENDIX 4: DRAFT ALCOHOL RELATED CHECKLIST 64
ENDNOTES..... 65

Scope of this report

Purpose

This report was commissioned by the Racing, Gaming and Licensing Division of the Northern Territory Treasury. It has been prepared by Ben Wearne of Wearne Advisors in collaboration with the School of Australian Indigenous Knowledge Systems at Charles Darwin University. Advice was sought from a number of Yol\u during the project, in particular Raymattja Marika-Munu\giritj.

It was commissioned because of the long term, ongoing and escalating concerns of residents (particularly Yol\u), Government agencies and other groups regarding the negative impacts that alcohol is having on community life on and around the Gove Peninsula. The report is prepared as a reference and resource document to inform any hearings conducted by the Licensing Commission. The report will assist the Commission and other stakeholders in understanding the critical issues that need addressing and to develop strategies that may be implemented.

The overarching purpose of this report, as specified in the original tender documents, is to 'document liquor issues and liquor control options pertaining to the Gove Peninsula.'

In accordance with the scope of the project, as agreed with senior staff of the Racing, Gaming and Licensing Division, the report:

- Documents current initiatives in place to reduce the impact of liquor related harm and anti-social behaviour on the Gove Peninsula.
- Briefly documents the impact of alcohol on the Gove Peninsula as it is reflected in key indicators.
- Documents Yol\u perceptions of the impact of alcohol and proposals for change to the current supply situation (with special reference to takeaway arrangements).
- Documents the views of licensees on the Gove Peninsula in relation to the impact of alcohol and possible supply options.
- Documents the views of the organisations represented in the East Arnhem Community Harmony Group.
- Presents the options proposed by stakeholders in relation to licensing and supply of alcohol, without consideration to viability under current policy and legislation.
- Presents a matrix of options (with a short S.W.O.T. for each) for managing alcohol supply, including takeaway alcohol, on the Gove Peninsula.
- Briefly documents possible complementary options for reducing the impact of liquor related harm and anti-social behaviour on the Gove Peninsula.
- Presents a summary of the most widely held views (as a recommended starting point for the Licensing Commission) in support of a safer, happier East Arnhem Region.

Limitations

It is important to note that this document presents a way forward for consideration by the Licensing Commission and other stakeholders that primarily represents the common ground of those individuals or groups consulted. It does not attempt to provide a detailed analysis of similar interventions elsewhere nor examine all the implications if the way forward were to be implemented - this was not part of the project scope.

A specific limitation of the report is its coverage of the perceptions of the wider non-Indigenous community that predominately live in Nhulunbuy. Although the input of individuals and groups is included that provide some level of representation, it was outside the scope of the project to undertake broader consultation to capture this group. Recommendations regarding this are made in the concluding chapter of this report.

High level overview

Alcohol has a significant impact on the lives of people living on and around the Gove Peninsula for a number of decades. This is particularly the case for Yol\u people who have had little ability to influence its availability, or the opportunity to tackle seriously the widespread problems that it causes. The majority of Yol\u have consistently opposed the imposition of alcohol onto their traditional land for over 30 years and believe these calls have been ignored and overridden.

Although the number of Yol\u people that drink to excess may be relatively small overall, alcohol abuse impacts on the individual, their family, the wider Yol\u community and the ongoing viability of traditional culture directly through violence and anti-social behaviour and indirectly through the sadness and grief associated with illness and preventable deaths. The quantitative and qualitative evidence presented in this report unequivocally supports this and details the central role played by alcohol in:

- the high incidence and alarming increase in suicide and attempted suicide amongst Yol\u, particularly youth and young adults;
- the excess burden of illness and poor health experienced by Yol\u people;
- the high incidence of police apprehensions of Yol\u people;
- lower educational outcomes for Yol\u children and youth;
- child protection notices issued within the region;
- the homelessness of Yol\u people; and
- the disruption of Yol\u cultural traditions.

Given the connections that exist between Yol\u through kinship and communal lifestyle, no one is isolated from these problems that spread to effect entire families and communities. Today, Yol\u society on the Gove Peninsula is in severe crisis as a consequence of alcohol related harm and so there is strong agreement for the Licensing Commission to work with the communities to address issues of concern.

The vast majority of Yol\u interviewed were of the opinion that significant and broad sweeping change is required to the way that takeaway alcohol is sold in order to reduce alcohol related harm. This is not to ignore the role of complementary inventions, particularly those that target the factors underlying alcohol and other drug abuse, but recognises the important role the Commission can play in changes that would have an immediate and beneficial impact on alcohol dependant individuals, their families and the communities they live in.

This report supports this view and recommends the Commission implement a package of interventions. The emphasis here should be on the comprehensiveness of interventions - a lesson from the very limited range of changes made to trading hours in 2001/02 is that narrow interventions have limited success. The package would need to accommodate a number of key facts, issues and complexities. These include:

- responding to the severity of the problem and recognising the deep concern of Yol\u as the permanent residents and landowners of the region;

- acknowledging that different Yol\u communities and leaders have alternative views and will want a solution that accommodates these differences; and
- restricting takeaway alcohol in a way that targets problem drinkers without significantly inconveniencing, if possible, the majority of residents including non-Indigenous people that live on the town lease.

A simple multi-criteria and S.W.O.T. analysis is applied in this report in order to present the Commission with a recommended starting point that is supported by the strong majority of Yol\u people consulted. It is set out in more detail on pages 51 and 52, but broadly it should involve the declaration of Nhulunbuy and surrounding homelands as a 'restricted area' under the Northern Territory Liquor Act (except existing licensed premises). While certain areas may be exempt from this, communities themselves should not be exempt. A permit system to purchase and consume takeaway alcohol (such as an electronic photo ID swipe card) from any licensed premises within Nhulunbuy would ensure that bona fide residents of Nhulunbuy would be able to purchase takeaway alcohol. A committee of health, police and Yol\u representatives would control the availability of permits for non-Nhulunbuy residents using clear, specific and objective criteria. There would be flexibility allowing temporary visitors to purchase takeaway alcohol, a mechanism where Yol\u leaders can temporarily ban the sale of takeaway alcohol to Yol\u people, and conditions under which any permit holder may have their permit revoked. The package would also include a ban on certain forms of takeaway alcohol, such as wine casks in containers greater than 2 litres and full strength beer in glass containers, and should involve strong mechanisms to enforce the ban on sale of alcohol to intoxicated people.

Such a package would balance the perceived rights of non-Indigenous people with the provision for Yol\u to exercise stronger control over alcohol use among their people without removing individual rights. It would not be the imposition of a license to drink, as consumption of alcohol in licensed venues would be unaffected, but a means to control the amount of takeaway alcohol consumed, who drinks it and where it is consumed. Its implementation may incur short term costs, however, it is important to keep in mind the costs the impact of alcohol is having and the direct and indirect financial savings that are likely to eventuate, in health, legal, community and policing services if improvements can be made.

While there is an overwhelming need for action, there is unlikely to be complete agreement by all stakeholders to any set of changes. In this situation the Licensing Commission will require a clear set of criteria to consider competing views and make decisions. This report proposes that in this difficult situation, the overriding criteria should be the right of community members, particularly women and children, to lead peaceful and productive lives free from violence, suicide and other trauma. This right should take precedence over any supposed 'right' of others, whether they be Yol\u or not, to drink to excess. It will also be important for the Licensing Commission to seek out the views of particular groups, including women, who are less likely to have a voice in decision making processes.

The time is right for change, and it is long overdue.

1

Background

Demographics

The Yol\u are the Indigenous people of North East Arnhem Land. Their land tenure covers an area of approximately 8500 square kilometres from Cape Stewart in the west to the Gove Peninsula, and down the coast and inland as far as the Walker River. The latest evidence (linguistic and archaeological) suggests that Yol\u have occupied their present country for 3000 years.

The majority of the Yol\u in the region that immediately surrounds Nhulunbuy live at the Yirrkala community (population: 800-900) and the Gunyangara community (population 200-300), or in the 19 homelands of the Laynhapuy region (population approximately 750). Laynhapuy homelands residents rely on services located both in Nhulunbuy and Yirrkala. The wider Yol\u population numbers over 5500 in total, with sizeable populations also at the communities of Milingimbi, Galiwin'ku, Ramingining and Gapuwiyak, and a total of around 1800 people in the entire region living in permanent or semi-permanent homelands communities.²

The principle element of Yol\u social organization is the patrilineal clan, of which there are upwards of sixty in North East Arnhem Land. Clans belong to one of two moieties, Yirritja or Dhuwa as does everything in the Yol\u universe. The principle land owning clans on the Gove Peninsula are:

- Rirratji\u
- Gumatj (Gupa - includes Burarrwa\ua & Yarrwidi)
- Marra\u
- Lamami (extinct)
- Warramiri
- G^lpu
- Dha'wa\u
- Marrakulu

Of these clans, by far the greatest portion of land on the Gove Peninsula is 'owned' by the Rirratji\u and Gumatj clans. It is these two clans which are considered by such bodies as the Northern Land Council (NLC) to have the most significant 'say' in what happens on the Gove Peninsula, particularly in regard to the land on which the communities of Yirrkala and Gunyangara are situated. The Gumatj and Rirratji\u clans are in a 'yothu-yindi' (mother-child) relationship with each other and as such are very close in traditional terms. The other clans named above are considered by the NLC to be 'affected' by activities at Gove and as such have some 'say' in what happens on the Gove Peninsula.

Land owners of the wider Laynhapuy region also includes the following clans:

- Djambarrpuy\u
- Ma\galili
- Ma[arrpa
- { a=iwuy
- Djapu (Gupa & Dhu[i)
- Dha'wa\u
- Djarrwark
- Warramiri
- Wangurri
- Golumala
- |aymil

Nhulunbuy is the Yol\u name for what Europeans call Mount Saunders. The name has been adopted by Europeans for the township that nestles around it. Nhulunbuy originally developed as a service town to the mining company, Nabalco, which began operating in the early 1970s. The town exists and the mining operation takes place on land that is leased, through a series of 'special purpose leases', from the Commonwealth Government.³ The leases covering the land being mined and the land on which Nhulunbuy is situated run from 1969 until 2011, with the option to renew for a further 42 years until 2053. Currently it is leased to the Canadian based multi-national mining company, Alcan. Approximately 4000 predominately non-Aboriginal people live permanently in Nhulunbuy and a further 1700 people are transiently staying as part of Alcan's 'Refinery Expansion G3 Project'. Nhulunbuy is commonly visited by people from outlying homelands (discussed below) and larger centres such as Gapuwiyak and Galiwin'ku.

Yirrkala is a traditionally orientated, essentially Aboriginal community, situated primarily on Rirratji\u estate, 23 kilometres from Nhulunbuy. It was established as a Methodist Mission in 1934.⁴ At this time many other Yol\u groups were drawn to the mission, away from their ancestral homelands. Today Yirrkala is the place of residence to approximately 800 Aboriginal people and 200 non-Aboriginal people. The Yirrkala Dhanbul Community Association under the Northern Territory *Local Government Act 1993* manages the community.

Gunyangara is located 12 kilometres from Nhulunbuy on the Drimmie peninsula, is entirely on Gupa Gumatj/Warramiri estate. A significant number of G^lpu clan people also live at Gunyangara through strong kinship connection to that land. Overall, 200-300 people reside at Gunyangara which is managed by the Marngarr Community Government Council, also under by the *Local Government Act 1993*.

The homelands are small communities dotted around the North East Arnhem Land region. They are located on areas of ancestral land that are owned by particular clan groups under traditional law. While some other people spend most of their time at Yirrkala, they look to their homeland as their true home:

.... not just a place to go to for 'holidays' but as the place where they take their boys to undergo their initiation ceremonies, where they want to be buried when they die. Many of these people would choose to return to live on their homelands if there was a livelihood to be gained there, and all things being equal they would prefer their children to grow up there, away from the influences of the mining town, rather than at Yirrkala.⁵

For communities that do not have shops, Nhulunbuy is the primary service centre. Heath, education and other services are also provided by Laynhapuy Homeland Association, Gumatj Association, Miwatj Health and the NT Government.

Recent history

The Yol\u peoples of North East Arnhem Land have had a long history of intermittent external contact. Trepanng gatherers from Macassar visited the Yol\u for centuries until early in 20th century. Evidence of this contact can be found in Yol\u rituals, languages, content and artefacts. Crocodile shooters, fisherman and buffalo hunters also visited the area in more recent times.⁶ North East Arnhem Land, by comparison with other parts of Australia, remained relatively free from western contact. Even with the establishment of the Methodist Mission at Yirrkala in 1934 and the Royal Australian Air Force base on the peninsula during World War II, the Yol\u and their way of life remained unchallenged by mainstream European culture. This was until interest developed in the rich bauxite deposits of the region in the early 1960s.⁷⁻⁸

Mining

In 1963 the Commonwealth Government, without the approval of Yol\u landowners, excised 300 square kilometres of land from the Arnhem Land Reserve to assist the early stages of the Nabalco bauxite-mining venture.⁹ At the time a senior Gumatj leader, Mungurrawuy Yunupi\u, expressed the apprehension and fear caused by these developments:

and then this thing appeared, with claws ... and started moving, pushing us on this our land ...and maybe this thing is going to destroy us ... this new law ... gambling and evil living over there.¹⁰

The Yol\u people of Yirrkala protested against the mine and appealed to the Commonwealth Parliament to appoint a select committee to hear their views before allowing mining to go ahead. They designed bark petitions written in both the local Gumatj language and English. The petitions were presented to the Commonwealth Parliament in August 1963. They declared Yol\u Law and ownership and depicted the traditional relations the Yol\u people have with their land. Although the appeals to the parliament gained acknowledgement they failed to achieve the justice the Yol\u sought.¹¹ In February 1968, following a two year, million dollar feasibility study, the Commonwealth Government entered a formal agreement with Nabalco granting a 42 year renewable mineral lease.¹²

In December 1968 the people from Yirrkala responded to the Commonwealth's decision by applying to the Supreme Court of the Northern Territory to restrain the mining venture.¹³ By the end of 1969 approximately 1200 construction workers were on the Gove Peninsula.¹⁴ It was not until April 1971 that judgment in the Gove Land Rights Case was delivered.¹⁵ Judge Blackburn, while accepting that Yol\u had been living at Yirrkala for tens of thousands of years and acknowledging their deep spiritual association with the land, could not recognize this as evidence of ownership in legal terms and found against the plaintiffs.¹⁶ The development of the mine and processing plant proceeded and the township of Nhulunbuy designed for 5000 residents continued to expand to cater for Nabalco employees and their families.

The story of this historic case along with the Gurindji people's action at Wave Hill provided the impetus for the establishment of the 1973 Woodward Royal Commission.¹⁷ The Commission's charter was 'to enquire into and report upon ... the appropriate means to recognize and establish the traditional rights and interests of the Aborigines in relation to land, and to satisfy in other ways the reasonable aspirations of the Aborigines to rights in relation to land.'¹⁸ This Royal Commission led to the *Aboriginal Land Rights (Northern Territory) Act 1976* that gave Aboriginal people title to Aboriginal Reserves in the Northern Territory through the statutory creation of "Aboriginal Land" and enabled claims to vacant crown land.¹⁹ Yet despite Woodward's specific and strong recommendation that the Yol\u at Yirrkala be included in the new land rights regime, the area covered by mining company leases was specifically excluded from the operation of the Act. At this time the mining operation was entering its second decade and it was too late for the Aboriginal people of Yirrkala:

'... we truly feel much pain for this land and we haven't accepted them yet ... but there's nothing we can do ... they want this land ... and that's how it is.'²⁰

Today, nearly thirty years later, Yol\u are still coming to terms with and managing the changes that the mining operation and non-Indigenous people have brought.

