

**REVIEW**  
**OF THE**  
**EAST ARNHEM**  
**LIQUOR PERMIT SYSTEM**

**REPORT TO THE**  
**GOVE PENINSULA HARMONY GROUP**

**Ian Crundall**  
**STRATEGIC DIMENSIONS**  
**Adelaide, South Australia**

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## EXECUTIVE SUMMARY

The Alcohol Management System has been operating on the Gove Peninsula for 13 years. There has been no formal review of the system for a decade. Over that time significant changes have occurred: administrative and strategic support from Licensing has diminished, Permit Committees are not functioning as originally intended, and population movement have resulted in Yolŋu comprising a much greater proportion of the residents in Nhulunbuy (17%) where unrestricted permits are allowed.

This review examines the liquor permit system in light of these changes. Specific attention is given to the operation of the Permit Committees, the six- tiered permit regime, the effects of restrictions and opportunities for more local decision making.

Two methods were used to inform the review. One was the conduct of nine Discussion Groups and interviews. More than 30 individuals were consulted through this method. The other was a self-administered computer-based questionnaire. Responses were received from 339 individuals. The majority of respondents were male and a quarter identified as Indigenous.

Results from the survey showed half of Indigenous drinkers usually drink on licensed premises whilst home was the preferred drinking location among non-Indigenous people. Indigenous people nominated violence as the most common consequence of excessive drinking, and more of them listed injury and self-harm as well. Non-Indigenous respondents identified domestic violence and anti-social behaviour as the most prevalent outcomes and more of them nominated negative health outcomes.

The survey found a third of people thought the system was working, essentially by the limits imposed on people. Half, however, indicated it was not working and attributed this largely to secondary supply and lack of Responsible Service of Alcohol (RSA) on licensed premises. While acknowledging problems with the system, the combined data did not reveal any great desire to abandon the permit system. Instead most commonly people wanted better enforcement and stronger RSA.

Secondary supply was seen as the problem. There was support for the current measures to be maintained or enhanced. More signage and culturally appropriate explanations of the system were also suggested. Yolŋu expressed particular difficulty in having to deal with humbug and would welcome more support. Greater involvement by Yolŋu leadership was advocated in this context.

Unrestricted permits were regarded as the prime source of secondary supplies. Based on the reduction of alcohol-related harms and the better detection of secondary supply achieved during a period of COVID-19 lockdown when limits were introduced on everyone, it is recommended that unrestricted permits be replaced. While the four lower Tiers of the permit system should remain and be applied to all people living in Yolŋu communities, a maximum limit for all other people living or visiting the Peninsula is to be set for Tier 5. The limit should be decided with opportunity for input from the community. Consideration also be given to procedures that will enable exceptions for legitimate reasons.

The practice of RSA in five local licensed premises was perceived to be low. Sixty percent thought it was not working, with excessive consumption and related harms being the consequence. Strongest support for actions to address this issue involved those directed at individual drinkers (i.e. cessation of service or removal from premises). There was also support for a public campaign to raise awareness of RSA and an effective process for reporting breaches. Police patrols through licensed premises and concerted enforcement of responsible service provisions of the Liquor Act are also suggested.

To streamline processes and encourage local participation and knowledge to be brought to permit deliberations, a Peninsula Permit Committee is proposed. Core membership to comprise representatives from the communities of Yirrkala, Gunyangara and Nhulunbuy, Police and Health services. Others might be added at the discretion of these core members, but they must have a direct and informed capacity relevant to assessing individual applications and circumstances. The sole focus of the Committee to be the approval or revocation of individual permits for persons living in or visiting Nhulunbuy, Yirrkala, Gunyangara or Birritjimi.

The effective operation and organisation of the Permit Committee to be facilitated by the local Licensing Office. This is to include secretarial support.

A separate body to be a forum for community input and discussion about broader systemic matters bearing on the operation of the Alcohol Management System, including emerging alcohol harms, health and social issues associated with the AMS. This body should also be responsible for coordinating regular feedback to community members about the performance of the AMS. The Gove Peninsula Harmony Group is well positioned to assume this role.

There are provisions in the *Liquor Act* that allow certain powers and functions to be delegated by the Director of Licensing. Potential delegations that enhance efficiency and provide more local input into decision-making should be explored. If such delegations can be identified, community members would want the exercise of those delegations to be qualified by the agreement of more than one person.

Benefits would be derived from revocations being executed closer to the time of offence. There is currently a lag which means misbehaviour bears no immediate consequence. If there were a more consistent and pragmatic definition of what constitutes acceptable evidence for the revocation of a permit, at least an immediate but temporary revocation might be possible to implement locally.

The breaches and penalties regime associated with the Permit system have been the same for years. A panel of suitably qualified persons, and including community members, should

review the regime to ensure it is appropriate and effective. Particular attention should be given to rehabilitative options being made available to address drinking problems directly. Primarily because of cultural norms of obligation that make secondary supply problematic, consideration should also examine ways that vulnerable persons might be better protected against being exploited.

Local support services such as Night Patrol, the Sobering Up Shelter and counselling/rehabilitation agencies have a role in minimising harms by working in ways that support and reinforce the permit system and by assisting those who are otherwise vulnerable or wanting to change their drinking habits. It would be timely for all relevant services to meet and assess the efficiency and effectiveness as part of this broader collective. Changes to operations, better coordination or need for other complementary services might be identified. While this kind of analysis was not a major item in the feedback received for this review, it should be encouraged to maximise reward for effort.

Having a dedicated Licensing Office to focus on the Gove Peninsula is essential. Periods when the resource has not been provided or attention has been diverted to other responsibilities testify to the critical role it has. As well as formally managing the mechanics of permit system, it is vital to supporting effective Permit Committee operations, liaising with the Director and the Darwin-based central office, developing local networks that can be engaged at short notice to address or clarify issues, and interrogating data for intelligence about illegal supply. It also has an ongoing function to engage the community and ensure that information about the requirements and conduct of the permits system is widely known and understood.

While the permit system is not without problems, feedback indicates it has value and should be continued. Action to address secondary supply is a priority, along with the reinvigoration of a Permit Committee, enhanced enforcement and more effective communications about the system. Everyone living on the Peninsula has a role to play in making the system work as well as it can.