Homeland movement

Another important period in the recent history of the region is the 'homeland movement'. After the growth of the Methodist Mission, when many Yol\u groups were drawn to Yirrkala, Yol\u began returning to their ancestral homelands in the early 1970s. The homelands movement gained great momentum following the loss of the court cases in which Yol\u tried to prevent mining operations and the creation of Nhulunbuy. It was a direct attempt by Yol\u leaders to isolate themselves from the damage to country and culture caused by these changes and the introduction of alcohol to the region. As Morphy describes:

.... people were tired of living away from their country. They felt disempowered because they were living in large communities on other people's country, with nothing purposeful to do. At Yirrkala they were also concerned about the social effects of the newly established mining town of Nhulunbuy on their young people. The move back to the homelands strengthened, in people's minds, their connection to their country and their ability to protect it from exploitation by others. It restored their ability to regulate their own social affairs, and to hold on to their young people.²¹

Over three decades on, these people and their descendants are still living in homeland communities for the same reasons.

2

Methodology

This report is based on data gathered through unconcealed participant observation and formal and informal semi-structured interviews. These key research techniques are supported by quantitative data in the form of statistical information.

Both qualitative and quantitative research techniques were chosen because together they deliver on the requirement of the project, enhance the validity of the research and add a degree of flexibility to data collection.²²

Overall more than 45 interviews or discussions were conducted with more than 120 different individuals. This included consultation with individuals and representatives of the principle land owning clans on the Gove Peninsula and individuals and representatives of clans that own land beyond the Gove Peninsula who are also affected by alcohol. More details about these meetings is provided in appendix 1.

The text box below provides an overview of consultations during the first visit, undertaken from November 30 to December 18, 2005.

Semi-structured interviews and discussions were conducted with:

- Members of the Yirkala community
- Laynhapuy Homelands Association Council
- Dhimurru Rangers
- Yirkala CEC School Action Group
- Targeted Yol\u people
- Nominees and/or General Managers of the six licensed outlets
- Town Administrator, Nhulunbuy Corporation
- Coordinator, East Arnhem Community Harmony Group
- Alcan Community Relations Manager, Pacific Region

Unstructured interviews and informal discussions were held with:

- East Arnhem Community Harmony Group: alcohol sub-committee
- Executive Director, Australian Hotels Association, NT
- Anglicare, East Arnhem Region
- Nhulunbuy Police

The text box below lists the individuals and groups consulted during the second visit, undertaken from January 18 to January 26.

Semi-structured interviews and discussion were conducted with:

- Marngarr Council
- Yirrkala Dhanbul Council
- Dhimurru Rangers
- Chairman, Miwatj Health
- Chairman, Harmony Group
- Targeted Yol\u people

Unstructured interviews and informal discussions were held with:

- Nhulunbuy Police
- Family and Children Services
- East Arnhem Community Harmony Group

3

Alcohol on the Gove Peninsula

History and current supply

History

The introduction of alcohol to the region of North East Arnhem Land by Europeans is not well documented. Limited alcohol was available at a licensed bar at the Down Range Guidance and Telemetry Station built during the mid and late 1960s.²³ Many Yol\u say that alcohol came to the area during the construction phase of the Nabalco mining venture in the early 1970s and was available from a small onsite canteen at the plant. Yol\u also report that their initial introduction to alcohol came through curiosity and from observation and socialisation with non-Indigenous people during this time.

There was no nganitji (alcohol) before the mine, people just going out hunting ga (and) working, learning to work around the communities ... the mine came in ...people started to explore, find out what the Balanda did ...²⁴

As the construction of the mine and alumina treatment plant proceeded, Nhulunbuy developed as the regional service centre. The Walkabout Hotel lodged an application in 1970 to the Northern Territory Liquor Commission for a liquor license. The Yol\u people challenged the application and were led by Chairman of the Council of Elders, Rirratji\u clan leader, traditional owner and lands rights activist, Roy Marika. The challenge was defeated and the Hotel was granted its license. A right of appeal to the Supreme Court was also subsequently rejected. For the Yol\u this was another devastating legal blow delivered in the same year as Judge Blackman handed down his decision allowing mining operations to continue.

Since this time, Yol\u have fought to block the proliferation of licenses in the region to stem the availability of alcohol. Particularly noteworthy was their protest against the opening of the liquor store in Woolworths which commenced sale of alcohol in November 1990. Yol\u were worried that monies might be spent on alcohol instead of food, given the proximity of sales. They were also anxious about the bother they and other shoppers would receive from a small number of their people trying to acquire money for alcohol and the negative stereotypes that develop as a result. The local member for Nhulunbuy, now Minister for Racing, Gaming and Licensing, at the time acknowledged the concern and lack of consultation regarding the decision to grant Woolworths a license:

Some 3 or 4 years ago, Foodland applied for a liquor licence for a bottle shop and the application was rejected. Woolworths applied for a liquor licence also, presumably in order not to be caught out in the event of the Foodland application being granted. Subsequently, the Woolworths application was approved and a licence was granted. The store sat on it until late last year when it underwent a fairly major refit incorporating a bottle shop in direct competition with the long- established Arnhem Club and Gove Resort Hotel, both of which are located within 200 m of the store which itself is located in the town centre. There was then, and remains now, a large number of people opposed to that decision, which was a South Australian management decision made without any reference to or regard for the people of Nhulunbuy and Yirrkala and the social fabric of those towns.²⁵

The most notable feature of the history of alcohol on the Gove Peninsula is the consistency of opposition over decades by the majority of Yol\u to its supply. Yol\u have spoken out at every opportunity against the damage being caused to their society by alcohol – this is recorded in numerous places, in film and in print (presented later in this report). An equally significant feature of the history is that this opposition has been consistently ignored and overridden by governments and corporations. Despite their stand and the findings of the House of Representatives Standing Committee on Aboriginal Affairs²⁶, the number of liquor licenses in Nhulunbuy has grown to seven. The most recent has been the opening of a Social Facility strictly for G3 staff as part of Alcan's 'Refinery Expansion G3 Project'.

Recent changes to takeaway hours

In 2002 changes to takeaway hours were introduced. A brief history of the events leading up to this is presented below.

1999: Yol\u leaders appealed to the Licensing Commission to restrict takeaway alcohol sales to Yol\u people to one hour per day between 8.00pm and 9.00pm.²⁷ While this was not agreed to, the Licensing Commission proposed in 2000 a broader range of changes to takeaway hours that were applicable to all residents as follows:

Monday, Tuesday, Wednesday and Sunday: 3pm – 9pm

Thursday & Friday: 3pm to 9pm with specific restrictions on wine casks, spirits and heavy beer.

Saturday: 10am to 9pm

In addition it was suggested that no outlets sell takeaway wine casks greater than two litres in volume.

A period of public consultation followed. Support was given to the proposal by most Yol\u and Yol\u organisations that provided submissions, including the Yirkala Dhanbul Council. Many Nhulunbuy residents and a number of community and government organisations such as the Nhulunbuy Town Board and Nhulunbuy Police were also supportive. These individuals and groups cited the harm that alcohol causes to individuals, families, and community wellbeing. On the other hand a number of residents, particularly non-Indigenous, disagreed with the proposals. These submissions included petitions. Reasons given for their opposition included: being penalised for the actions of a minority; a sense that restrictions were like prohibition; an increased risk of drink driving; inconvenience for shift workers and general inconvenience.

March 2001: The Commission introduced restrictions on the sale of takeaway liquor in Nhulunbuy for a trial of six months. The hours were:

Monday – Friday: 2pm to 8pm (reduced)

Saturday: 10am to 9pm (no change)

Sunday: 12pm to 9pm (no change)

The restriction on the size of wine casks was removed but the on-premises sale/consumption of alcohol could not commence until 11.30am.

October 2001: The Licensing Commission determined to retain the above license conditions that applied during the trial period for a further six months to 28 February, 2002. The trial was extended because of the very limited response to the review. Apart from positive submissions received from

the Police and the Nhulunbuy Corporation, only eight members of the community submitted opinions (both positive and negative) to the Commission.

Despite the extended trial allowing a more detailed assessment of the restrictions by community groups and interested residents of the region, there was little comment and no formal evaluation was undertaken.

April 2002: The Licensing Commission accepted the recommendation of the reporting officer that the Commission maintain the current restrictions in Nhulunbuy, however they inserted a condition that allowed bar trade on Public Holidays to be the same as Saturday. The current conditions governing takeaway sales are:

Monday – Friday: 2pm to 8pm (reduced)

Saturday and Public Holidays: 10am to 9pm (no change for Sat)

Sunday: 12pm to 9pm (no change)

Current supply

The seven licensed establishments present today are:

- Walkabout Lodge and Tavern
- Mac's Liquor (Woolworths)
- Arnhem Club
- Gove Yacht Club
- Gove Golf Club
- Gove Surf Club
- Construction Village Social Facility strictly for G3 staff.

There is nowhere else in North East Arnhem land, including Gunyangara, Yirrkala and outlying homelands, where alcohol can be purchased legally. To purchase alcohol from any of the clubs, individuals are required to be, or be in the company of bona fide club members. Membership can be obtained easily by paying a nominal fee. The Walkabout Hotel and Mac's Liquor require no such membership.

Of the licensed establishments, the Gove Golf Club and Gove Surf Club are specifically run to service a particular sporting community and their membership is very limited. The former is well removed from the town area and the latter has extremely limited trading hours, restricted mostly to weekends.²⁸ The Gove Yacht Club services yachting and other water sport interests and is based in close proximity to Gunyangara. A number of Gunyangara residents are members of the Yacht Club. The remaining four outlets are all within the small central town area and are the major suppliers of alcohol on the peninsula.

Five of the licensed establishments in Nhulunbuy have a license to sell takeaway alcohol. These are the Walkabout Tavern, Mac's Liquor, the Arnhem Club, Gove Yacht Club and Gove Golf Club. The first three record the highest volume of sales. The Arnhem Club, Gove Yacht Club and the Gove Golf Club may only sell takeaway liquor to financial members.

Town camps and drinking

On the fringes of the town of Nhulunbuy there are a number of camps. Campers are primarily Yol\u and come from all over North East Arnhem Land, including the nearby communities of Gunyangara and Yirrkala. Some of the Yol\u that live in these camps are permanent residents while others are more transient. The population of each camp varies, ranging from two or three people to larger groups of up to 20. The overall camper group ebbs and flows, ranging from as low as 20, usually in the wetter months, to as high as 120 in the dry season. Ceremonial activity influences the number of campers. Some Yol\u attending local ceremonies, such as funerals, choose to stay in town camps. Some stay on permanently.

The lives of most Yol\u living in these camps fringing Nhulunbuy are fundamentally unhealthy. Large amounts of alcohol, poor diet, frequent violence and a lack of hygiene facilities, all combine to increase morbidity and hasten mortality among these people. A typical day for a heavy drinker is to wait for the Walkabout Hotel to open (the most accessible of the alcohol outlets), consume alcohol on the premises until the bottle shop opens, make a takeaway purchase (usually large wine casks or another cheap form of alcohol) then consume it at a camp or other favoured venue. This sort of day can be followed by a visit to Gove Hospital Emergency Department during the night or the Miwatj Aboriginal Health Clinic in the morning. This pattern of behaviour is not new and one highlighted by the House of Representative Standing Committee on Aboriginal Affairs in 1974:

‘... the problem remains that the supplies are still available from the bottle department. From here Aboriginals in various stages of intoxication can purchase flagons of fortified wines etc which can then be taken to the nearby beach or back to Yirrkala.’²⁹

Drinking is a key feature of the camping lifestyle but reasons given by Yol\u as to why people choose to live in these camps and drink alcohol are extremely diverse and bound up in complex social and cultural issues. For a number of Yol\u it helps them to deal with past grievances such as death or immediate relationship problems. It is sometimes seen to be a solution to family problems, often caused by alcohol in the first place:

‘there’s probably a family conflict there somewhere, that sort of thing that they’d rather take away and lose it by drinking’³⁰

‘you don’t like me do you, I’m going to go and drink’³¹

‘even little teenagers ...they get in argument with mother and father, just come straight back here [the camps].’³²

For others, intoxication is a desired end, producing positive feelings and behaviours including manikay (song), bu\u gul (dance) and making fun.³³ This is seen to be an attractive alternative to boredom that comes with unemployment:

‘there’s b^y\u dj^ma (no work)...and they get bored sitting around doing nothing and probably they think well I’ll go and drink \anitji (alcohol). That’s more enjoyable and I can make more friends.’³⁴

There is also a logistic benefit for regular drinkers who find it convenient to ‘live’ close to the point of alcohol sale rather than seeking a lift in each day:

‘they [the campers] drink all the time, when the pubs open they go straight in ... because they don’t want to hitchhike, they live closer.’³⁵

This equally compounds the addictive nature of this lifestyle and campers comment on the peer pressures that have a dynamic influence on drinking patterns and choosing to stay in the camps.

'some Yolngu might say *but I want to give up \anitji* (alcohol) but they can't because their friends are always drinking and always around.'³⁶

What is clear is that Yol\u campers drink and Yol\u drinkers camp and that a simple causal relationship rarely exists.³⁷ Researchers agree that the explanation of alcohol use in general and alcoholism in particular is almost certainly multi-factorial and it is likely there are numerous contributing factors which may have medical, psychological, sociological, cultural, environmental, economic, and political aspects.³⁸

Drinking at 'The Limit'

In 1980 Yirrkala was declared dry under Northern Territory Legislation. Since then many drinkers have chosen to consume takeaway alcohol at a place known as 'The Limit'. This refers to roadside bush a couple of kilometres from the community of Yirrkala, just outside the dry area and adjacent signage that indicates you are entering a dry community. 'The Limit' offers a social attractiveness not unlike that of the camps around Nhulunbuy but is a more convenient location for those drinkers whose residence is in Yirrkala. Although the problems experienced by drinkers at the limit generally haven't escalated to the degree of those that live in the camps around Nhulunbuy, they are nevertheless serious and damaging. Of particular consequence is the proximity of 'The Limit' to the roadside (drinkers being hit by cars) and the Yirrkala community (drinkers returning home intoxicated). Recently 'The Limit' was 'closed' by senior Yol\u leaders following a spate of suicides and accidents.

A similar 'limit' exists on the causeway to Drimmie Head peninsula and the Gunyangara community, just prior to the sign that states the community has been declared dry by traditional owners. Given its proximity to the Yacht Club this 'limit' is not as defined as the one close to Yirrkala.

Alcohol in the communities

In addition to the informal camps fringing Nhulunbuy and the 'limits', large amounts of alcohol are consumed in the established communities of Yirrkala and Gunyangara.

In North East Arnhem Land restrictions under part VIII of the Northern Territory Liquor Act as described in Schedule "B" apply to the community of Yirrkala, the small community of Galuru on the outskirts of Nhulunbuy, and an area of land and sea north of Nhulunbuy.³⁹ Currently at Yirrkala 68 people hold permits that allow them to drink in their place of residence. The majority of these permits are held by non-Indigenous residents. Despite being 'dry' and sporadic attempts to police this, Yirrkala for many years is widely regarded by its residents as being awash with alcohol, all of which is sourced from the outlets in Nhulunbuy. Small amounts are consumed legally by permit holders, while large quantities are smuggled in, taking an enormous toll in terms of violence, health, schooling and destruction of culture. At the same time people go home after drinking at 'The Limit' causing disturbances when they arrive.

The traditional land-owners of the Aboriginal community of Gunyangara have declared their community restricted. A road-side sign as you enter the Drimmie peninsula, where the community is located, reads 'alcohol is not permitted beyond this point without written authority of the chairman of the Gumatj Association.' These restrictions, unlike Yirrkala and Galuru, are not recognized under part VIII of the Liquor Act so there is little statutory control and enforcement.⁴⁰ It is commonly known that large amounts of alcohol are consumed at Gunyangara, and the disturbing record of violence and suicide at Gunyangara is well-known to all Yol\u and others who are

familiar with that community. The Marn Garr Council is, however, working with the Licensing Commission to have the peninsula declared dry under the Liquor Act (discussed in detail later in this report).

Larger Aboriginal communities further out from Nhulunbuy, including Gapuwiyak and Numbulwar, are also affected by alcohol sourced from Nhulunbuy. Although these communities are 'dry', Nhulunbuy is the chief source for alcohol smuggled into these communities. The resulting inter-clan and inter-family conflict, blame, accusation and animosity that may take years to resolve.

The outlying homelands are not legally a dry area but a large number of traditional owners have operated a 'no alcohol' policy for over 30 years. Because of the effectiveness of homelands leadership and the cohesiveness of homelands communities, this policy has been largely successful, although there are signs that it is beginning to break down at some homelands.

Current interventions to reduce the impact of alcohol

This section briefly examines some of the measures in place in the region to manage the harm that alcohol causes. This discussion is not intended to be comprehensive, but act as a testimony to the problems that alcohol causes and to the efforts that are being made to address them.

East Arnhem Community Harmony Group

This group represents a wide variety of interests, individuals and groups, both Yol\u and non-Indigenous, government and non-government.⁴¹ Its primary objective is:

To foster a cooperative and coordinated regional approach to strategies, projects and initiatives with particular emphasis on law and social justice development, substance misuse, itinerant issues and the prevention of crime.

The Harmony Group is actively involved and supportive of a wide range of initiatives including the special care centre, community patrol and 'Raypirri Rom' projects (discussed later). The group identifies their role to:

- Coordinate and mesh current programs and services at the regional centre to provide a integrated platform for service delivery, identifying and resolving service and resource gaps, information sharing and ethical protocols between organisations.
- Develop, trial and evaluate a coordinated and integrated two-way (mainstream & Yol\u) service delivery model, such as the 'Raypirri Rom' project, within the Gove Peninsula area and one remote community in East Arnhem.
- Advocate for, and assist the communities of the region to identify and resource professional community assistance to support community groups working in substance abuse, family violence and child abuse areas.
- Develop coordinated support for community groups working in substance abuse, family violence and child abuse areas in partnership with the communities of this region.
- Maintain close links with other social and health related programs assisting the well being of community people.⁴²

Community/night Patrol

A community/night (community) patrol operates on the Gove Peninsula servicing Nhulunbuy, Yirrkala, Galuru and Gunyangara. The patrol staffed mainly by Yol\u women seeking to reduce the impact of alcohol abuse on the individual and community by encouraging responsible drinking, settling drunken conflict, and returning intoxicated people home or away from dangerous areas such as road sides. It is a difficult job that requires committed and passionate workers:

‘we risk our lives for this job we leave our families and our husbands to do it’⁴³

The community patrol has had a sporadic history since 1995 when it first began with the effort of a group of Yol\u women who called themselves the ‘Sober Women’s Group’. In 2005 the community patrol operated more consistently and the impact it has had is evident in the reduction in number of alcohol related protective police custodies (discussed in the next chapter). It is also a service to reduce vandalism, petrol sniffing by youth and monitoring other activities such as kava consumption and card gambling.

Special Care Centre

A Special Care Centre has been built in Nhulunbuy to operate as a dry-out and short-term rehabilitation centre and as the base for the community/night patrol. Yol\u have been calling for such a facility for some time. In addition the centre has plans for education programs and strategies to help people return to homelands. Currently tenders are being sought to manage the facility and it is due to open in early 2006.

Crisis Accommodation

Crisis accommodation is provided in Nhulunbuy for women and children escaping domestic and family violence and crisis/short term accommodation and support to individuals and families in crisis. Services provided by Crisis Accommodation also include counselling and emotional support, referral, outreach, living skills, court support and emergency relief financial assistance. Accommodation is open to all women both Yol\u and non-Indigenous.

Education

The Yirrkala Community Education Centre Yambirra School Council has embarked on a major education and youth development strategy in response to the crisis effecting Yol\u youth. This reform agenda for the school is embedded in a community development context and seeks to involve parents, community organisations and relevant government agencies.⁴⁴ Although this action plan is in the planning stages, the School council has sought immediate support from the ACCC funds resulting from fines imposed on the Nhulunbuy liquor outlets in 2004 (Mac’s Liquor, the Arnhem Club and the Walkabout Lodge) for collusive liquor pricing practices.⁴⁵ These funds are targeted at alcohol and drug harm reduction. The Yambirra School Council seeks to use these funds for alcohol and drug prevention/education programs (in and out of school hours), rehabilitation and recovery strategies and expert crisis counselling.

Family and Children Services

The Family and Children’s Services (FACS) Program in cooperation with the Australian Government provide a range of services that address issues such as family violence and the protection and care of children. For the East Arnhem region there are positions for three child protection officers and two Aboriginal Community Workers (non-Indigenous) based at Nhulunbuy,

and two Aboriginal Community Workers (Yol\u) that are based at Numbulwar and Galiwin'ku. Other communities are visited on a monthly or as needs basis. FACS also provides funding to Gove Crisis Accommodation and to the Anglicare Youth Connect Program and have just entered into an agreement with Miwatj Health and the Australian Government to fund a 'Raypirri' (discussed later in this report) coordinator position at Miwatj.

Miwatj Substance Misuse Outreach Program

Miwatj Health has run a Substance Misuse Outreach Program in various forms over the last decade. Its current mission is 'to reduce the alcohol and other drug related health problems, harm and social effects of excessive alcohol use in public places in and around Nhulunbuy.'

To achieve this, the program has a strategy to;

- conduct a breakfast program for itinerant campers at Miwatj Clinic in Nhulunbuy two mornings per week.
- take breakfast program participants out on a hunting and fishing trip once per month.
- conduct regular health screen of breakfast program participants or when the opportunity arises.
- in conjunction with other service providers and stakeholders, coordinate the return of participants to their homelands.
- involve other service providers and stakeholders in planning and activities that address the alcohol issues of itinerant town campers.

Anglicare Youth Connect Program

Anglicare Youth Services Division East Arnhem runs a number of initiatives to assist people directly or in-directly effected by alcohol and other drug use. This includes a drop in centre where young people can participate in activities including education and training regarding drug and alcohol abuse and gambling problems. It also runs a Youth Connect Program which works with young people and their families to explore ways of preventing early home leaving or to reconnect young people with support systems when they have already left home.⁴⁶

4

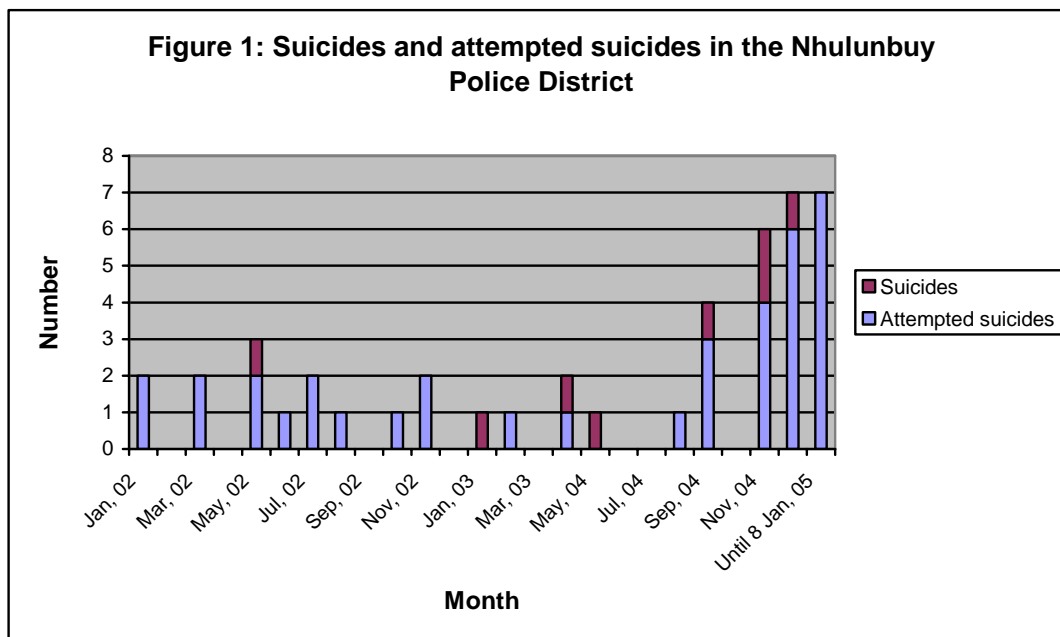
Indicators of harm

This section presents statistical and qualitative evidence that reveals the shocking harm that alcohol is having on and around the Gove Peninsula. Although the number of Yol\u drinking to excess may be relatively small overall, this is having a massive impact on the community. Alcohol abuse impacts on the individual, their family, the wider Yol\u community and the ongoing viability of traditional culture directly through violence and anti-social behaviour and indirectly through the sadness and grief that drinkers trigger with illness and preventable death. The ripple effects are amplified by the connected nature of Yol\u people through kinship and communal lifestyle.

Direct indicators

Mortality data

The rates of suicide and attempted suicide amongst Yol\u are overwhelming. These rates are progressively increasing. In a report prepared by the Nhulunbuy Police, there were 8 suicides and 34 attempted suicides in the Nhulunbuy Police District⁴⁷ in just over 24 months (refer to figure 1 below).⁴⁸ Over this period the number of reported attempted suicides had increased by more than 300%. Alcohol is reported to be a key contributor. Toxicology reports were received for 5 of the 8 victims: two had the presence of cannabis, the remaining three had blood alcohol readings between 0.041% and 0.181%. In attempted suicides where it was known if drugs were involved, 85% of cases involved alcohol.⁴⁹



Source: Fuller, T. (2005). Aboriginal suicides in North East Arnhem Land 2003-2004: an overview of current suicide and attempt suicide trends amongst the Indigenous population in the Nhulunbuy police district. Nhulunbuy, Nhulunbuy Police, p.6.

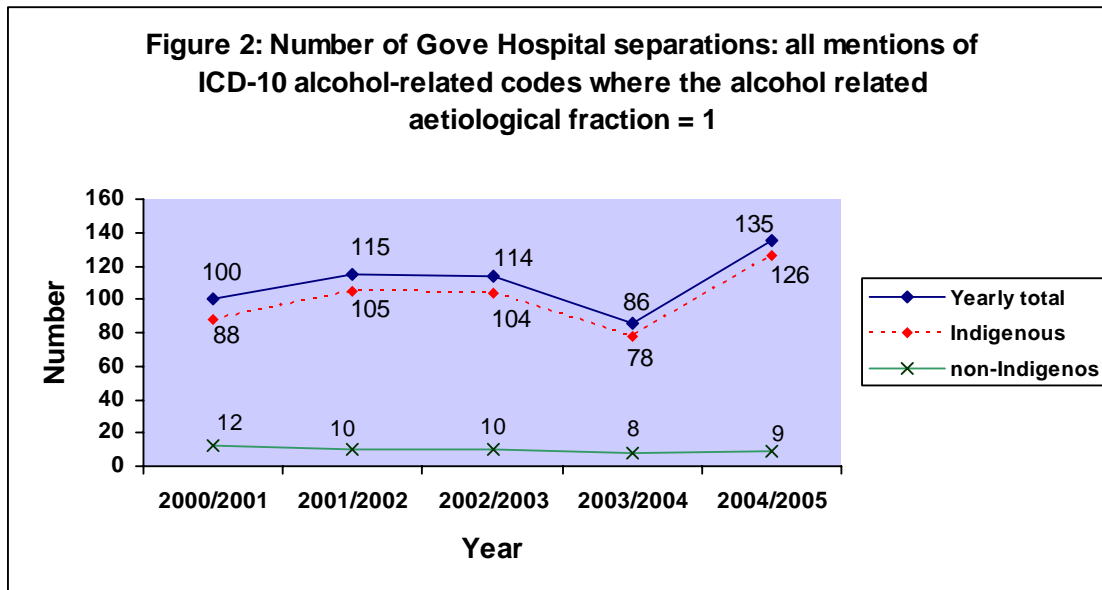
Males and people in their late teens to early 30's are the principle groups to attempt and complete suicide. Alarming in 2004 there was a report of a nine year old attempting to hang himself.

This report also reveals that the Gonyangara community during the study period had the highest rates of suicide (3) and attempted suicide (16) of any community in the district by a significant margin. The extrapolated suicide rate of 867 per 100,000 people as compared to the national average of 13 is extremely concerning.⁵⁰

Other more general mortality data from the Northern Territory indicates that age standardized death rates from acute alcohol-attributable conditions (eg road crashes deaths, violent assault, drownings) are approximately four times greater for Indigenous compared to non-Indigenous people. Indigenous death rates from chronic alcohol-attributable conditions (eg. alcoholic liver cirrhosis) are over five times greater than non-Indigenous death rates.⁵¹

Morbidity data

Figure 2 presents Gove Hospital separation data⁵² where illness can only be attributed to alcohol use. Technically this is ICD-10 alcohol related codes where the alcohol related aetiological fraction = 1. It includes mental and behavioural disorders due to use of alcohol, alcohol gastritis and liver diseases caused by alcohol. Over the 12 month period 2003-4 to 2004-5, Indigenous alcohol related hospital separations at the Gove Hospital rose dramatically by 62%. Even by comparison with the higher figures from earlier years 2001/2 and 2002/3, these latest figures still show a 12% increase.



Source: Alcohol and Other Drugs Program, NT Department of Health and Community Services

The numbers themselves grossly under-estimate the number of separations that are alcohol related as they do not include illnesses where alcohol may be a contributing cause such as heart failure, epilepsy, infertility and hypertension. However, it confirms the qualitative evidence that the health related effects of alcohol have recently escalated amongst Yo\u, climbing to a high of 337 cases. The greatest increases have been in the 25-34 age group and among women.⁵³

Staff at the Miwatj clinic speak of the serious consequences that alcohol abuse has among Yo\u who make up most of their clients. They report that drinkers present with direct complications of

alcohol abuse including upper gastrointestinal bleeds, fitting and physical injuries and are significantly underweight, smoke and are frequently ill. They also report associated problems such as sexually transmitted diseases, strongyloides, pneumonia and urinary tract infections. Poor health status is reflected in frequently abnormal blood test results, for example, high liver function tests (LFTs) that indicate damage to the liver.⁵⁴

Alcohol related violence, including domestic violence and self harm is reported by doctors to be a significant reason why people present to the clinic at Miwatj health. Prior to interview, Dr Tumman explained that he had been treating a man who, a couple of weeks ago, had presented with a fractured jaw and facial lacerations. He was flown to Darwin where his jaw was plated and he was given a strong course of antibiotics. He also suffered serious symptoms associated with alcohol withdrawal. On this particular day, he had been found semi-conscious, intoxicated and with serious bleeding from the mouth. Furthermore, he had lost his antibiotics and would require an x-ray to determine whether or not his jaw would need to be replated. As Dr Tumman explained, this was an all too common event:

I see violence, including domestic violence, *every single day* and it is always alcohol related from all my travels around the world, I have never seen alcohol problems like these in the Top End ... it is devastating.⁵⁵