## LIST OF RECOMMENDATIONS

Number	Issue	Recommendation
1	Secondary Supply	Culturally appropriate signage with relevant messages about the problem of secondary supply and action that can be taken to be developed and displayed at sites throughout the Peninsula, including the airport and at takeaway outlets.
2	Community Education about Alcohol Management System	Licensing to coordinate the development regular delivery of culturally appropriate information and education strategies for Balanda and Yolŋu to increase community understanding of the Alcohol Management System (i.e. why the permit system is in place, how the system works, associated responsibilities and obligations).
3	Takeaway limits for Yolŋu communities	Permits up to Tier 4 will be applied to residents of Yirrkala, Gunyangara and Birritjimi.
4	Removal of Unrestricted Permits	Unrestricted permits be replaced by a revised Tier Five permit that sets a maximum limit on the daily alcohol purchase.
5	Setting maximum takeaway limit	The new Tier 5 limits to be discussed with community input and a final decision made by the Director of Licensing on advice from the GPHG. Community engagement to include residents of Nhulunbuy, Yirrkala, Gunyangara and Birritjimi.
6	Yolŋu representation on Permit Committee	Appropriate representatives from the communities of Yirrkala and Gunyangara to be appointed as members of the Permit Committee. Selection to be decided by each community.
7	Establishing a single Permit Committee for Peninsula communities	Establish a Peninsula Permit Committee to deliberate permit the approval or revocation of individual permits for persons living in or visiting Nhulunbuy, Yirrkala, Gunyangara and Birritjimi. Membership of the Committee to be Police, Health and representatives from the communities of Yirrkala, Gunyangara and Nhulunbuy.
8	Criteria for automatically approved short-term permits	Licensing, Permit Committee members and the GPHG to define persons who may be recommended for automatic approval of a short-term permit without being subject to endorsement by the Permit Committee.
9	Local Decision Making	The Director of Licensing to identify potential local persons who may be delegated powers and functions related to the permit system. Conversations to be engaged with those persons (and others as required) with the intent of delegating agreed powers and functions that will enable more local decision-making in the management of permits. Delegations will be at the discretion of the Director and in accord with the <i>Liquor Act (2019)</i> and only to be exercised with agreement of the Permit Committee.

10	Local Input – community forum	<p>GPHG be recognised as an appropriate body for community input and discussion regarding emerging alcohol harms, health and social issues associated with the AMS. Alternatively, GPHG manage the formation of such a body.</p> <p>The community body is to: establish effective links with the Permit Committee and be responsible for coordinating regular feedback to community members about the performance of the AMS and related matters.</p>
11	Local input – breaches and penalties	<p>Breaches and associated penalties to be reviewed by a Panel nominated by the Director of Liquor Licensing and including local community representatives. The review is to assess appropriateness and effectiveness of the regime for both Balanda and Yolngu and recommend changes.</p> <p>Review to include examination of rehabilitative intervention options, added penalties for people who threaten violence or abuse privileges to obtain secondary supply, and effectiveness of the progressive tier requirements for reinstatement of a permit.</p>
12	Community Education about RSA	<p>Liquor Licensing manage the development of an effective education program and reporting regime, so the public is more aware of RSA and more able and willing to report breaches of RSA to an appropriate authority.</p>
13	Encouraging RSA	<p>Liquor Licensing consider an intensive approach to ensure licensed premises comply with sections of the <i>Liquor Act</i> that support the delivery of Responsible Service of Alcohol practices.</p>
14	Permanent Licensing Officer	<p>Liquor Licensing to maintain at least one full time position in Nhulunbuy to focus on managing the daily operations of the AMS and to facilitate the efficient operation of any Permit Committee. An office accessible to the public to be provided along with necessary equipment and support, and operational flexibility to meet community needs.</p>
15	Alcohol education and support services	<p>Local AOD support service providers and other key local and Government stakeholders meet to explore ways in which current service delivery might be improved or adjusted to better support the AMS and the reduction of alcohol-related harms in the communities on the Peninsula. This includes options for alcohol education.</p>

## 1. BACKGROUND

In response to an application from Police and the East Arnhem Harmony Mäyawa Mala,<sup>1</sup> Police and the NT Licensing Commission agreed to establish the Alcohol Management System (AMS) on the Gove Peninsula in December 2007. It began operating across the communities of Nhulunbuy, Yirrkala and Gunyangara in 2008, with the following features:

- All of the Gove Peninsula became a General Restricted Area (GRA).
- Specific areas were designated as Public Restricted Areas (PRAs), where alcohol can only be consumed with authority from the Licensing Commission.
- Licensed premises were excised from the GRA so consumption on premises was not subject to any special conditions.
- Liquor permits were introduced so only people with a formal permit can possess and consume takeaway liquor in the GRA.
- Permit Committees were set up to make recommendations about approving, refusing or revoking individual permits, and to place conditions on the amounts and kinds of liquor that can be purchased.
- Takeaway purchases were monitored via a computer node at each takeaway outlet which is linked to a central server in Darwin. The computer system tracks multiple outlets on a single day so unauthorised purchases can be blocked, and it stores all permit information.

An evaluation of the AMS was undertaken between July 2010 and February 2011 and showed positive impact on various indicators of alcohol-related harm.<sup>2</sup> The evaluation also conducted stakeholder interviews and a community survey and concluded there was qualified support and acceptance of the system, at least in Nhulunbuy. Yolŋu opinion was more divided. The report also highlighted several unintended problems arising from the introduction of permits: people moving out of the region to places where access was not restricted, increased on-premises drinking and associated issues with Responsible Service of Alcohol and security, Yirrkala shifting from having no alcohol to allowing some, and growing tensions on Yolŋu communities between people with permits and those without.

Two major recommendations of the evaluation were that Nhulunbuy permits remove the graduated access allowed for people who want their permits reinstated and that consideration be given to alcohol being available as a weekly purchase rather than a daily amount.

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<sup>1</sup> A local group comprising Yolŋu and non-Yolŋu, and government and non-government agencies. See d'Abbs, P. Liquor Permits as a Measure for Controlling Alcohol Problems: a Literature Review. Darwin, Menzies School of Health Research, 2015.

<sup>2</sup> d'Abbs, P., Shaw, G., Rigby, H., Cunningham, T., & Fitz, J. (2011). An Evaluation of the Gove Peninsula Alcohol Management System: a report prepared for the Northern Territory Department of Justice. Darwin: Menzies School of Health Research.



Despite a similar recommendation being made in a review of Northern Territory permit systems in 2015<sup>3</sup>, the graduated access continues.

Table 1 - Current Takeaway Limits per Day

TIER	LIMITS
6	Choice is unrestricted
5	One 30 pack/carton of 375ml full strength beer OR One 30 pack of 375ml mid-strength beer can OR 24 375ml pre-mix cans AND/OR two bottles of wine
4	12 cans of full-strength beer OR 24 cans of mid-strength beer OR 12 pre-mix cans AND/OR two bottles of wine
3	six cans of full-strength beer OR 12 cans of mid-strength beer AND/OR One bottle of wine <b>(OR six pre-mix cans)</b>
2	six 375ml cans of mid-strength beer OR 12 375ml cans of light beer OR one bottle of wine
1	six cans of light beer OR one bottle of wine