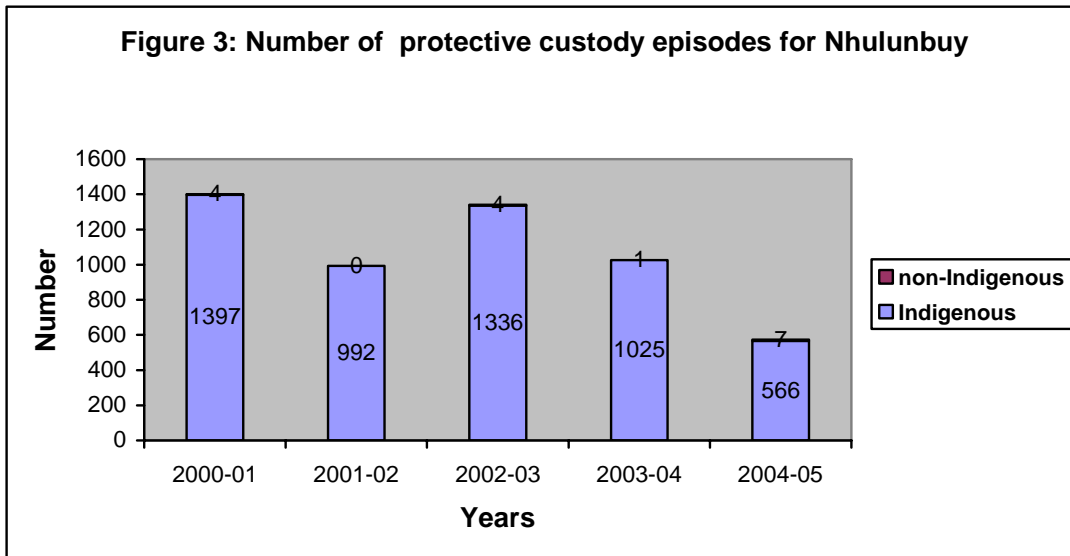
At particular risk are those individuals who spend time in the camps on the fringe of Nhulunbuy. Their health status is overwhelmingly poor. This lifestyle of excessive alcohol consumption, exposure to the elements and poor nutrition and hygiene is a common cause of death, violence and serious illness among campers, particularly at the town beach.⁵⁶ Indeed, campers report signs and symptoms that fit neatly into the criteria of the 'alcohol dependence syndrome' that is based on biological and psychopathological disease theories. For example, campers display a preference for drinking over other activities and difficulty drinking in moderation. They report requiring more alcohol to achieve the same effect and drinking alcohol to alleviate morning shakes and nerves.⁵⁷

Indirect indicators

Police apprehensions

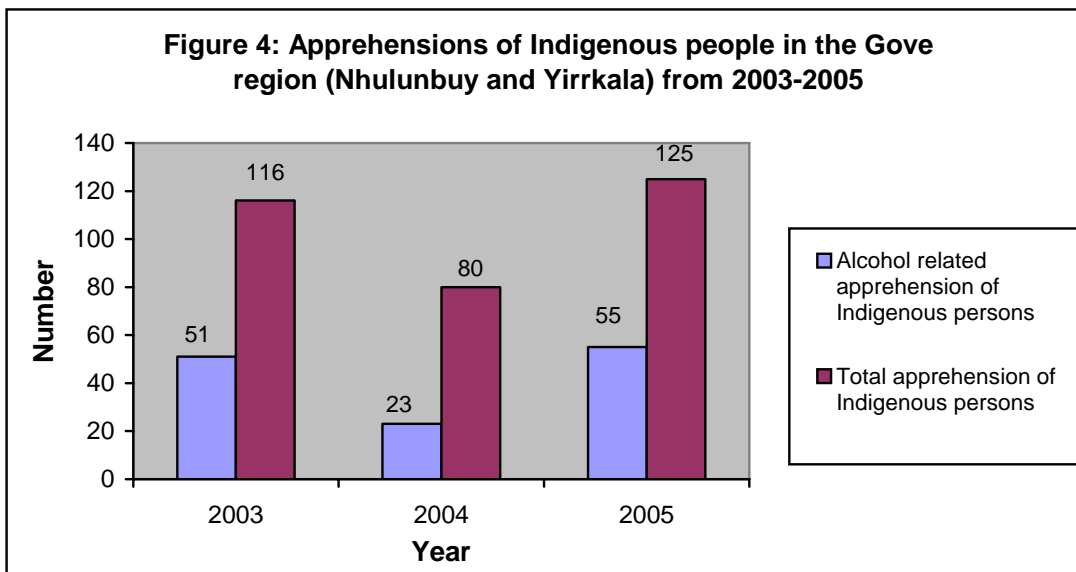
The number of protective custody offences reveals a significant problem, particularly for Yol\u. During the period 2000-1 and 2004-5 the annual average of protective custody episodes involving Yol\u was 1063 (refer to figure 3 below). These are occasions when intoxicated people are brought into the police station to sober up (apprehended but not arrested) because of concern for their well being or others they may harm.⁵⁸

These are compelling figures given the population of Yol\u on the Gove Peninsula and surrounding homelands is estimated to be less than 3000.⁵⁹ It would appear encouraging that in the most recently recorded period the number of protective custody episodes has significantly declined. However, according to the local police, this is not indicative of any improvement in alcohol related problems, but that initiatives such as the community night patrol that is very successful at diverting Yol\u away from protective custody.⁶⁰



Source: Office of Crime Prevention, Department of Justice

The manifestation of the alcohol problem for Yol\u is further evidenced by the specific data regarding apprehensions (with arrest). For the period 2003 to 2005, an average of 40% of police apprehensions of Indigenous people involved alcohol (refer to figure 4 below). The majority of apprehensions were for 'acts intended to cause injury', 'unlawful entry with intent/burglary, break and enter', 'theft and related offences', 'road traffic and motor vehicle regulatory offences' and 'public order offences'.

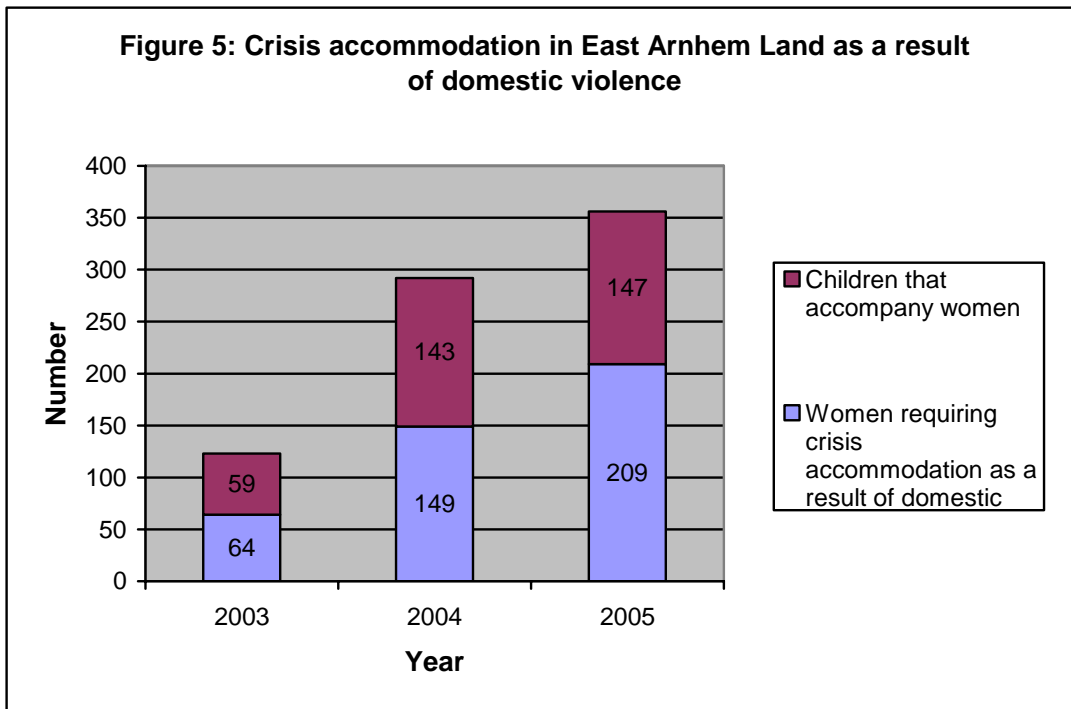


Source: Office of Crime Prevention, Department of Justice

For the Yirrkala community alone the number of alcohol related apprehensions has increased by 600%, from four in 2003 to 24 in 2005. Public order offences account significantly to this rise with an 800% increase, from two in 2003 to 16 in 2005.⁶¹

Crisis accommodation

Information acquired from Gove Crisis Accommodation reveals a significant upward trend in the reported domestic and family violence that is occurring in the East Arnhem land region. In the last three years the number of women requiring crisis accommodation as a result of domestic violence has increased by over 325% (refer to figure 5 below). The vast majority of cases are Yol\u women and alcohol is implicated - this is a similar picture to that painted by an Aboriginal Health Worker at the Yirrkala.⁶² Figure 5 also reveals that the number of children that accompany women seeking crisis accommodation has increased by almost 250% for the same period.



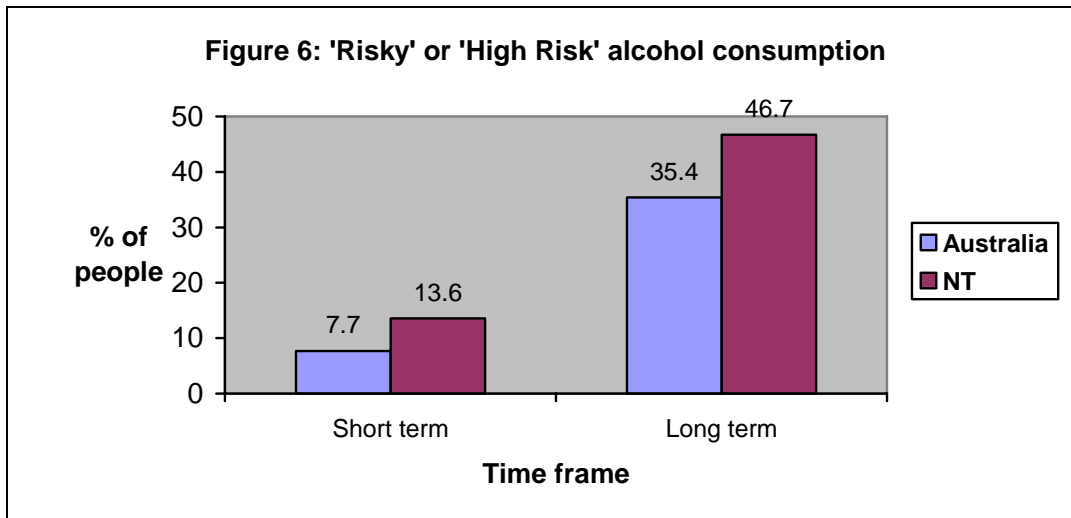
Source: Gove Crisis Accommodation

Equally concerning is the volume and increase in unmet demand. This is where women are unable to seek refuge for reasons out of their control, including accommodation shortages, intoxication or insufficient funds for flights. From 2004 to 2005 there has been a 50% increase: approximately 200 women and 100 children in 2004 rising to approximately 300 women and 200 children in 2005.⁶³

Significantly, a lot of domestic violence that occurs goes unreported and the victim often does not access support unless suffering significant medical injuries.

Consumption and purchase data

Territorians consume alcohol at levels that cause both long and short term harm. About 14 per cent of Territorians consume more than 7 standard drinks on any one occasion, enough to cause short-term harm; and about 47% of Territorians are consuming enough to put them at risk of long-term harm (see figure 6 below).⁶⁴ The figures are higher than those for the rest of Australia and suggest a culture of heavy drinking. This should alarm health and licensing agencies in the Northern Territory.



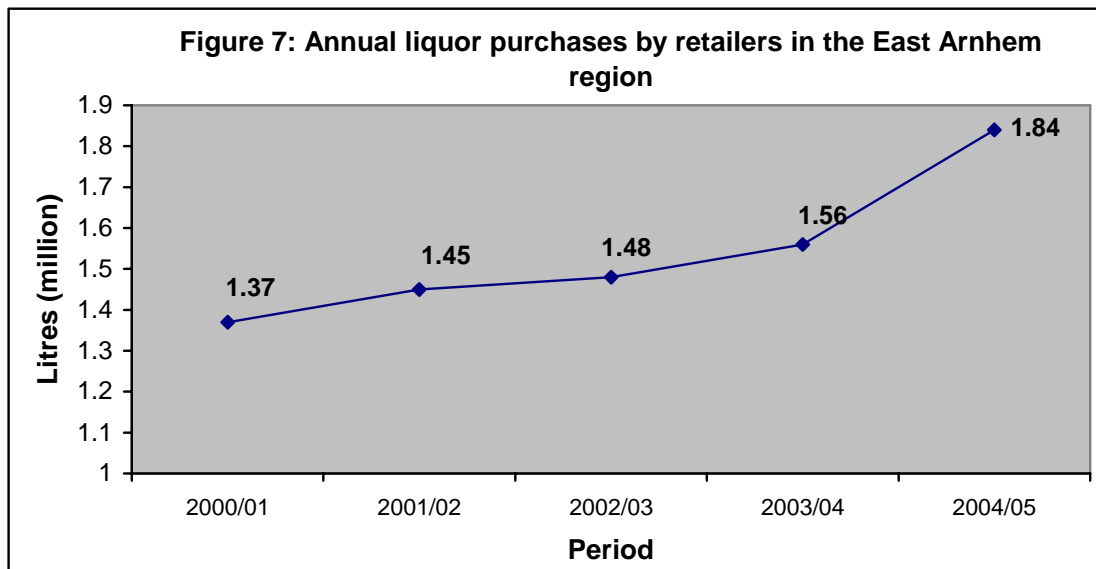
Source: 2004 National Drug Strategy Household Survey

Equally compelling is the average per capita consumption of alcohol for Territorians, which is 17.8 litres per year (this has increased from 14.3 in 98/99). In the 03/04 period it was 17.5 in comparison to the national figure of 9.79.⁶⁵⁻⁶⁶

Consumption rates in the East Arnhem region⁶⁷, including Nhulunbuy, reveals a similar and concerning drinking culture. In a local Nhulunbuy survey undertaken in 1997, 26% of residents between the ages of 18 and 44 drank 'hazardously' or 'harmfully', compared to the territory average of 17%. Particularly notable was the 'harmful' use of alcohol by people between the ages of 18-24 which was 3 to 4 times higher than the Territory average. Almost all those surveyed were non-Indigenous residents.⁶⁸

Liquor purchase figures suggest that the situation is not improving. Figure 7 on the following page shows there has been a sharp rise of 18% in the annual liquor purchases by retailers in the Arnhem region in the period 2003-4 and 2004-5. While it is not possible to state which outlets (except the social facility for G3 as its sales are not included in these figures⁶⁹) and which consumers were associated with this rise, it is nevertheless a notable increase that suspiciously parallels the recent increases in morbidity and mortality figures (presented earlier).

On the other hand, information regarding the specific consumption patterns for Yol\u is quite limited. One study, however, estimated the prevalence of alcohol use amongst Yol\u in the Miwatj region to be 53% for males, and 12% for females.⁷⁰ These figures are lower than the Australian average and the figures reported in other Indigenous populations.⁷¹⁻⁷² This confirms the findings of other surveys - while Aboriginal and Torres Strait Islander people are less likely than non-Indigenous Australians to consume alcohol, those who do so are more likely to drink at hazardous levels.⁷³⁻⁷⁴ It should be noted that excessive alcohol consumption among Yol\u is largely location specific, where the number of drinkers is proportionally higher. The fringe camps around Nhulunbuy are a perfect example. Additionally, people at Gunyangara talk as if most teenage and adult males drink excessively, whereas this is not the case for most Yol\u on homelands.



Source: <http://www.nt.gov.au/ntt/licensing/>

Community/night patrol

For each shift workers on the community patrol keep a detailed log of their activities. Although data is not entered into a database that can be queried, review of the written record highlights further the extent the alcohol problem across the Gove Peninsula. It is also a testimony to the dedication and effort of those that do this particularly difficult work. The follow is a casing example.

On January 19 2006 between 2pm and midnight, the community night patrol attended to 127 intoxicated and 20 non-intoxicated people. This included couples, men, women and young boys and girls. They were located in numerous places, often concentrated around Nhulunbuy. A reproduction of this log can be found in appendix 2. Two nights earlier the patrol attended to 67 intoxicated individuals.⁷⁵

Youth services and child protection

In the last two years, approximately 64% of young people (aged 10-20 years) using the Anglicare Connect (Youth) Service identify themselves as Yol\u or Indigenous. Of these clients, approximately 80% are affected by substance abuse, either using alcohol themselves or affected by family members who are abusing drugs and alcohol. For the remaining 36% of non-Indigenous clients, approximately 14% are affected by substance abuse.⁷⁶

Equally worrying is the fact that over 53% of child protection notifications that came into the East Arnhem FACS office for the period 1 July 2005 to 31 December 2005 were substance abuse related. Most of these, if not all, are alcohol related. For the 21% of cases where it was reported to be unknown whether substance abuse was involved, it is highly probably that alcohol indirectly played a part.⁷⁷

Education and schooling

It is difficult to precisely estimate the impact of alcohol on schooling, but the view of Yol\u and non-Yol\u staff at Yirrkala School is that it is causing huge problems. It is plain to all observers

that school-age Yol\u are accessing alcohol in very significant amounts which is undermining attempts by school staff, especially the Yol\u staff, to provide an education which can counter the widespread unemployment among their people.

The situation is summed up in the words of one staff member of Yirrkala School:

‘What is the point of us pulling out all stops to get secondary–age kids to come to school when they have to leave by mid-morning because they have the DTs?’⁷⁸

Yol\u perspectives

The qualitative evidence of the impact of alcohol on the lives of Yol\u is overwhelming. Without exception, all Yol\u speak of the same serious problems and consequences of alcohol abuse. It is devastating for the substance abuser, their immediate family and the wider Yol\u community. Yol\u speak particularly strongly about the social, health and cultural effects of alcohol abuse. The harm that alcohol causes includes:

- Suicide including youth suicide. The NT’s 1999-2003 suicide rate was the highest of all jurisdictions⁷⁹ and suicide and attempted suicide rates at Yirrkala and Gunyangara are exceptionally high (presented previously). Yol\u women consulted as part of this project said repeatedly that they were ‘worn out’ from trying to stop their children hanging themselves, and that they saw the changes brought about by alcohol and other drugs sourced from Nhulunbuy as a central cause of the large number of suicide attempts.
- Violence including domestic violence, assault and, in a small number of cases, murder⁸⁰
- Death from illness or accident or serious physical and mental illness
 - ‘People come in and kill themselves. All we have to take back to the homelands is the body We have lost a lot of young people.’⁸¹
- Family and marital breakdown
- Cultural disconnection, including disrespect toward family and elders
 - ‘our children don’t seem to want to respect us, listen to us. We are slowly losing respect because of nganitji (alcohol).’⁸²
 - ‘Yolngu are getting really infected by nganitji (alcohol) ...effecting Yolngu people more deeply than anything else, because it is destroying Yolngu culture, destroying its right, its heritage, and values that Yolngu have had for long, long time.’⁸³
 - ‘Alcohol is bad for our future manikay (songs), our song cycles, ga bapurru (funeral) ceremonies and other important ceremonies like initiation ceremonies.’⁸⁴
- Neglect toward family members including children
 - ‘young mothers who are drinking sometimes neglect their children ... leaving them to go and drink, gamble and smoke dope ... leaving them with no food.’⁸⁵
- Prostitution
- Sexual assault

- Underage/youth drinking: Alcohol and drug abuse by young people (some as young as 10 years of age) is at crisis point along with related problems of self harm and suicide, erosion of traditional authority and poor employment prospects.

‘We are watching kids at the age of 9 and 10 getting drunk ... most kids think that it is normal to take up drinking and get caught and can’t find a way out’⁸⁶

‘Our young people are dying at a young age. These suicides leave a scar in the mother’s heart that will not be healed.’⁸⁷

- Schooling problems: truancy, behavioural problems and learning difficulties

‘Kids don’t come to school who have not had some sort of background or exposure to drinking. They either get into it themselves or are neglected and undisciplined by their parents who do there are problems with young people going to The Jam (a late night licensed premises in Nhulunbuy) at a young age like 16. Some kids have turned up to school still under the influence.’⁸⁸

- Combination with gambling and other drugs, particularly marijuana and kava
- Poor role modelling

‘alcohol breaks down culture and don’t see yourself as a traditional owner anymore ... leads to a loss of Yol\u spirit.’⁸⁹

- Financial difficulties
- Theft of both food and money and property damage
- Blaming of and threats towards other clans as a result of the accidents that alcohol causes

‘concern about people who don’t live here that go and hitch-hike into town drunk or to drink because if an accident happens ... we get blamed’⁹⁰

‘through grog Yol\u people blame someone else, not the grog’⁹¹

In a letter to the Minister for Racing, Gaming and Licensing, Raymattja Marika-Munu\giritj, a senior and respected Yol\u woman, captures the problems and concerns that are echoed by the majority of Yol\u and Yol\u groups that were spoken to in order to prepare this report:

we can see that the young people are coming out of school and going straight into drinking – this is a very bad habit our children are not helping us by helping themselves, because they are stuck in the problems of addiction to alcohol and other drugs. They do not know how to help themselves Their thinking is blocked by alcohol. They can’t see any direction properly They can’t think properly, they can’t see properly, they can’t feel. And they don’t carewe do not have a good nights sleep ... people who are ill and elderly cannot sleep at night ... because they make a lot of noise and they have no respect for families in their houses ... they do not listen to their elders and they have no respect for them it is devastating for us to bury our own people; they should be burying us. But the tide has turned: we the elders are singing and crying for our young ones.⁹²

Yol\u also spoke about how these problems have been amplified by demographic changes brought about by the expansion of the Alcan refinery. IMPAXSIA consulting, who prepared in 2004 a Social Impact Management Plan for Alcan in 2004⁹³, found similar concerns in their discussions with Yol\u anticipated that this sort of development would bring new and intensify old alcohol problems:

The presence of such a large number of single, male workers can create enormous pressure on local communities, particularly at night-time, and in particular in certain high risk spaces, such as near alcohol outlets and in public places such as local beaches. The sorts of social impacts which may arise include ... increased substance abuse due to increased social and economic marginalisation, prostitution, drug and alcohol trafficking.⁹⁴

Problems and reflections are not new and have been documented in much older research including Ian Dunlop's film from the Film Australia Yirrkala Series *Pain for this Land*. Here footage over from over 30 years ago when alcohol was being introduced to the region shows Yol\u were already speaking with concern about the effects of alcohol:

'... and maybe this thing is going to destroy us ... this new law ... gambling and evil living over there ... now this influence is destroying our law. Our young are embracing this new law [footage of Yolngu man buying a pot of beer] and we've been too slow to realize this ... we elders ... we were not firm enough and now when we try to give them their culture ... they do not listen. We try to draw them back into our culture ... back to the law ... but they keep avoiding us ... that is how we are going to lose our culture.'⁹⁵

Wandjuk Marika in his biography reflected on the impacts that alcohol was having:

Some young people, my own race, Yolngu
they learn about Yolngu culture and feeling just for a while.
But then they go and have a drink,
Balanda poison.
Kill the Yolngu mind,
kill the Yolngu heart,
kill the Yolngu feeling.
Then they have lost their energy and their
controlling themselves ...
they thought it just make them happy and make them
feel strong,
but it doesn't⁹⁶

Yol\u also speak with a sense of frustration and despair about the 'anti-social' consequences of alcohol use including general drunken and disorderly behaviour and what they describe as 'humbug' where family or kin beg for money to purchase more alcohol. With the latter, Yol\u find it difficult to resist requests because of cultural obligations and the commonly reported emotional blackmail that drinkers use, including the threat of suicide.

we are sick and tired of being harassed and traumatized by the continuous irresponsibility of the drinkers in our families ... we want to clean our places, our homes, our environment, and our country so that people can live happily. All the women and men who do not accept the anti-social behaviour of the drinkers, want to live in harmony with each other and in a peaceful environment. We want to see peace in our lives, not be constantly frustrated, angry, bitter and crying⁹⁷

They are also worried about the stereotypes that this pattern of behaviour creates:

'not all Yolngu are like the drinkers, and we don't want to be stereotyped as though we are all like them.'⁹⁸

Yol\u are also concerned that alcohol is entering homelands. These are places that most informants consider dry by virtue of their geographical isolation and a strong stance taken by traditional owners toward alcohol and other drugs.

'| ^nitji (alcohol) is the worse thing for homelands ...especially takeaway'⁹⁹

Homelands offer isolation from the alcohol related troubles that come from living closer to Nhulunbuy. Yolŋu describe these as places to go and relax with family, participate more regularly in traditional activities and connect with the land. There is strong concern that this remaining sanctuary is at risk and that for a number of homelands where alcohol is already present, it is bringing problems, corrupting community harmony and leaving the next generation with no strong role models. Women are particularly concerned about the effect that it is having on the men who are in leadership positions and have the authority to keep the homelands dry.

Licensees and other stakeholder perspectives

Most of Nhulunbuy's licensees recognise that alcohol is causing problems when consumed to excess. They cite violence, anti-social behaviour, and litter as the common consequences. The manager and nominee of the Arnhem Club spoke from personal experience:

'A couple times in town driving home, people have tried to jump in front of my car ... one was an Aboriginal woman sitting in the middle of the town, another an Aboriginal actually tried to jump in front of my car ... it was pretty scary.'¹⁰⁰

The manager and the nominee of the Yacht Club agreed and offered a way forward:

'My personal point of view is, yes, there is a problem and there are lots of groups that want to solve it ... need to get to the root of the cause ... enable Yolngu to connect with culture.'¹⁰¹

This acknowledgement appears to be reflected in the sales policies of these venues: they do not sell the wine casks larger than two litres. The former has moved to do this in negotiation with the nearby Gunyangara community while the latter is using this policy to discourage troublesome drinkers coming to the venue. The Yacht Club has also agreed not to sell takeaway beer in glass containers.

The new manager of the Walkabout Tavern and Lodge did not believe there was a problem in comparison to other places.

'In the time that I have been in Nhulunbuy, compared with a lot of places, I don't see too many negatives ... I would suggest being a company driven town by Alcan that most people's behaviour with alcohol would be of a very high standard ... I do not believe there is an alcohol problem in Gove compared to a lot of other places in Australia. Full stop ... people are probably trying to identify something that doesn't exist.'¹⁰²

On the other hand, the East Arnhem Community Harmony Group identifies a breadth of problems that alcohol is causing on and around the Gove Peninsula. In discussion with office holders a consistent appraisal of the severity of the situation was given, albeit from different perspectives. For example, the police representative spoke of assaults and violence, the Nhulunbuy Corporation representative spoke of anti-social behaviour, the Miwatj representative spoke of the health consequences, and the Yolŋu representatives spoke deeply of the social and cultural damage. It was clear that office holders believed the damage that alcohol is causing warrants immediate and strong intervention.

5

Licensing options proposed by Yol\u stakeholders

Overall

There is no doubt that most Yol\u are desperate to control the problems that alcohol is causing their people and culture. This is evidenced by the past attempts of Yol\u to block the opening of liquor outlets, the repeated expressions of concern by senior Yol\u over the past 30 years (in both film and print), the establishment of groups such as the Sober Women's Group and by the views of those that have contributed to this report.

We want you to help us by putting in place a strong law so that our people are supported and can change and again become ... responsible, motivated and strong ...because this whiteman's water is a curse, we implore you who are leaders and policy-makers ... to eradicate this curse that is killing us physically, mentally, emotionally, and spiritually, leaving us in a desperate situation.¹⁰³

From this deep sense of concern and because Yol\u have thought about the solutions to the problem for many years, they had little trouble in identifying options they believe would help. Most Yol\u are more concerned about takeaway alcohol, than alcohol consumed in licensed venues, so almost all the options proposed are directed at reducing the availability and impact of this form of alcohol supply.

The options are clustered by how often a proposal was suggested and/or the level of agreement or support for the proposal. The categories are 'strong common ground', 'significant common ground' and 'minor common ground'. Other proposals where it was difficult to ascertain the level of agreement are presented as untested ideas. The proposals do not take account of the individual(s) or the organisation(s) making the suggestion. Instead, the positions of relevant councils and the complexities of opinions are presented later in this chapter.

Strong common ground

The majority of informants spoke about or agreed with:

- Declaring the Gove Peninsula and surrounding homelands dry under Northern Territory law.
- Introducing a permit system for both Yol\u and non-Indigenous people to purchase takeaway alcohol.
- Introducing a limit on takeaway alcohol, with flexibility so that larger purchases can be made where appropriate. Takeaway outlets should be linked by a system so that people cannot 'bottle shop hop'.
- Providing a means where Yol\u leaders can temporarily ban the sale of takeaway alcohol to Yol\u.
- Banning of wine casks.
- Banning the sale of takeaway alcohol to intoxicated people.

Significant common ground

A significant number of informants spoke about or agreed with:

- Declaring certain ‘drinking areas’ exempt in the dry area near to the communities of Yirrkala, Gunyangara and Galupa. These areas would serve Yol\u who wish to consume takeaway alcohol away from their homes. It was suggested that such areas should be safe, culturally appropriate, have basic amenities, far enough away from communities and serviced by public transport.
- Closing or relocating of Mac's Liquor so that Woolworths does not sell takeaway alcohol at the same place as food.
- Prohibiting takeaway alcohol in glass containers, encouraging cans.
- Reducing the number of takeaway alcohol outlets.
- Banning spirits.

Minor common ground

A minority of informants spoke about or agreed with:

- Allowing people outside Nhulunbuy to consume takeaway alcohol in their homes.
- Opening a bar within an existing venue, such as the Walkabout, that caters more specifically for Yol\u drinkers and their needs. The bar would not be exclusive but would encourage Yol\u clientele.
- Establishing a new licensed venue near to the Yirrkala community that would be owned and operated by Yol\u.
- Reducing trading hours for on licensed consumption of alcohol.
- Reducing in time that takeaway is available.
- Putting in place an overall ban on the sale of takeaway alcohol to everyone.
- Putting in place a ban on the sale of takeaway alcohol to Yol\u.

Untested ideas

A small number of people spoke about the following ideas. Time did not permit to test whether other people agreed with them.

- When permits are revoked, offenders engaging in community service.
- Restricting the ability of people to buy both kava and alcohol.
- Introducing a permit system where takeaway amounts are limited, with different limits for different individuals.

Yirrkala Dhanbul, Gunyangara Marngarr and Laynhapuy Homelands Association Councils

Gunyangara Marngarr Council

The draft policy of the Marngarr Council on licensing issues was discussed and confirmed at a council meeting held on January 19, 2005. This follows on from previous discussions with the Licensing Commission and can be summarised in the following points:

- Declare Drimmie Head dry under the Northern Territory Liquor Act on which the community of Gunyangara is located.
- Allow an exempt area near to the community to allow the consumption of takeaway alcohol, excluding wine casks, spirits and beer in glass containers.
- Introduce a permit system whereby 'responsible drinkers' on the peninsula can consume takeaway beer and bottled wine in their homes. This would require the agreement of other household members and a recommendation to the Licensing Commission by a council-appointed 'Permit Assessment Committee'.
- Provision for suspension of the above permits in the event of alcohol related offences.

At this meeting the council also expressed its support for the following ideas:

- The introduction of a permit system (swipe card) for takeaway alcohol that restricts card holders to an alcohol limit and one takeaway purchase per day.
- Provision for Yol\u leaders to ban the sale of takeaway alcohol.