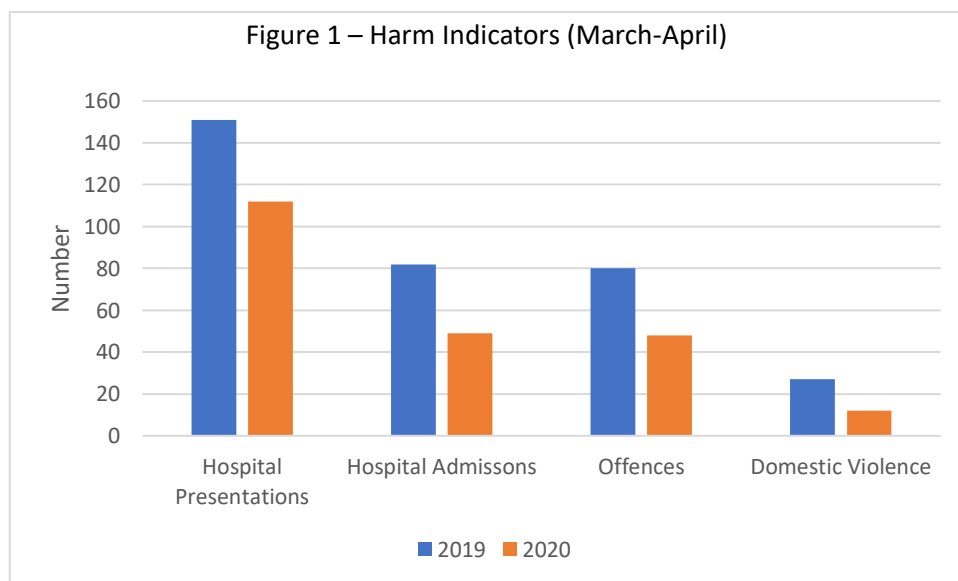
At Yirrkala and Gunyangara, permit holders are expected to progress from Tier 1 through to Tier 4. Reaching a higher level permit requires a person remaining at each tier for at least a month and then applying to have the permit varied. By contrast, people living in Nhulunbuy can start at any tier and progress through to Tier 6. At Tier 3 they also have the added option of six cans of pre-mixes.

<sup>3</sup> d'Abbs, P. and Crundall, I. Review of Liquor Permit Schemes Under the NT Liquor Act: Final Report. Darwin, Menzies School of Health Research, 2016

Anyone who wants a permit re-instated after it being revoked, regardless of where he or she resides, must start at Level 1. Progress can then be made by application, with a minimum of one month spent at each tier.

There has been one period when this graduated access was suspended. In the first half of 2020 there was a general lockdown to reduce the spread of COVID-19. This meant little movement of people on the Peninsula, most notably between the Nhulunbuy township and the Yolŋu communities.

The COVID response also stopped alcohol sales initially. However, to reduce risks associated with the sudden cessation of alcohol supply, a voluntary takeaway limit was negotiated: two cartons of beer, four bottles of wine, one bottle of spirits, one carton of pre-mixed and a carton of cider. It is understood the community quickly adapted to these limits without much complaint.



While the contribution of other COVID measures cannot be discounted, data suggests this level of supply did not trigger a peak in alcohol-related harms. Indeed, as shown in Figure 1.1, several key indicators showed a decrease. Compared to the same three months in 2019, alcohol-related presentations to the Gove Emergency Department showed a 25.8% drop, alcohol-related admissions were 41.2% less, offence numbers reported by Police were 40% lower and instances of Domestic Violence were down by 55.6%.

The Police were also more able to detect secondary supply during this period. Although purchase amounts were not linked to the permit computer system, ID was still required when buying and this enabled suspicious patterns of purchase to be identified.

While the AMS has continued pretty much as it was initially envisaged, several notable changes have occurred in the context of its operations.

One area of change has been in administrative support. This was initially provided to each Permit Committee by the local Government Council. These community Councils were soon amalgamated, however, into the regional East Arnhem Shire Council and support was subsequently provided by the Department of Justice, through its Licensing arm. An office was set up in Nhulunbuy to provide administrative support and legislative and regulatory advice to the Permit Committees about their operations, to act as conduit between Licensing NT and the committees, and to manage the electronic permits system.

At one stage there were two staff at the Office, but several years ago the number was reduced to one. More recently the one position was vacated for an extended period and the Office was closed. During that time, the permit system was administered by personnel located in Darwin and access for most people was through a telephone number or an email address. This period highlighted the complexities of the system and a full-time staff member was returned to the Office in 2021.

The Office was originally managing the Gove Peninsula permit system and the system operating on Groote Eylandt. This focus has been diminished recently, with the Office being assigned responsibilities for other communities in Arnhemland. This has put more emphasis on administering the paperwork associated with these systems and diverted attention from effective monitoring and fine-tuning of operations to meet the changing local environment.

Another change has been formal Permit Committee meetings becoming less frequent. It has been some years since any of the committees have operated as they were originally envisaged, if they have operated at all. Various explanations have been proffered about why this has occurred.

For the Nhulunbuy Committee there has been less of a need to scrutinise all individual applications, as nearly all permits were being automatically granted as unrestricted. This was compounded by an expanded workload undertaken by the local Licensing officer which required processes to be streamlined and efficiencies to be found. Both factors contributed to less call on the full Committee to meet – to the point that it has essentially been Police alone providing any local input.

Other reasons have been given to explain the reduced operation of the Committees formed for Yirrkala and Gunyangara. They include conflicting attitudes among Committee members, frustrations with the different alcohol access given to Balanda, the encroachment of Government bureaucracy in the deliberative process, perceived disregard given to Committee advice, and, on a practical level, the relatively small and stable number of permit

holders living on community. Those Committees had the added burden of relying on key people who are typically engaged in numerous other community duties and responsibilities that place competing demands on their time and attention. This has led to burn out or work of the Committee being de-prioritised.

A further consideration is that each of the three committees was supposed to have representatives from up to a dozen organisations or stakeholder groups. To make decisions about permits a quorum of five had to attend, with two being community members for the Yirrkala and Gunyangara Committees. The voluntary nature of membership means that engagement can fluctuate. If stakeholders are not qualified to comment on individual applications and they feel they have nothing to contribute, then their investment and commitment can diminish.

The population profile of Nhulunbuy has also been changing. There has been a shift in the composition of the Nhulunbuy population, especially since the closure of the Gove alumina refinery and associated businesses in 2014<sup>4</sup>. The most recent Census figures show, for example, that the number of residents fell from 3993 to 3238.

This change has been accompanied by an influx of Yolŋu – who have shifted for a variety of reasons (e.g. overcrowding, transition awaiting housing construction on community, access to health services, employment opportunities, etc.). While there was a decrease of 28.5% of non-Yolŋu in Nhulunbuy between 2014-15 and 2017-18, the number of Yolŋu increased by 93%. This resulted in Yolŋu making up a higher proportion of the town population – from 6.6% to 16%.<sup>5</sup>

This development has previously been identified as a necessary condition for Nhulunbuy to have a more sustainable future. Set up as a mining town, Nhulunbuy has been an “artificial population enclave” for years compared to its neighbouring indigenous communities. For it to transform from a transient resource frontier to a viable long-term community, it is argued that Nhulunbuy must integrate more with the aspirations and needs of the surrounding communities in the region.<sup>6</sup> A greater mix in the residential population is a part of that.

There has been growing concern that this population drift from community to township is exposing Yolŋu to greater alcohol-related harms. There are many factors that give rise to this concern, but they tend to centre on town residents being able to obtain unrestricted

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<sup>4</sup> Estimated Residential Population in Nhulunbuy dropped annually between 2014-15 and 2017-18 by 6.5%, 1.4%, 0.3% and 0.1% respectively. In 2017-18 there was an estimated 0.1% increase.

<sup>5</sup> More current figures are not available, but anecdotal reports indicate this distribution is at least being maintained if not continuing.