Yirrkala Dhanbul Council

The position of the Yirrkala Dhanbul Council regarding licensing matters is relatively clear. It was gained through discussions with a number of councillors, including the chairperson, vice-chairperson and the town clerk. However, a formal statement could not be obtained because the council wishes to discuss proposals with the Yirrkala community first. Those consulted expressed their support for the following ideas:

- Declare the Gove Peninsula and surrounding homelands dry under Northern Territory law.
- Introduce a permit system for both Yol\u and non-Indigenous people to purchase takeaway alcohol. Under this system there should be strict conditions or a ban on residents of Yirrkala consuming takeaway alcohol in their homes.
- Introduce a limit on the purchase of takeaway alcohol, with flexibility to enable larger purchases under certain circumstances and a mechanism to prevent 'bottle shop hopping'.
- Provide a means where Yol\u leaders can temporarily ban the sale of takeaway alcohol to Yol\u for cultural reasons such as the conduct of important ceremonies.
- Ban wine casks.
- Ban the sale of takeaway alcohol to intoxicated people.

- Provide a ‘drinking area’ exempt in the dry area near to the community of Yirrkala available for people who wish to consume takeaway alcohol.

Laynhapuy Homelands Council

At a meeting held on December 8 2005, the Council expressed their support for the following ideas:

- Declare the Gove Peninsula and surrounding land which includes the Laynhapuy Homelands a dry area.
- Introduce a permit system (swipe card) for takeaway alcohol that restricts card holders to an alcohol limit over a certain period.
- Provision for takeaway permits to be suspended in the event of alcohol related offences.

Complexities

There is a number of complexities which relate to the licensing options presented by Yol\u individuals and organisations that requires examination.

These are:

- An overall difference in the level of tolerance between men and women toward alcohol.
- The views of the three councils regarding the details of a permit system.
- The differing views on the consumption of alcohol in the homelands.
- The difference in the position of the Marngarr Council and a significant number of members of the Gunyangara community regarding the consumption of alcohol in individual homes.

Men and women

Overall Yol\u women more strongly advocate tighter controls on takeaway alcohol to the point of suggesting that takeaway alcohol should not be available at all. Women expressed particularly strong views that communities should be completely dry with no special conditions for a takeaway permit system that would allow individuals to consume alcohol in their homes.

‘We are strongly talking about no more takeaways, or cutting the takeaway limit, just drinking in the bar.’¹⁰⁴

‘This supposed to be an alcohol-free community. There should be yaka (no) takeaway ... we are sick of it.’¹⁰⁵

‘We want to ban takeaways and limit the hours and amounts, ban wine casks and glass bottles. Some people are saying it is their right to drink and it’s a matter of civil liberties. But I think it’s not a right, it’s a privilege and people should earn it.’¹⁰⁶

‘We want a clean place. Close the door. Get rid of all the grog license in Yirrkala. Grog. That’s the problem.’¹⁰⁷

On the other hand, while Yol\u men recognise the damaging effects that alcohol causes and some held views not dissimilar to women, a significant number suggested or were more sympathetic to ideas that allow a reasonable level of access to takeaway alcohol. The Gumatj men in particular

were open to options that allowed ‘sensible drinkers’ to drink in their homes at Gunyangara with conditions that would allow this privilege to be revoked if necessary.

The councils and the permit system

All three councils agree that the declaration of the Gove Peninsula as a dry area and the introduction of a permit system is an important and worthwhile step. However, their position varies on the details of the permit system. Yirrkala Dhanbul overall does not support a permit system with a special condition that would allow individuals to consume alcohol in their homes at Yirrkala, restricting consumption of alcohol to licensed venues and exempt designated drinking areas. The Laynhapuy Homelands Council agrees with this concept but is less optimistic that alcohol can be controlled on the peninsula. On the other hand the Marngarr Council is more supportive of a permit system that would allow individuals deemed to be ‘responsible drinkers’ to consume alcohol in their own homes at Gunyangara, conditional upon the recommendation of a ‘permit assessment committee’ (which would contain council members) and agreement of family/household members.

Further difference in opinion become evident in the matter of what should happen when an individual commits an alcohol related offence. All three councils agree that permits should be revoked, but given the different focus described above, the Marngarr Council supports the idea of revoking the condition to consume alcohol in an individual’s home, whereas the Dhanbul and Laynhapuy Councils support the idea of revoking the license to purchase takeaway alcohol altogether.

Alcohol in the homelands

Almost all Yol\u consulted as part of this project spoke strongly for measures to ensure that homelands are completely dry under Northern Territory law. This was a position held particularly strongly by the Laynhapuy Homelands Council. On the other hand Galarrwuy Yunupi\u (President of the Marngarr Council and a prominent member of the Gumatj clan) presented an alternative view that alcohol should not be restricted in the Gumatj homelands managed by the Marngarr Council and Gumatj Association. With reference to one particular place, he explained that it ‘won’t be dry but disciplined under my leadership and authority.’

Marngarr Council and the Gunyangara community

Discussions with the Marngarr Council and members of the Gunyangara community indicate a high level of support for declaring Drimmie Head dry, on which the community is located. There is also a significant level of support for creating an exempt ‘drinking area’ away from the community. Opinions diverge strongly however, around special conditions that would allow takeaway alcohol to be brought back to the community for consumption in people’s homes. A significant number of people either opposed takeaway alcohol altogether or expressed strong concern that permits to drink in a place of residence will not prevent the problems already present today. It was argued that the sharing nature of Yol\u culture would continue to make alcohol available, defeating the purpose of declaring the community dry. Those that held these views tended to be individuals and families unlikely to have a voice in the decision making processes either by virtue of limited representation on the council or land ownership.

6

Licensing options proposed by other stakeholders

East Arnhem Community Harmony Group

The position of the East Arnhem Community Harmony Group in reference to licensing matters is captured by the following points. This position has been drawn from a proposal developed by the alcohol sub-committee and a number of meetings with individual office holders, the alcohol subcommittee and the larger Harmony committee. Their position is:

- Declare the entire Nhulunbuy Region a dry area, based on the previous ATSIC regional boundary. This would include the previous Bulunu, Barra and Mamarika Wards.
- Establish a permit system such that any persons residing in the restricted area would require a liquor permit to purchase takeaway liquor from any licensed premises within the restricted area. Under this permit system:
 - residents of Nhulunbuy would be offered automatic access to a permit with a special condition that takeaway alcohol can be consumed in their place of residence or that of another permit holder.
 - residents outside Nhulunbuy would need to apply for a permit and, if desired, a special condition to be able to drink alcohol in their place of residence.
 - there would be an agreement whereby the permit or any special conditions can be revoked.
 - there would be agreement on the type and amount of alcohol that can be purchased.
 - a committee made up of appropriate people would make recommendations to the Licensing Commission regarding applications or revoking licenses.
- At the discretion of land owners and responsible authorities, declare areas within the restricted area exempt, such as recreational areas.

Licensees

The options that nominees and/or managers offered in relation to licensing matters were limited. Instead they were prompted to talk about proposals around permit systems, trading hours and the types of alcohol available. A small number of licensees spoke voluntarily about container types and conditions of sales.

Permit system

With the exception of Woolworths, whose position (corporate directive) was not to comment, and the Walkabout whose position is presented below, all representatives of the licensed establishments agreed that the concept of declaring the Gove Peninsula dry and introducing a takeaway permit system (with a special condition that would allow Nhulunbuy residents to consume alcohol in their homes), could play a role in reducing alcohol related harm. Representatives of the Yacht, Arnhem,

Surf and Golf clubs were generally supportive. The Yacht Club manager and nominee stated, 'I'm happy to go along with the idea as long as it is sensible and practical'¹⁰⁸

When asked if a permit system would improve things, the nominee of the Arnhem Club stated: 'Yes, if it could be managed and you could control people bringing in alcohol by other means and any on-selling'. He qualified this by adding 'it is better to restrict alcohol to affect trouble drinkers rather than cut it off completely ... as people will turn to other drugs.'

The manager of the Walkabout was less optimistic and thought that it might be too complicated. He raised concern that people might be encouraged to drink and drive or access alcohol by other means. He stated, 'deprivation only increases their desire and curiosity to get it'¹⁰⁹.

Takeaway hours

The nominees of the Gove Surf Club and the Gove Golf Club would not be concerned if there were changes to the hours that takeaway alcohol is sold. These are the venues that either do not do a takeaway trade or their takeaway trade is a small fraction of their alcohol turn over. However, the nominee of the Golf Club added that current hours were okay and that the focus should be on the quantity that can be bought. The nominee of the Surf Club was more concerned about the accessibility of takeaway alcohol, particularly at Mac's Liquor and the Walkabout Hotel.

The nominee of Mac's Liquor and manager of the Woolworths store provided no specific comment, indicating that they would operate willingly under the license conditions of the day. The nominee of Yacht Club was not opposed to a reduction in hours but believed it would have financial consequences and that the benefits of this move would be limited. The nominee of the Arnhem Club didn't believe a reduction of takeaway hours would be beneficial:

'I don't think the previous restrictions have done anything ... all it has done has shifted the sale of alcohol between those hours. Has it changed anything in town? I don't believe so, the problem is still there, but I would not be suggesting we open up earlier. Should they be shorter, no. I think the hours that are in place seem to be working fine.'¹¹⁰

The manager of the Walkabout was more strongly opposed to any moves to limit takeaway trade and suggested hours should be extended:

'The bottle shop hours in this place are outrageously restrictive and they encourage people to binge buy ... it doesn't help the situation ... bottle shop hours should be extended to earlier opening hours.'¹¹¹

Venue trading hours

All nominees and/or managers, to varying degrees, believed that restrictions to trading hours would carry financial consequences and should not be considered as an option. The manager of the Walkabout strongly agreed with this position:

'None, the answer is. I don't want any more restrictions, full stop.'¹¹²

No representatives suggested that venue trading hours should be extended. The nominee of the Golf Club thought current hours were satisfactory and that not having 24 hour licenses made the policing of alcohol related offences easier. The nominee of the Arnhem Club pointed out that the financial loss from sales, as a result of the changes to venue and bottle shop trading hours introduced in 2001, was offset by a reduction in wage costs.

Types of alcohol

As discussed earlier in this report, the Gove Yacht and Arnhem clubs have made voluntary decisions to not sell the larger wine casks. The former has moved to do this in negotiation with the nearby Gunyangara community, while the latter is using this policy to discourage troublesome drinkers coming to the venue. However, overall, the position of the nominees and/or managers is that restricting particular types of alcohol will only play a minor and insignificant role in reducing alcohol related harm.

Container types

The Yacht Club has in partnership with the Gunyangara community agreed not to sell glass takeaways. The nominee of the Surf Club suggested that the sale of takeaway beer in glass bottles should be banned from all outlets.

Conditions of sale

The nominee of the Surf Club was the only representative to comment on circumstances under which alcohol was sold. He believed that not all venues practiced responsible service of alcohol, including the sale of takeaway alcohol. It was his opinion that alcohol was commonly sold in bottle shops to intoxicated individuals who drink excessively between venue opening hours and the opening of the bottle shops.

7

Complementary measures proposed by stakeholders

This chapter briefly discusses complementary measures, in addition to licensing matters, proposed or supported by Yol\u and other stakeholders. Many of these are being implemented to varying degrees.

Yol\u stakeholders

Reconnection to family

Yol\u people agree that reconnecting drinkers to family and kin outside the drinking network is an important means of promoting recovery:

‘family can help each other because we want to help them, talk to them ... its important to get that family relationship back together again.’¹¹³

I know from my own experience ... I stopped because of my family ... I had no hope, no life, no future.’¹¹⁴

A major consequence of excessive drinking is the progressive disconnection from important family and kinship networks where drinkers drift away from their families and feel increasingly isolated:

‘when they come back in [to the community] they feel left out, they don’t belong to the family, that’s why they prefer to stay with their own group, a lot of our people feel unwanted in a way ...’¹¹⁵

This can be a difficult time for families as there is usually an underlying conflict or problem. They have to be strong if they are going to be able to boost the self esteem of drinkers and help them regain a sense of identity and belonging:

‘there are people around to help, support them ga (and) make them feel like they’re needed ... that’s the main thing, they need to feel that they’re loved and cared for by others around them.’¹¹⁶

This is not only beneficial for the drinker, but family members as well:

‘It’s good for them to come back because family do miss family. It makes the family feel happy ... we know it’s hard for them.’¹¹⁷

Reconnection to land and culture

Yol\u talk about how problem drinkers lose touch with important cultural networks and no longer attend ceremonies, engage in traditional cultural activities such as hunting, producing art and crafts or show interest in following in the footsteps of their elders. Initiatives that foster a strong connection to land and culture can help create the personal strength to overcome problems that alcohol can cause:

‘get them in touch with the land, take them out to the bush, enjoy the bush and land, take them hunting, fishing ... anything like that will help them to restore their memories again.’¹¹⁸

Reformed drinkers often talk about how strong culture and finding a renewed sense of responsibility to the land provides a source of personal strength:

'it helped me to cut down nganitji (alcohol) and I start to see this is my mothers land ... and I pay my respect to my mother's side.'¹¹⁹

Return to homelands

Yol\u report that returning drinkers back to homelands can play a significant role in their recovery. Homelands offer a logistical benefit in that they are some distance from Nhulunbuy and commonly offer an alcohol free environment. Equally important they offer a strong opportunity for individuals to reconnect with family, land and culture, which as discussed above, is an important mechanism to aid recovery.

However, peer pressure does often impel a return to Nhulunbuy where alcohol is accessible. In these situations families sometimes choose to send people at risk to family even further away, such as Milingimbi.

Counselling services

A significant number of Yol\u spoke about improving access to appropriate counselling services for people with drinking problems and people affected by those with drinking problems.

'Hurt and grief and trauma doesn't get dealt with – so many shattered lives here with no healing. When you see a broken glass, it's shattered and you try to put it back together, but bits and pieces are missing.'¹²⁰

The teachers at the Yirrkala CEC Action Group spoke about the limited amount of formal counselling that is available to Yol\u, despite the large amount of trauma they are exposed to. They explained that without counselling the risk of developing an alcohol or other drug problem is increased. It was also suggested that counselling services, particularly for those with a drinking problem, could be provided at a formal but isolated 'camp', for example on nearby Miles Island.

Raypirri Rom Programs

Many Yol\u speak strongly about programs and means of intervention that give precedence to traditionally based ways of mediation through Raypirri Rom (disciplinary law) as well as mainstream services.

Currently there is little or no support to the few community members who try to mediate disputes, reduce substance abuse and manage child protection and family violence. Mainstream community service delivery has struggled to coordinate responses or recognize the primary importance of traditional ways of intervention and resolution. Many Yol\u believe that non-Indigenous laws override Yol\u laws and are displacing the authority of elders in the maintenance of traditional and customary codes of behaviour. In alcohol related problems, it can become a convenient escape for the drinker, avoiding Yol\u healing and Raypirri Rom processes.¹²¹

Community/night patrol

Although the community patrol is running, Yol\u spoke about increasing resource availability, including the number vehicles and men on patrol, improving its coordination, sharing responsibility and increasing the availability of training for staff. The concept of a foot patrol at Yirrkala was also discussed. Women often mentioned that it will be better for the community patrol to bring intoxicated individuals to the sobering up shelter once it opens, rather than taking them back to their home where they might cause conflict.

Education

Education about alcohol and other drugs was commonly mentioned. This included education about how to drink responsibly - the teachers at the School Action Group spoke about providing this at schools, health centres, on television and through a mobile education van that travels to communities around the region.

Yol\u also spoke about the need to assist the family of drinkers and educate them about ways that they can help them:

‘tell him **he is** a Yolngu ... he has a culture ... make him feel like he has one ... tell him where he comes from.’¹²²

Enforcement - Drug and alcohol check points

Alcohol and other drug check points were suggested by a number of Yol\u, particularly those at the large community meeting at Yirrkala and the Laynhapuy Homelands Council meeting. It was put forward that they be set up at strategic road intersections to check that people are carrying correct permits and to prevent people from carrying alcohol into dry communities, including the homelands. It was suggested that appropriate powers be given to councils and the community patrol to assist the police with these check points.