<sup>6</sup> Carson, D.A. and Carson, D.B. (2014) Mobilities and Path Dependence: Challenges for Tourism and “Attractive” Industry Development in a Remote Company Town, *Scandinavian Journal of Hospitality and Tourism*, 14:4, 460-479, DOI:[10.1080/15022250.2014.967997](https://doi.org/10.1080/15022250.2014.967997)

permits. As the Nhulunbuy Permit Committee membership has no Yolŋu representatives and the community committees have not been active for some time, there has been little “community knowledge” to inform the approval of permits. This means that people who live in town, officially or not, can gain unlimited access to alcohol.<sup>7</sup> Even if those residents do not want to buy alcohol, there are cultural obligations and coercive practices that make it difficult to withstand pressures from others to pass on alcohol. Similarly, alcohol can be currency for buying favours from Yolŋu.

It is in this context that the Gove Peninsula Harmony Group (GPHG) has sought to review the Permit system. The system was designed 12 years ago and has not been functioning as it was intended for some time. Simultaneously the circumstances of Nhulunbuy and neighbouring communities has changed.

This review will examine the liquor permit system and its processes in order to improve its appropriateness as an alcohol management tool on the Gove Peninsula. The review will focus on:

1. The nature of the restrictions placed on takeaway purchases and who they affect;
2. The tiered approach to restrictions;
3. The structure and processes of the Permit Committees;
4. Opportunities for greater local decision making about permit matters; and,
5. Other issues related to permits and alcohol management.

## **2. METHOD**

Two methods were used to obtain feedback principally from residents of the three communities: a series of Discussion Groups and a computer-based survey. The Gove Peninsula Harmony Group (GPHG) organised the Discussion Groups and managed the survey.

### **2.1 DISCUSSION GROUPS**

Several Discussion Groups were organised through the Gove Peninsula Harmony Group (GPHG), along with two individual interviews. These were conducted in November 2020. The 30 persons involved are listed at Appendix A. Participation was voluntary.

The sessions ranged in duration from 40 to 95 minutes. Each began with a short overview of the reason for bringing the group together, how information disclosed will be managed and protection of privacy. The session then revolved around a number of “probe questions” to

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<sup>7</sup> It is not uncommon for family members to shift into a house occupied by relatives as part of cultural entitlements. This can occur with or without invitation. People living in the house then consider themselves residents, regardless of whether they are there by invitation or not.

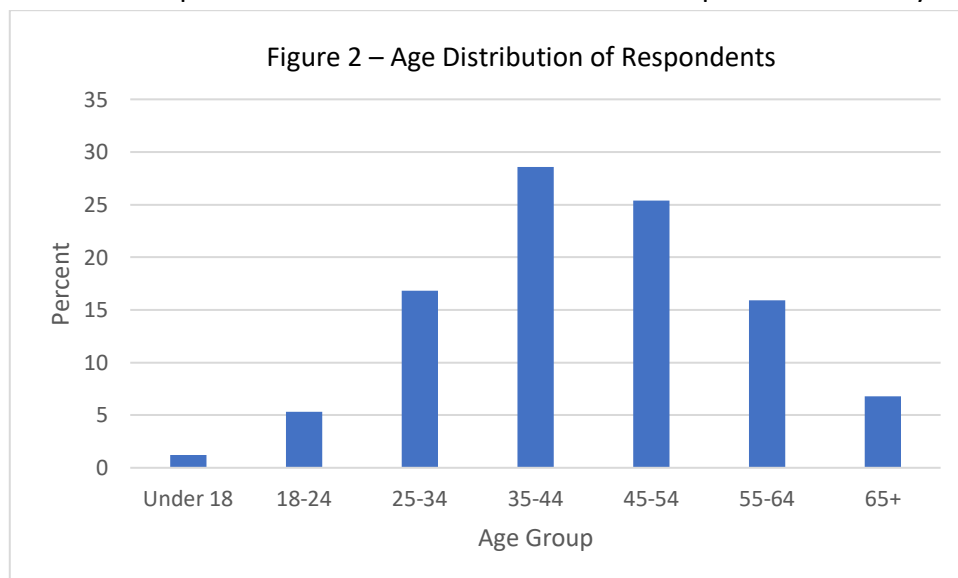
get conversation started, with all participants encouraged to contribute. Clarification and expansion of responses was followed up as appropriate.

To ensure the issues of the review were covered, key prompts included:

- General - What is your experience of the Permit System? How well is it doing and are there any problems with it?
- Permit Tiers: Are there any comments you would like to make about the number of tiers and potential changes that could be made?
- Permit Committee: The purpose for having the committee was outlined with people invited to make comments. Specific questions asked of Yolngu included whether community representatives should have input into the discussions about people only living on community or also community people who had shifted to Nhulunbuy. This was also linked to whether more decision-making should be vested in the local Permit Committee.

## 2.2 SURVEY

The survey was conducted electronically using the Monkey Survey platform. A copy of the Survey form is attached. The survey was advertised and permitted responses between November 2020 and April 2021. A total of 339 individuals completed the survey.



Males made up 58.4% of sample and females comprised 40.4%. Persons preferring not to state their gender accounted for the other 1.2%. Figure 2 shows the age distribution of the respondents. More than half were between 35-54.

Respondents were asked about their identity. Around a quarter (26.3%) identified as Aboriginal and less than one percent (0.9%) identified as Torres Strait Islander. Together these comprise the achieved Indigenous sample. Close to 80% of this sample reported usually speaking Yolgnu Matha at home. Six in ten (63.1%) did not identify as either

Aboriginal or Torres Strait Islander and one in ten (10.4%) preferred not to state how they identified.

Most respondents (83% ) had applied at some time for a permit. Less than half of the Indigenous respondents (47.3%) reported they had applied for a liquor permit and most of those (74.2%) had applied prior to 2018. In contrast, two-thirds of the non-Indigenous respondents (68.9 %) had applied and less than half of those (43.9%) had applied before 2018. Around one in five (21.2%) had applied in 2020, 19.3% had applied in 2019 and 15.6% in 2018.

There was no information supplied about the current status of people's permits, but only 40.3% of Indigenous respondents indicated they still possessed a permit. Nearly all non-Indigenous people (95.8%) had retained their permits.

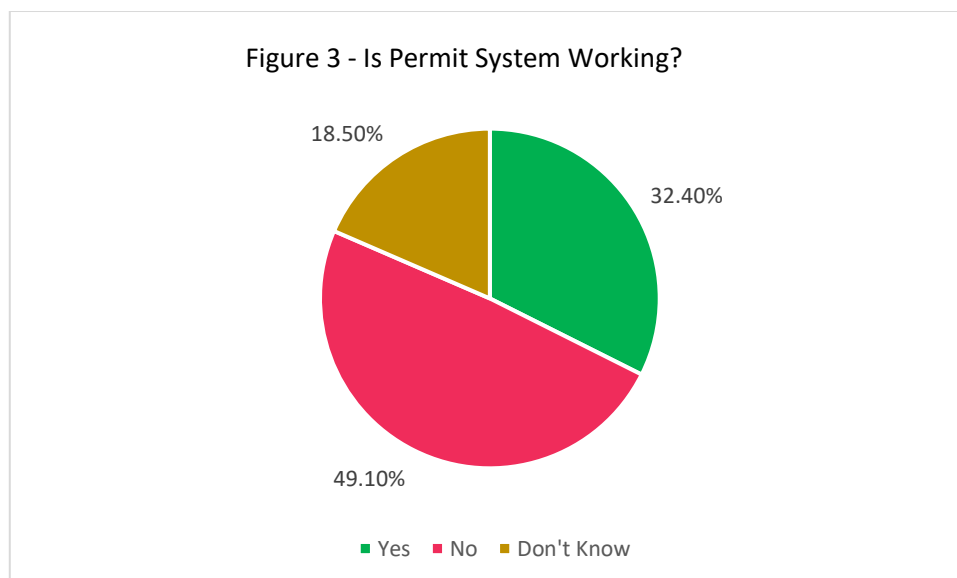
### **3. RESULTS & DISCUSSION**

This section examines specific aspects of the AMS in light of the feedback from the Discussion Groups and the results of the survey. Recommendations arising from the analyses and related information are included as appropriate. Comments are also made about other issues and potential actions, but these are for further consideration which will determine whether other initiatives and changes occur.

#### **3.1 NATURE OF TAKEAWAY RESTRICTIONS AND WHO THEY AFFECT**

##### **Is the Permit System Working?**

The survey asked people whether they thought the permit system was operating well. The results are shown in Figure 3. Around a third thought the permit system was working as expected. Half disagreed and nearly one in five did not know if it was working or not.



Two hundred and eighty-six gave expanded answers about the workings of the permit system.<sup>8</sup> Among those who considered the system to be working well, having precise limits on what can be purchased was identified as the major contributing factor (36.3%). Other specific factors were the efficiency of the application process (12.5%) and the penalties that can be imposed (16.3%). Others in this sub-group (45%) gave more general comments about the system working well and there having been notable improvements over time (i.e. less drunken behaviour being witnessed).

Those who did not think the permits were working tended to attribute this to secondary supply (44%) and lack of RSA practices at licensed premises (14%). A third (32%) gave general comments about still seeing drunken behaviour around Nhulunbuy, problems continuing to be brought back to the Indigenous communities and the whole system needing to be improved.

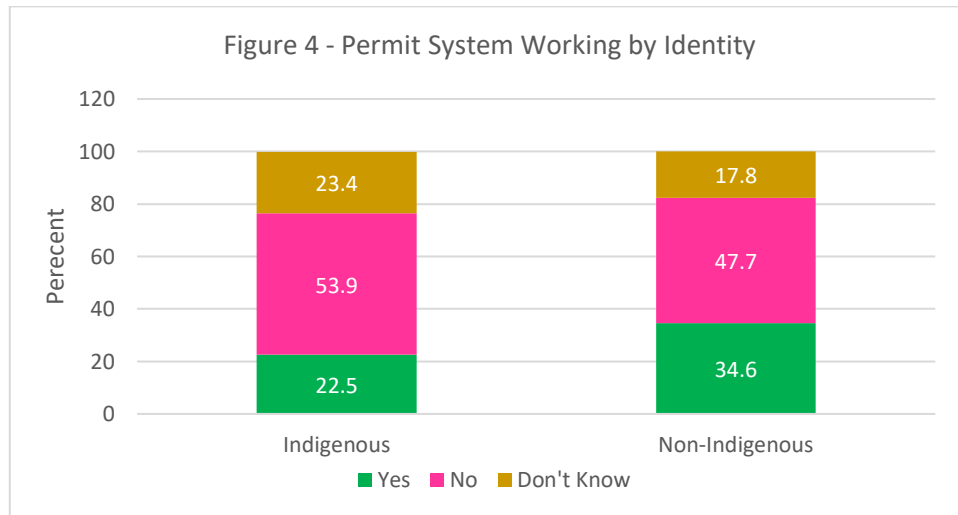
It is notable that beneficial effects were not exclusively identified by those who thought the system was working. While half thought it was not working as well as it might, there was recognition, for example, that the system was helping to keep alcohol away from irresponsible people or others at serious risk of health issues or addiction (8.8%). Conversely those who thought the system was working also conceded problems exist. For example, secondary supply and lack of RSA were identified by 15%. Such responses indicate the system is not perfect and that benefits can be delivered even when there are shortcomings.

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<sup>8</sup> This sub-sample comprised 28% who agreed permits were working, 55.2% that it was not and 16.8% did not know.



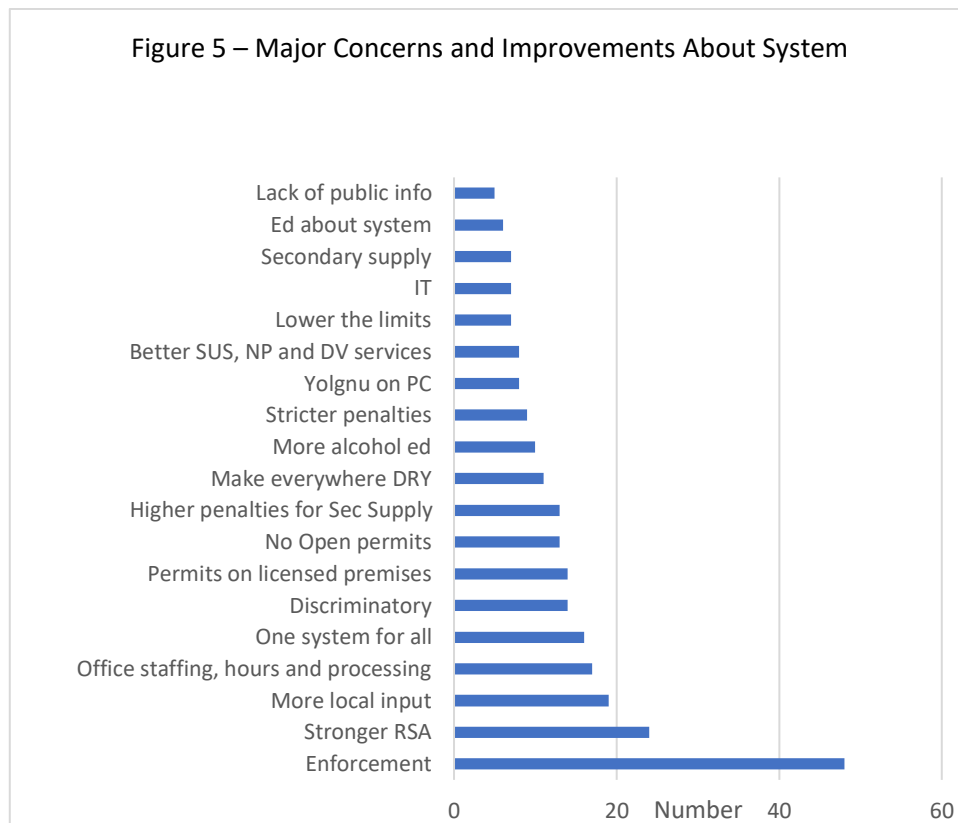
Figure 4 shows whether the system is considered working according to Identity. The two samples are generally similar, with most indicating the system is not working. The prevalence of Secondary Supply was identified by both samples as a major problem with the system, nominated by 24.3% of Indigenous and 32.4% of non-Indigenous respondents. One Indigenous person said it was not working due to a lack of RSA at licensed premises, while this was mentioned by 14.1% of non-Indigenous respondents. One in ten Indigenous respondents regarded the system as racially discriminatory (9.5%). In the non-Indigenous sample this was mentioned by one in a hundred (1.08%).