Other ideas

Other ideas raised by Yol\u informants included:

- Additional crisis accommodation for people seeking to escape alcohol related problems such as domestic violence.
- Increasing the opportunity for employment which provides an important means to avert people from developing or re-developing an alcohol problem.
- Making public transport more affordable and available. This was seen to be particularly important if measures to reduce takeaway alcohol are introduced which might encourage people to consume more alcohol at the clubs and pub.
- Develop a ‘healing centre’ as a place to bring families together and provide a range of services including bush medicine, specialist services and ‘Raypirri Rom’ models of intervention.

East Arnhem Community Harmony Group

The complementary strategies this group considers important can be found in a more general discussion about the group in chapter 3.

Licensees

The ideas proposed by licensees varied in scope and detail. This was not the focus of discussion and so licensees were not pressed to offer as many ideas as might have been possible.

Representatives of the Arnhem Club and Woolworths offered limited comment. The former suggesting that the police would have more insight and the latter following a corporate directive. The nominee of the Golf Club believed that community patrol and the soon to open Special Care

Centre were excellent initiatives. The representatives of the Surf Club and the Walkabout spoke positively about the community patrol, education regarding responsible drinking and the effort the police were making. The latter also held praise for the 'Sober Bob' campaign and the fact that all their bar staff had obtained responsible service of alcohol certification. The nominee of the Yacht Club spoke from a more personal perspective and believed there was more room for empathic relationships:

'It is very much about working together to make it better for everyone ... When you get to know people as individuals you have that care'¹²³

He also made mention of the need for greater employment and more professional help for those affected by alcohol. He was extremely surprised when he arrived in region to find that this sort of support wasn't available.

'The biggest thing for this region will be access to professional help, particularly for Yolngu who haven't had it ... will be the biggest bonus'¹²⁴

8

Analysis of licensing options and recommendations

This report has highlighted the enormous impact that alcohol has had and continues to have on the Yol\u community. It also touches upon the excessive drinking culture that exists in the wider non-Indigenous community.

In this chapter the licensing options proposed in chapter five are examined in more detail to find a possible common-ground solution to reduce the availability of takeaway alcohol in order to decrease the harm it causes.

Analysis

A simple multi-criteria analysis was applied in the first instance to the licensing options proposed by stakeholders with strong, significant and minor common ground. The analysis considers the acceptability and cost of each proposal along with what the authors estimate its likely impact on alcohol related harm might be. Calculations can be found in appendix 3. The intention of this tool was not to discredit any ideas but for bring to foreground ideas that are most likely to succeed and have an impact. Those that scored well were:

- Declaring the Gove and surrounding homelands dry under Northern Territory law.
- Introducing a permit system for both Yol\u and non-Indigenous residents to purchase takeaway alcohol.
- Introducing a limit on takeaway with flexibility so that larger purchases can be made where appropriate. Takeaway outlets should be linked by a system to prevent 'bottle shop hopping'.
- Providing a means where Yol\u leaders can temporarily ban the sale of takeaway alcohol to Yol\u.
- Banning of wine casks.
- Banning the sale of takeaway alcohol to intoxicated people.
- Closure or relocation of Mac's liquor away from the food outlet.
- Prohibiting takeaway alcohol in glass containers, and encouraging cans.
- Allowing special conditions to a permit system for people outside Nhulunbuy to consume takeaway alcohol in their homes.
- An overall ban on the sale of takeaway alcohol to everyone.
- Banning completely the sale of takeaway alcohol to Yol\u only.

To examine these proposal in more detail a S.W.O.T. analysis was conducted for each. This can be found below. This analysis also includes the proposal for creating exempt 'drinking areas' in the dry area - while it does not score well in the multi-criteria analysis (refer to appendix 3) it is

considered here because other options would significantly impact the availability of places to legally consume takeaway alcohol.

PROPOSAL	STRENGTHS/OPPORTUNITIES	WEAKNESSES/THREATS
Declaring the Gove and surrounding homelands dry under Northern Territory law.	<ul style="list-style-type: none"> • Sends a strong message about alcohol in the region • Simplifies the role of police and provides additional powers • Will help discourage 'long grass' drinking 	<ul style="list-style-type: none"> • Exemption overlays are likely to be required • Additional work for police • May encourage drinking in more isolated places • May encourage some heavy drinkers to move to Katherine or Darwin to consume alcohol
Introducing a takeaway permit system for both Yol\u and non-Indigenous people to purchase takeaway alcohol.	<ul style="list-style-type: none"> • Empowers Yol\u • If based on location it avoids anti-discrimination issues • Preserves the individual autonomy and rights regarding alcohol use for most people • Discourages individuals from outside the region to go there simply to consume alcohol • Potentially problem drinkers will not be able to access takeaway alcohol • As a swipe card system it provides a platform for additional mechanisms such as limits, outlet linking and therefore controlling a black market • Because Nhulunbuy is on leased land (i.e. not an 'open' town) it should be possible to monitor who is and is not a bona fide resident in the town and therefore who should and should not be issued with a card 	<ul style="list-style-type: none"> • Greater population of Nhulunbuy likely to feel slightly inconvenienced in the short term • Set up costs of swipe card system likely to be significant • May encourage some heavy drinkers to move to Katherine or Darwin to consume alcohol
Introducing a limit on takeaway and system that links outlets	<ul style="list-style-type: none"> • Prevents drinkers from purchasing from multiple outlets • Reduces pressure and ability to buy alcohol for others • Consumption of harmful quantities less likely when shared • Helps prevent a black market • Discourages individuals from outside the region to go there simply to consume alcohol 	<ul style="list-style-type: none"> • May encourage greater consumption of alcohol within licensed venues • Opinion that it will increase drink driving
Yol\u leaders temporarily banning the sale of takeaway alcohol to Yol\u people	<ul style="list-style-type: none"> • Empowers Yol\u to make decisions about the well being of their own people • Promotes the observance of cultural practices and priorities 	<ul style="list-style-type: none"> • Sourcing agreement on conditions and governance arrangements • Reliant on electronic swipe system to be enforceable and effective • Possible objection by liquor retailers • Possible anti-discrimination issues
Banning of wine casks	<ul style="list-style-type: none"> • Removes type of alcohol considered toxic by the large majority of Yol\u • Removes product that provides a harmful volumes of alcohol to a large number of individuals 	<ul style="list-style-type: none"> • Some residents of Nhulunbuy will feel inconvenienced and unfairly restricted. • Will only be effective if limit is imposed on takeaway purchased • Financial consequences if drinkers switch to a more expensive type of alcohol • Possible objection by liquor retailers • Ban may lead to product substitution
Enforcing the ban on the sale of takeaway alcohol to intoxicated people	<ul style="list-style-type: none"> • Prevents dangerous drinking behaviour • Breaks the cycle of heavy consumption on and then off licensed premises 	<ul style="list-style-type: none"> • Difficulties in implementing • Determining what constitutes intoxicated

<p>Having certain 'drinking areas' exempt in the dry area (in addition to the households of Nhulunbuy).</p>	<ul style="list-style-type: none"> • Provides a venue for people with takeaway permits (if introduced) to drink who do not have the special condition to consume alcohol in their place of residence. • Identifies locations where police and community patrol can focus their attention 	<ul style="list-style-type: none"> • Finding suitable locations – away from roadside but accessible • Environment may promote violence and other alcohol related harm • Ongoing maintenance of location • Insurance implications for body or bodies that maintain venue or venues • Likely to result in alcohol consumption by Yol\u other than those with a takeaway permit (if introduced) • Likely to result in a continuation of many of the health and other problems at present caused by takeaway alcohol
<p>Closure or relocation of Mac's liquor</p>	<ul style="list-style-type: none"> • Likely to reduce anti-social behaviour in town centre • Loss in sales of alcohol is likely be offset by increases in food sales 	<ul style="list-style-type: none"> • Inconvenience for shoppers who prefer to buy food and alcohol at the same time • Strong resistance from Nhulunbuy residents • Price increases resulting from reduced competition if Macs was to be closed • Likely objection by Woolworths SA
<p>Prohibiting takeaway alcohol in glass containers</p>	<ul style="list-style-type: none"> • Reduces the likelihood of injury, accidental and intentional 	<ul style="list-style-type: none"> • Objection by some liquor outlets • Strong objection by some residents if it impacts on availability of bottled wine or beer
<p>As part of a permit system allow people outside Nhulunbuy to apply for a special condition to consume takeaway alcohol in their homes</p>	<ul style="list-style-type: none"> • Retains the perceived rights of individuals and overcomes anti-discrimination issues • Permit assessment committees could be established that would include appropriate Yol\u people and representatives of organisations such as the police and Miwatj Health. This would allow each community to have their own policy within an overarching policy. 	<ul style="list-style-type: none"> • Would oppose the majority view that that alcohol should not be brought back to communities outside Nhulunbuy • Likely to result in a continuation of many of the problems caused by the current system of permits for those residing outside Nhulunbuy • Flow on effects if one community is more lenient with the issuing of permits - might concentrate the problems in that community with people moving there to access alcohol • To have a serious chance of solving the problem there would need to be a strict set of very clear criteria for issuing or taking away permits
<p>Overall ban on the sale of takeaway alcohol to everyone</p>	<ul style="list-style-type: none"> • Removes what is perceived to be the most problematic form of alcohol • Loss in takeaway sales might be offset by increase in food and beverage sales within venues 	<ul style="list-style-type: none"> • Removes a perceived right of many • Possible black market availability • Large majority of residents and almost all liquor outlets will object strongly
<p>Overall ban on the sale of takeaway alcohol to Yolngu people only</p>	<ul style="list-style-type: none"> • A significant number of Yol\u, particularly non-drinkers, would support this • Would have some impact on Yol\u who are problem drinkers 	<ul style="list-style-type: none"> • Possible black market may counter any benefit • Overlooks the fact that alcohol also significantly affects the non-Indigenous community • Some Yol\u and non-Indigenous people would consider it discriminatory • Special condition would be required that over-rules anti-discrimination legislation • Difficulties in enforcement • May encourage some heavy drinkers to move to Katherine or Darwin to consume alcohol • May promote racist tensions

Discussion and recommendation

This report identifies strong support for changes to liquor licensing arrangements on the Gove Peninsula to address the harm that alcohol is causing. This support is strongest among Yol\u whose wellbeing is most affected. The cultural, social and economic consequences are plain to see in the devastating impacts on health, community harmony and safety, cultural life, educational outcomes and employment prospects. The most effective responses to alcohol related problems in Indigenous communities involve a broad base of interventions¹²⁵, some of which are within the jurisdiction of the Licensing Commission.

This report recommends the Licensing Commission consider a package of interventions as a starting point for discussion with stakeholders. This would add to the limited and short-lived success of the narrowly focussed changes made to trading hours in 2001/02. This is not to suggest the changes were not worthwhile but that on their own they were unlikely to make a significant impact.

Licensing Commission actions need to accommodate a number of key facts and issues. First, the need to respond to the severity of the problem which is indisputable in terms of both the statistical and qualitative evidence. Second, the need to acknowledge that different Yol\u communities and leaders have alternative views and will want a solution that accommodates these differences. The most notable difference is that some land owners wish to maintain the option to drink alcohol in a place of residence - this needs to be tempered with the rights of others, particularly women and children, who wish to live without alcohol and the harm it brings. Finally, the need to restrict takeaway alcohol in a way that targets problem drinkers without, if possible, significantly inconveniencing the majority of people, including non-Indigenous people who live on the town lease.

Based on the above analysis and considerations, the package of interventions recommended as a starting point for Licensing Commission consideration is:

- Declare Nhulunbuy and surrounding homelands dry under Northern Territory law (exemptions for existing licensed premises). Under this declaration determine suitable areas that will be exempt but communities themselves should not be exempt. The input of Yol\u organisations and clan and community leaders in the planning and development of exempt areas should be sought.
- Establish a permit system (based on an electronic photo ID swipe card) such that any persons would require a liquor permit to be able to purchase takeaway liquor from any licensed premises within Nhulunbuy. Under this permit system:
 - Offer residents of Nhulunbuy automatic access to a permit with a special condition that takeaway alcohol can be consumed in their place of residence, that of another permit holder or any exempt areas.
 - Form a committee made up of appropriate people to make recommendations to the Licensing Commission regarding applications for permits and special conditions by people outside Nhulunbuy. The committee could include individuals from organisations such as Police and Miwatj Health and appropriate Yol\u. The input of Yol\u clan and community leaders in the planning and development of this committee should be sought and the criteria for issuing and revoking permits needs to be both strict and clear.

- Allow provisions for visitors to be able to acquire a temporary permit to purchase takeaway alcohol.
- Introduce a limit on takeaway alcohol with flexibility so that larger purchases can be made where appropriate. Takeaway outlets should be linked by a system so that people cannot 'bottle shop hop'.
- Provide a mechanism where Yol\u leaders can temporarily ban the sale of takeaway alcohol to Yol\u.
- Ban the sale of wine casks in containers greater than 2 litres.
- Introduce mechanisms to enforce the ban the sale of takeaway alcohol to intoxicated people.
- Ban the sale of takeaway full strength beer in glass containers.

This package balances to a large extent the perceived rights of non-Indigenous people with the provision for Yol\u to exercise stronger control over alcohol use among their people without eroding individual rights. These ideas are not the imposition of a license to drink, as consuming alcohol in licensed venues is unaffected, but seeks to control the amount of takeaway alcohol consumed, who drinks it and where it is consumed. Significantly, the point of 'discrimination' in relation to access to a takeaway permit is based on an individual's place of residence. It is important to note, however, if the availability of takeaway is radically reduced, but people maintain their rights to drink on licensed premises, this will greatly change the culture and practices of licensed premises. However, these potential changes would need to be accommodated rather than a reason to dismiss the idea.

The authors wish to note that the concept of 'drinking areas' does not feature as a good idea on its own, and if it is to be seriously considered it is important to (i) be aware of experience elsewhere in the NT in regard to such proposals (ii) be aware that it is likely to result in a continuation of current problems, and (iii) be aware that extremely careful consideration needs to be given to the location, facilities and servicing of these places, particularly given the negative consequences of similar venues known as 'limits' in past.

The implementation of this package, particularly if the swipe card option is enacted, will incur significant short term costs. However it is important to keep in mind the direct and indirect financial savings that are likely to eventuate, given the enormous impact that alcohol is currently having from cultural, health and legal perspectives. Not least will be an enormous emotional and wellbeing benefit that will flow on to individuals, families and communities. These benefits are likely to be immediate. Furthermore any costs are likely to be tiny in comparison to the 560 million per annum the mining company currently derives from exports which is set to grow to almost one billion per annum once the refinery expansion is complete¹²⁶. It is the existence of Nhulunbuy which makes these gains possible just as it is the existence of Nhulunbuy and its supply of takeaway alcohol which has contributed to the problems experienced by Yol\u for the past three or more decades.

Finally to reiterate, the suite of ideas presented should be considered as a complete package. The lesson of past licensing changes is that narrow interventions have limited success. Equally, given the interdependencies that exist, removal of any components will only reduce the chances of success.

Monitoring

It is crucial that the impact of any package of measures be monitored and assessed at regular intervals. This will require more than an advertisement in local newspapers calling for comments. Rather, there is a need for a serious effort to be made to gather good quality quantitative and qualitative data along the following lines:

1. All health services on Gove Peninsula should complete an ‘alcohol related health check’ for each alcohol related presentation. Given the limited number of health services at Gove, this would be a relatively easy matter to arrange – the relevant services would be Gove Hospital (especially the emergency dept), Miwatj Health, Yirrkala clinic, Gunyangara clinic and Laynhapuy clinic. A draft form has been suggested to the authors of this report by Maggie Brady of the Australian National University. It is presented in appendix 4.
2. These forms should be collected each month by a designated and accountable person and the data collated and presented to East Arnhem Community Harmony Group, other relevant community groups, and the Licensing Commission at 6-monthly intervals.
3. Focus groups of key stakeholders should be convened at six-monthly intervals to provide qualitative data on the social impact of the measures. These would include key Yol\u individuals and groups e.g., Yirrkala Community Education Centre, Yirrkala Women’s Resource Centre, Yirrkala, Laynhapuy and Marngarr Councils. It would also include other groups including the Nhulunbuy Corporation, Alcan, Licensees and the East Arnhem Community Harmony Group.
4. Quantitative data such as that collected in this report on a 6-monthly basis including alcohol sales from all outlets.