Two hundred and eighty-eight respondents volunteered details when asked about aspects of the system that were of concern or in need of improvement. The major responses are in Figure 5 and they tend to group around enforcement, operation of the local Liquor Licensing office, varying the permit limits, input to decision-making, and public information/education.

Enforcement was the area most frequently identified. While this clearly involves Police, it could also extend to licensees ensuring RSA is practiced, to residents who are involved in on-selling and to Yolŋu leaders who have set the limits on local Indigenous people. Everyone has a responsibility to comply and ensure the system is working as well as it can. The other matters raised in this category are stricter penalties, and harsher penalties for Secondary Supply in particular and more stringent practice of RSA. These concerns were largely raised by non-Indigenous respondents.

Issues associated with the Office were essentially nominated only by non-Indigenous respondents. People wanted it permanently staffed and have capacity to service the population that cannot attend Monday to Friday during standard hours (i.e. after-hours and weekends). There was also support for greater use of IT for tracking and processing purposes, as well as faster processing time when permits are issued or varied and a more direct means by which people are alerted to their permits being due to expire.



Suggested changes to the permits were largely from non-Indigenous people and included lowering limits or removing unrestricted permits all together. They also proposed that permits be required for drinking at licensed premises. Indigenous respondents, on the other hand, were more supportive of having one system governing all residents and combating the discrimination against Indigenous people that currently exists. Declaring the entire Peninsula a Restricted Area was raised by both Indigenous and non-Indigenous respondents.

Allowing greater local input to the decision-making process was the third highest area respondents identified for attention. It was also specifically raised that Yolŋu need to be appointed to the Permit Committee.

Three information needs were highlighted:

*System Feedback*

This relates to a current lack of reporting to the community. For residents to be better informed about the system they are governed by, it would be constructive to issue regular bulletins with key information about the performance of the system. Information could relate to permit administration (e.g. number of permits issued, number of revocations and reasons) as well as indicators like Emergency Department presentations, Police call-outs, and alcohol-related offences.

### *AMS Knowledge*

The third need was more education about the system itself. This is especially important due to population turnover and people becoming complacent. Time and effort should be invested in explaining the system and how it operates. This should include materials and sessions that are culturally appropriate for Indigenous people.

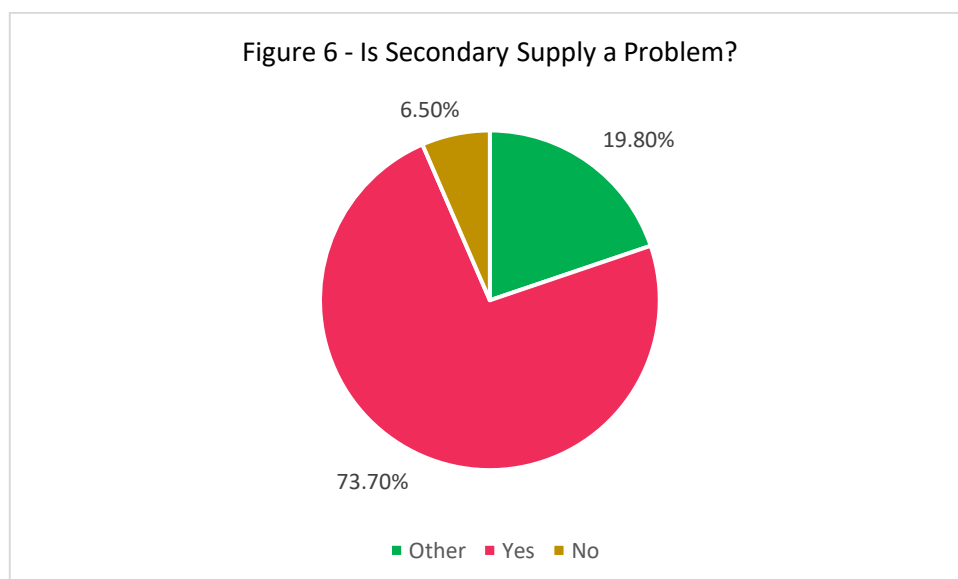
### *Alcohol Education*

This relates to more education being made available about alcohol effects and issues generally. It also includes services to assist the development of personal management strategies and interventions for individuals.

### **Secondary Supply Is A Major Problem**

Secondary supply was the predominant problem identified with how the system currently operates. This was evident from the discussion groups and the survey results. As reported above, it was also the major flaw identified in the workings of the system.

Nearly every survey respondent knew it was an offence (98.5%) and most (82%) were aware of it happening on the Peninsula. Figure 6 shows that around three-quarters considered it to be a problem. There was little difference based on Identity. Similar numbers were aware of secondary supply occurring locally (85.9% Indigenous and 79.9% non-Indigenous) and thought that it was a problem (69.6% of Indigenous and 73.8% of non-Indigenous). A large proportion of each group were unclear whether it was a was a problem or not (22.8% of Indigenous respondents and 19.2% of non-Indigenous respondents).



The reasons underlying this behaviour are multiple. Part of it is related to the cultural obligations of Yolŋu, whereby the nature of relationships dictate that a person cannot refuse a request made by certain others. To do so can cause traditional offence.

Some of it occurs via coercion and intimidation, with the more vulnerable members of community being pressured to surrender quantities of alcohol. In other instances, advantage is taken of newcomers who are unaware of the rules governing permits and access to alcohol on the Peninsula. Out of courtesy they may purchase alcohol on behalf of individuals who approach them for assistance.

While these situations can lead to non-permit holders gaining access to alcohol, it can also result in loss of access to the permit holder. While the circumstances of the permit holders might be considered, the provision of alcohol to a non-permit holder is a breach of the system and can lead to revocation.

At other times alcohol is used as currency for financial, sexual or other gain. There are people who will on-sell alcohol at inflated prices. It is known that there are men and women offering sexual favours in exchange for alcohol. Then there are others who use alcohol as an inducement for gaining access to places or property (e.g. fishing or camping areas, a boat or vehicle, hunting excursions).

Respondents were given several actions that might be taken to reduce Secondary Supply on the Peninsula. Table 2 shows the percent that would support the action being taken. Given that some of these actions are already being taken, it is concerning that general support for any one action does not exceed 59%. While many may be content with current penalties and enforcement, the other strategies are not new and the results suggest dissatisfaction with their effectiveness. This coincides with the results above about how well the system is thought to be working.

Table 2 – Percent Support for Actions to Stop Secondary Supply

ACTION	Indigenous	Non-Indigenous	Total
Limits on the amount of takeaway alcohol that anyone can buy at one time	68.5	49.1	54.0
Electronic monitoring of purchases at takeaway shops	63.0	50	53.7
Education and awareness of the laws	69.6	46.7	53.1
Harsher penalties	46.7	59.8	56.3
More enforcement	52.2	61.7	58.7
Other	31.5	20.6	23.0

It is notable that Indigenous respondents were more supportive of the existing actions and less so for greater penalties and enforcement. This suggests more confidence in the mechanics of the system.

The support among Indigenous people for more education is consistent with feedback from the focus groups. There is criticism that resources, processes and instructions about the system have been limited and not particularly provided in culturally safe or appropriate ways. There was expressed interest in more being provided in language so Indigenous people are fully informed, understand their obligations and are aware of the consequences that can occur.

To discourage secondary supply there was strong support for effective signage to be erected, especially at take-away outlets. The airport was another site. Key messages could be: secondary supply being a breach of the AMS; secondary supply contributes to health and safety issues; secondary supply can lead innocent people being punished; that humbug for alcohol will not be tolerated; and, all community members need to be vigilant if it is to stop – along with how to report or act.

#### Recommendation 1

Culturally appropriate signage with relevant messages about the problem of secondary supply and action that can be taken to be developed and displayed at sites throughout the Peninsula, including the airport and at takeaway outlets.

The low level of support for harsher penalties may relate to feedback that argues many Indigenous people have a level of existing and accumulating fines that already makes payment intractable. Being given more fines simply add to debts to be paid and have little effect on correcting behaviour. To the extent that this is the case, consideration might be given to other forms of penalty that can be applied. For example, community service could help break the cycle of debt while providing productive distraction from drinking.

Although the situation with Yolŋu is complicated for a number of reasons, there were calls to help Yolŋu avoid humbug from their own. It was stated that a common presumption is that Yolŋu living in Nhulunbuy have permits. The reality is that this is not the case. Explaining this can often lead to arguments and even fighting. Having some mechanism by which Yolŋu can demonstrate they have no permit or no alcohol to share could help protect people from harassment. Suggested mechanisms included a hotline that will alert Police to attend a situation; a card that people can carry around that states they have no permit; or a card that highlights a warning and contact number that will be called if the humbug continues. A more active role for Yolŋu leadership was also advocated, by establishing

protocols for requesting senior clan leaders to follow up or intervene with those causing tension.

Familial and cultural parameters make the design of effective strategies to limit humbug problematic. A workshop might reveal other options.

### **AMS Knowledge**

Apart from servicing the practical demands of the Alcohol Management System, Licensing has a major responsibility for improving community engagement and local understanding of the AMS. As already noted above, the consultations and survey results highlighted a void in the knowledge locals have about the AMS.

Some of this can be attributed to the passage of time. The system was introduced with much fanfare and focus due to its innovative nature and the need to make it work. However, many residents from 12 years ago have left and the same level of induction has not been pursued for new arrivals or the younger generation growing up in the region. Community engagement, at least in the last few years, has been neglected as attention has focused instead on the maintenance of process. This has contributed to a lack of transparency and fuelled misunderstanding, disquiet and a sense of disempowerment among a proportion of the community.<sup>9</sup>

Opportunities must be created for people to learn more about the AMS.<sup>10</sup> While there are some existing information resources available, they are not necessarily in a format appropriate for all people. Specialised materials should be developed, including visual and oral presentations, that are suitable for Yolŋu. Informal face-to-face sessions can also enhance education and understanding but these must be culturally appropriate and safe.

In addition to public communications, regular information sessions should be conducted for individuals who are new to the region or new permit holders. These would outline the operations of the AMS and reinforce the obligations and responsibilities that permit and non-permit holders have. It should also make clear that the tiered system is in support of

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<sup>9</sup> Comments over the course of the consultations with both Balanda and Yolŋu included: “don’t bother applying if you have an Indigenous name, you will not get a permit”. “If something goes wrong it is always Yolŋu who are targeted”. How do I apply for a permit? What is a Permit Committee? Who is on the Committee? How do you get on the Committee? I did not know there were choices of what I can buy. Why do we even have permits? How long is a permit for and how do I know when my permit expires? I have no idea there are public places where you cannot drink? Who decides if a person gets a permit? What do you have to do to lose your permit? Can it be taken away? Can anyone apply for a permit? If you are Balanda why you get what you want always?

<sup>10</sup> Rio Tinto employees are educated about permits prior to coming to Nhulunbuy and can prepare. For others, including locals and visitors, it is a matter of find out for yourselves.

the Yolŋu Elders . It is debatable whether these sessions need to be compulsory, but they are another activity that the local officer should undertake or oversight.

Importantly, as the region is further developed and the population changes continue, information about the system should be renewed and continually promoted across the whole community. This can be managed by a local Licensing officer.

#### Recommendation 2

Licensing to coordinate the development regular delivery of culturally appropriate information and education strategies for Balanda and Yolŋu to increase community understanding of the Alcohol Management System (i.e. why the permit system is in place, how the system works, associated responsibilities and obligations).

### 3.2 TIERED APPROACH TO RESTRICTIONS

There are six tiers to the current permit system, with each allowing access to a certain quantity and choice of beverages. These were instituted when the system was first developed largely to safeguard Yolŋu residents. They were intended to: prevent large quantities of alcohol being brought into communities; to facilitate a gradual introduction to alcohol for inexperienced drinkers; and, to discourage individuals from misbehaving and losing their permits or, for people who had been in trouble, to demonstrate increasing responsibility over a period if their permits were returned.

The most straight forward permit system is one in which a person has access to alcohol or does not. This makes detection and enforcement relatively easy. Regardless, the Yolŋu who were interviewed as part of this review were reluctant to change the tiers for people living on the communities of Yirrkala, Gunyangara and Birritjimi. This is consistent with information reported from the Traditional Owners.<sup>11</sup>

This probably reflects that the communities are generally safe and orderly within the current regime. Those wishing to abstain are supported while a degree of consumption is provided for those who are deemed to be responsible. Until Yolŋu leadership is supportive of modifying tiers one to four, people living on community should comply with the current regime. In accepting this, it is acknowledged that there are tensions between Yolŋu generations and different clans about how available alcohol should be. The resolution of those tensions must be determined by the communities themselves.

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<sup>11</sup> Communication with Ali Mills on 12 April 2021 following a meeting of Steering Committee.

### Recommendation 3

Permits up to Tier 4 will be applied to residents of Yirrkala, Gunyangara and Birritjimi.

#### **Unrestricted Permits**

Having “unrestricted” permits for residents of Nhulunbuy was considered the major facilitator of secondary supply. They allow Balanda and Yolngu a never-ending supply of alcohol and this opens opportunities for corrupt behaviour. Replacing this category of permit with a “generous” limit was identified throughout the discussion groups and in responses from the survey to be a key mechanism for eliminating secondary supply. This is consistent with experience from when the temporary takeaway limits were in place for COVID-19 limits and authorities were able to detect questionable transactions.<sup>12</sup> .

### Recommendation 4

Unrestricted permits be replaced by a revised Tier Five permit that sets a maximum limit on the daily alcohol purchase.

Determining a maximum daily amount of alcohol that a permit holder will be entitled to must balance two main concerns. One is the principle that people who obtain permits are deemed to be able to manage alcohol responsibly and, therefore, should be able to determine limits for themselves. The other is experience that tells there are various factors (e.g. cultural imperatives, exploitation, discrimination, social determinants and health issues) that can jeopardise the integrity of an open system. Setting reasonable limits that recognises both these factors is the challenge.