All data generated by the above processes should be assessed by the Licensing Commission after a 12-month period, and a further round of consultations held at that time if it is thought that further changes need to be made. The monitoring process could be the responsibility of either the Licensing Commission’s research staff or preferably an independent professional body. All data collected should be published.

9

Concluding remarks

Alcohol has had and continues to have a significant impact on the lives of people living on and around the Gove Peninsula. This is particularly the case for Yol\u who have had little ability to influence its availability and opportunity to tackle seriously the widespread problems that it causes. The vast majority of the Yol\u interviewed were of the opinion that significant and broad sweeping change is required to the way that takeaway alcohol is sold if reductions in the harm that alcohol causes are to result. This is not to ignore the role of complementary interventions, particularly those that target the cause of alcohol and other drug use, but recognise the important role the Licensing Commission can play in a suite of intervention that would be no less than 'life saving'. The Commission has the potential to make changes that could an immediate impact on the health and wellbeing of alcohol dependant individuals and their families. However, the acceptance of and effectiveness of any change is likely to be as dependent on the way that stakeholders, Yol\u or otherwise are consulted, engaged and involved, as on the nature of the change itself. In light of this and in advance of further consultation with Yol\u and the wider community, this report offers the Licensing Commission some general guidance.

Yol\u will need time to consider any proposals from the Licensing Commission: time for any proposals to filter to individual community members, time for community members to talk and discuss ideas with their leaders and spokespeople, and time for the spokespeople themselves to discuss the issues and settle on common ground and differences. This is particularly pertinent if the Licensing Commission wishes to deliberate on licensing matters that affect the Gove Peninsula and beyond where a significant number of community and clan groups are represented. Councils including Yirrkala Dhanbul, Marngarr and Laynhapuy Homelands will need to be closely involved as the representative bodies of particular communities and clans. It will be particularly important to allow time for traditional Yol\u processes of consultation and decision making to operate and underpin the more mainstream processes of community councils. To this effect, the Harmony Group could play a facilitative role.

Yol\u women, although particularly worried about the impact of alcohol, are concerned that their views are rarely heard by governments when seeking to determine 'community opinion'. In future consultations with Yol\u, the Licensing Commission should consider carrying out separate consultations with men and women in additional to joint forums.

This report also notes that there will be a number of individuals and groups that may feel disempowered and upset as a result of not being consulted as part of this work. These will include stakeholders that could be considered within the scope of this work (not contacted because of time constraints) and those outside the scope of this work. The latter includes the residents of Nhulunbuy who are going to be particularly interested in any significant changes to the way takeaway alcohol is sold and where it can be consumed. Adequate time should be given to allow individual views to be expressed and accommodated without losing sight of the need to address what is a serious, ongoing and devastating problem that affects a large number of people. It will be important to reinforce the seriousness of the issue for the permanent Yol\u residents of the area as it is likely many non-Indigenous residents, living on the Gove Peninsula for a limited and often short time will

feel that these are measures at the expense of many for the benefit of a few. This is not an uncommon, although misguided objection:

opponents of universal restrictions sometimes argue that such restrictions involve penalizing the whole community (and tourists) for the misdeeds of a minority, and are therefore inappropriate. This view, of course, rests on the assumption that a community's alcohol related problems can be attributed solely to a small number of heavy – and usually highly visible – drinkers. Empirically, it is not difficult to refute this view: the high levels of per capita consumption known to occur throughout much of regional Australia are not explicable in terms of the excesses of a minority of drinkers, but rather result from a mainstream culture that extols 'bloody good drinkers.'¹²⁷

While there is an overwhelming need for action on alcohol at Gove, there is unlikely to be complete agreement by all people, Yol\u or otherwise, to any package of measures. In this situation, the Licensing Commission has to consider competing views so it is important it has a clear set of criteria for decision-making. This report proposes that in this difficult situation, the overriding criteria should be the right of community members to lead peaceful and productive lives free from violence, suicide and other trauma. This right should take precedence over any supposed 'right' of others, whether they be Yol\u or non-Yol\u, to drink to excess.

Change is necessary and long overdue. As key researchers in the field explain, licensing changes have been most effective when they have been initiated by Indigenous people and conducted as part of broader strategies to address alcohol related harm, and have wide community support.¹²⁸ In the Gove region Yol\u *are* calling for change to the way alcohol is sold, in particular takeaway alcohol. There *is* a range of existing initiatives and the promise of exciting new ones – these will be important if there is significant success as individuals that have a long history of alcohol abuse will need to be cared for. A missing ingredient may be the support of the wider non-Indigenous community. With adequate time, careful consultation and explanation and appropriate processes they may come to realise the impact they can have through supporting licensing changes, on the health, wellbeing and lives of so many people on whose estates they make a substantial living.

Appendix 1: Consultations in detail

FIRST VISIT – November 30 to December 16, 2005				
Name of meeting	Date	Individuals present	Location	Primary speakers
One on one	1/12/5	Chris Moon	Health House	N/A
One on one	1/12/5	Robyn Power	Enterprise House	N/A
Dhimurru weekly meeting	5/12/5	Dj [^] wa Yunupi\u Mandaka Marika Nalkuma Burarrwa\`a Dhuru Yunupi\`u Banula Marika Arien Pearson Balupalu Yunupi\`u Steve Roeger	Dhimurru Office	Ben Wearne – information about project
Nhulunbuy Corporation	5/12/5	Mike Hindle	Office	N/A
One on one	5/12/5	John Cook	Office	N/A
Community Relations, Alcan	6/12/5	Klaus Helms	Alcan	N/A
Gove Golf Club	6/12/5	Stephen Olivor	Gove Golf Club	N/A
Walkabout Lodge	6/12/5	John Tourish Leanne Clancy	Walkabout Hotel and Lodge	John Tourish
Australian Hotels Association (NT)	7/12/5	Sally Fielke	Telephone conversation	N/A
Gove Surf Club	7/12/5	Patrick Mayer	Gove Surf Club	N/A
Woolworths	7/12/5	Leon Nichols Karin Edith Swynenburg	Woolworths	Leon Nichols
Gove Yacht Club	7/12/5	Chris Hayward	Gove Yacht Club	N/A
Arnhem Club	7/12/5	Richard De Waal	Arnhem Club	N/A
Harmony – alcohol sub committee	8/12/5	John Cook Tony Fuller Jenny Djerrkura Mike Hindle Phillip Baxter	Nhulunbuy	All committee members
Laynhapuy Homelands Association Council	8/12/5	Da\`ata\`a Go] [arra Yawunydjurr Marawili Wali 2 Yunupi\`u Yaypi Yunupi\`u Burr\`upurr\`u Wunu\`murra Yangalka Munu\`gurr Waturr Gumana Balku Wunu\`murra Galuma Wirrpanda ulpurr Marawili Mapungu urruwutthun Bandirrang urruwutthun	Laynhapuy Homelands Centre, Yirrkala	Da\`ata\`a Go] [arra Galuma Wirrpanda ulpurr Marawilli Waturr Gumana

One on one	8/12/5	Dj [^] pirri Munu\giritj	Women's Resource Centre	N/A
Small Group	9/12/5	Amy Ross Dr Nic Tumman	Miwatj Health	N/A
Small Group	12/12/5	Djuwalpi Marika Timmy Burarrwa\	Yirrkala Dhanbul	N/A
Dhimurru Rangers	12/12/5	Banula Marika Malati Yunupi\	Dhimurru Office	Banula Yunupi\
		Arien Pearson Bipili Yunupi\		Maliti Yunupi\
One on one	12/12/5	Mandawuy Yunupi\	Mandawuy's home	Arien Pearson
Small Family Group	12/12/5	Rranydjupi Munu\gurr Djerrk'\u Marika Djakan\		Rranydjupi Yunupi\
		Yunupi\ Gulumbu Yunupi\ Nyapanyapa Yunupi\ Barrpu Yunupi\		Djerrk'\u Marika Gulumbu Yunupi\
One on one	13/12/5	Bandak Marika	Yirrkala Landcare Office	N/A
One on one	13/12/5	Gayili Marika	Arnhem Club	N/A
Small Group	13/12/5	Watjwatj Yunupi\ Djikulu Yunupi\	Galupa	N/A
One on one	14/12/5	Dh^\ga` Gurruiwi	Gunyangara	N/A
Anglicare	14/12/5	Emily Connell	Anglicare Office	N/A
Yirrkala CEC School Action Group	14/12/5	Yalmay Yunupi\ Banbapuy Whitehead Merrkiyawuy Ganambarr/Stubbs Nyalung Munu\gurr	Yirrkala CEC	N/A
Informal small group	14/12/5	Djuwalpi Marika Bakamumu Marika Wukun Wanambi	Yirrkala	N/A
Community meeting	15/12/5	Djuwalpi Marika Bakamumu Marika Victor Williams Mungurrapin Maymuru Milirrma Marika Waninya Marika Wulangu Munu\giritj Raymattja Marika Gundimulk Marawili Dj [^] pirri Munu\giritj Djerrk'\u Marika Ganal Munu\gurr Djanumbi Marika Marrpalawuy Marika Daliwuy Yunupi\ Mayalil Marika Wayalwanga Marika Cassie Daniels Barrapuy Wanambi Gulumbu Yunupi\ Nathan Djerrkura	Yirrkala	Djuwalpi Marika Bakamumu Marika Gundimulk Marawili Djapirri Munu\gurr Djerrk'\u Marika Marrpalawuy Marika Gulumbu Yunupi\ Yikaki Maymuru

		Yikaki Maymuru Mandaka Marika		
SECOND VISIT – January 18 to January 26, 2006				
Name of meeting	Date	Individuals present	Location	Primary speakers
Marrngarr Council meeting	19/1/5	Galarrwuy Yunupi\u Binmila Lisa Yunupi\u Lalambarri David Yunupi\u Margaret Kantawarra Yunupi\u Magnolia Guwalil\ua Yunupi\u Stewart Munu\u\gurr Malati Yunupi\u Charles Rue Klaus Helms John Cook Banambi Wunu\u\murra	Gunyangara	Gallarwuy Yunupi\u Margaret Yunupi\u Binmila Yunupi\u
One on one	23/1/6	Larrtja\ua Gurruwiwi	Gunyangara	N/A
One on one	23/1/6	Wali Wunu\u\murra	YBE Office	N/A
Small Family Group	23/1/6	Dh^\ga` Gurruwiwi Djalu Gurruwiwi Dhopiya Gurruwiwi Zelda Gurruwiwi Lena Gurruwiwi Jean Gurruwiwi Selma Gurruwiwi Rebecca Gurruwiwi Henry Gurruwiwi	Gunyangara	Dh^\gal Gurruwiwi Djalu Gurruwiwi Dopyia Gurruwiwi Lena Gurruwiwi Zelda Gurruwiwi
Dhimurru Rangers	24/1/6	Djawa Yunupi\u Malati Yunupi\u Nalkuma Burarrwa\ua Dhuru Yunupi\u Banula Marika Mawalan 2 Marika Bipila Yunupi\u	Dhimurru Office	Djawa Yunupi\u Maliti Yunupi\u Nalkuma Burarrwa\ua Banula Marika Mawalan 2 Marika
One on one	24/1/6	Margaret Yunupi\u	Gunyangara	N/A
One on one	24/1/6	Charles Rue	Gove Police	N/A
One on one	24/1/6	Timmy Burarrwa\ua	Yirrkala Dhanbul	N/A
One on one	24/1/6	Nami Maymuru	Yirrkala	N/A
One on one	24/1/6	Djalalingba Yunupi\u	Yirrkala	N/A
One on one	25/1/6	Nicholas Hedstrom	Nhulunbuy	N/A
Small Group	25/1/6	Timmy Burarrwa\ua Bakamumu Marika Kingsley Dhamarra]dji	Yirrkala Dhanbul	Timmy Burarrwa\ua Bakamumu Marika
One on one	25/1/6	Banambi Wunu\u\murra	Miwatj Health	N/A
Large Group (Harmony)	27/1/6	Banambi Wunu\u\murra Amy Ross Adrian Rota Rosalie Howard John Cook Mike Hindle Eden Gray-Spence Maurie Burke	Teleconference	Ben Wearne (presentation of preliminary findings)

		Charles Rue Nick Hedstrom Andrew Morris Raymattja Marika Sandy Daff Sue Harley David Adams Justine Webber		
--	--	--	--	--

Appendix 2: Community/night patrol log sheet (January 19, 2006)

Time	Place, problem and action
2.00pm	Cleaning the night patrol truck and went patrolling around town area.
2.30pm	Patrolling around the Nhulunbuy tower, the hospital, Galuru car park, Nhulunbuy High School, Nhulunbuy Primary School, Nhulunbuy flats in town, the point and Surf Club.
2.40pm	Picked up 2 couples drunk.
2.45pm	Nhulunbuy-Ski Beach. Picked up 6 drunks all young boys.
2.51pm	Nhulunbuy-Yirrkala. Picked up 5 drunks, 2 ladies and 3 men all drunk.
3.00pm	Nhulunbuy-East Woody. Picked up 1 boy at the bus stop.
3.40pm	Nhulunbuy-Yirrkala. Picked up 3 drunks at Fred's takeaway.
3.51pm	Nhulunbuy-Yirrkala. Picked up 2 couples drunk.
4.00pm	Picked up 4 drunks in town - to Yirrkala.
4.45pm	Nhulunbuy-Ski Beach. Picked up 4 young girls drunk.
5.00pm	We went down to have tea at Yirrkala and after that we went straight patrolling around town area.
5.45pm	Nhulunbuy-Yirrkala. Picked up 2 men both drunk at oval.
6.00pm	Picked up 2 ladies and 3 young girls.
6.40pm	Picked up 3 young boys - to Ski Beach.
6.51pm	Nhulunbuy-Galupa. Picked up 2 drunks.
7.00pm	Nhulunbuy-Yirrkala. Picked up 3 drunks. Taken home.
7.40pm	Picked up 2 couples drunk. Taken home to East Woody.
7.58pm	Picked up 2 couples drunks - to home.
8.00pm	Picked up 6 drunks at Surf Club. Taken home - to Yirrkala.
8.40pm	Picked up 5 drunks at Miwatj Health. Taken - to Ski Beach.
8.51pm	Nhulunbuy-Yirrkala. Picked up 8 drunks to home.
9.00pm	Picked up 5 young girls drunk - to Ski Beach.
9.30pm	Picked up 1 young girl, 2 ladies and 4 men to Yirrkala, all drunk
9.51pm	Picked up 1 young boy at bus stop and 4 men to Ski Beach.
10.00pm	Nhulunbuy-Yirrkala. Picked up 5 drunks at bus stop.

10.41pm	Opposite Fred's takeaway. Picked up 2 drunk girls to Ski Beach.
10.48pm	Picked up 4 drunks - to Yirrkala.
10.51pm	Picked up 2 couples and 3 young boys - to Yirrkala.
11.00pm	Picked up 9 drunks opposite B.P. - to Yirrkala
11.30pm	Picked up 4 young girls to Ski Beach. They were all drunk.
11.49pm	Picked up at bus stop 7 drunks - to Yirrkala
11.51pm	Picked up 9 drunks to Yirrkala again because it was raining that time so they wanted to go home.
12.00am	We picked up 11 drunks at Miwatj health clinic, all drunk. That was the last trip we made for the night.

Source: Yirrkala Dhanbul Council