Table 3 provides examples that might be helpful guides. Three are actual daily limits that have been applied. The first is the regime that was temporarily introduced in Nhulunbuy during the COVID-19 lockdown. These limits were accepted by the community without much fuss. Indeed it was reported that many residents were not even aware that limits had been imposed because there was no impact on their usual patterns of purchase.

The second benchmark comes from deliberations of the Northern Territory Liquor Commission.<sup>13</sup> In response to a crisis situation early in 2018, the Commission introduced

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<sup>12</sup> The frequency of sales was still registered on the system, as people had to show ID. Harmony Group Minutes of 22 May 2020 indicate that the local Licensing officer would regularly review this data and alert Police if “unusual” purchasing patterns were identified (e.g. multiple purchases per day). The minutes also record that the purchase patterns were more evident with the unrestricted category being suspended and that “there is a desire to give Police more information.”

<sup>13</sup> See Northern Territory Liquor Commission. Barkly Liquor Licensed Premises: Reasons for Proposed Variation of Licences. 8 May 2018; and, Northern Territory Liquor Commission. Decision Notice – Barkly



Table 3 – Examples of Maximum Daily Takeaway Limits

COVID-19	BARKLY	TIER 5	TIER 5 PLUS
Two cartons of beer AND Four bottles of wine AND One bottle of spirits AND One carton of per- mixed drinks AND One carton of cider	30 cans/stubbies of mid-strength or light beer OR 24 cans/stubbies of full strength beer OR 12 cans/bottles of Ready to Drink mixes OR One two litre cask of wine OR One bottle of fortified wine OR One bottle of green ginger wine OR Two 750 ml bottles of wine OR One 750 ml bottle of spirits.	One 30 pack/carton of 375ml full strength beer OR One 30 pack of 375ml mid-strength beer cans OR Twenty four 375ml pre-mix cans AND/OR Two bottles of wine	24 cans of 375ml full strength beer OR 30 cans of 375ml mid- strength or light beer; OR 12 pre-mix cans or bottles OR 12 cans of cider OR One 750ml bottle of spirits AND Two 750ml bottles of wine

takeaway limits to reduce the local “harmful drinking culture” in the Barkly region. The limits were based on community consultation and stakeholder advice. The agreed limits were accepted as reasonable and appropriate according to widespread community and stakeholder support.<sup>14</sup>

The third is simply the Tier 5 limits that have been available on the Gove Peninsula since the permit system started.

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Liquor Licensed Premises: Variation of the Conditions of Licences. 12 June 2018. For background to investigation see Director-General of Licensing. Decision Notice – Tennant Creek Liquor Licensed Premises - Variation of License Conditions. 27 February 2018; and, Director-General of Licensing. Decision Notice – Tennant Creek Liquor Licensed Premises - Variation of License Conditions. 6 March 2018.

<sup>14</sup> Page 4 of Northern Territory Liquor Commission. Decision Notice – Barkly Liquor Licensed Premises: Variation of the Conditions of Licences. 12 June 2018

The final limits are based on the existing Tier 5 limits but they account for more choice. To gain public support it will be important to accommodate the usual options that people have always enjoyed as much as possible. These limits might have to be refined to achieve this. Consideration will also need to be given to how beverages are packaged, as removing containers from pre-packaging can increase price and decrease efficiencies.

Before any decisions are made, it is imperative that residents have a chance to input to the limits to be imposed. It is critical that this is done with reference to it being a measure to curb secondary supply and to partly reduce the perceived discrimination inherent in the system.

In keeping with Yolŋu elders retaining Level 4 limits for residents living on their communities, it is recommended that the maximum limits set by elders be applied to anyone living outside of Nhulunbuy.

The removal of unrestricted permits will cause inconvenience and be a reason for complaint by a proportion of the Nhulunbuy community. This might arise legitimately from personal circumstances, catering for special events (e.g. birthday celebrations) or because of distances that must be travelled to make alcohol purchases. Some of these problems can be mitigated by individuals planning multiple purchases over a period. Alternatively, processes might be instituted so exceptions can be made. Requests could be made to the Permit Committee, along with an explanation of the undue hardship that would be entailed if the daily limits were not waived. A new limit would be set for each case and there would need to be evidence as to the veracity of the person's circumstances.

Another consequence of a cap could be increased incidents of alcohol theft and break-ins.<sup>15</sup> Residents will have to be vigilant and proactive in securing any alcohol they have, and the community must be more willing to intervene. There is the possibility of a continuing black market, but the relative isolation of the Peninsula means grog runners from outside are unlikely to impact significantly.

It will be critical that any change to the permitted limits is accompanied by a comprehensive and sensitive information campaign and sufficient time for people to prepare and adjust. The rationale for the change should be explicit, along with any addressing any procedural or practical issues that arise.

Given the unfettered access most people have been entitled to under the AMS, it will be important to build community support. Part of this will be pointing out that adoption of limits is a demonstration that everyone is part of the broader community of the Peninsula and cannot separate themselves from the impact of alcohol. Whether they are involved in

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<sup>15</sup> This occurs in spates already. It is thought this is mostly when visitors and long-grass come to Nhulunbuy without strong links. However locals are known to be involved as well.

secondary supply or not, all must take some responsibility for the presence of alcohol on the Peninsula and actively contribute to the minimisation of harms.

Even with such a change, it cannot be ignored that some degree of secondary supply is still likely to occur. The proposed limits, however, will reduce the ready source of alcohol. People should be actively encouraged to report abuse of the system.

#### Recommendation 5

The new Tier 5 limits to be discussed with community input and a final decision made by the Director of Licensing on advice from the GPHG. Community engagement to include residents of Nhulunbuy, Yirrkala, Gunyangara and Birritjimi.

### 3.3 STRUCTURE AND PROCESSES OF THE PERMIT COMMITTEES

There has been ongoing concern among Aboriginal leaders about the behaviour of countrymen and women now living in Nhulunbuy and having greater access to alcohol, both legally or illegally.<sup>16</sup> This is based on worry for their health and safety, as well as feelings of shame and disrespect about the activities some get up to. Stakeholders from both communities wanted community leaders involved in the allocation of permits to people originating from their respective communities.

Yolŋu involvement in the decision-making deliberations of a Permit Committee ensure more informed decisions can be made about individual Yolŋu applications and the personal and cultural imperatives that may be involved. The principal value of a Permit Committee lies in its understanding of local circumstances and the local people. Committee members are expected to be networked into the community through relationships and activities so they can bring an awareness of what is happening in the community and the people involved.<sup>17</sup> This knowledge helps ensure decisions made by the Director are based on reliable, localised advice. Yolŋu representation is essential if permit deliberations are to be as well informed as possible.

Both Yirrkala and Gunyangara should nominate reputable and authoritative representatives to participate in Permit Committee deliberations. Together with other Committee members, and in light of any other relevant information that may be available, they can influence the recommendations made to the Director. This is significant as the Framework

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<sup>16</sup> It is not uncommon for family members to shift into a house occupied by relatives as part of cultural entitlements. This can occur with or without invitation. People living in the house then consider themselves residents, regardless of whether they are there by invitation or not.

<sup>17</sup> The structure and culture within Yolŋu communities would argue that knowledge of individuals is more acute and extensive. For example, it would be more widely known why people are moving to town, their reputations and vulnerabilities and their attitude to responsible alcohol management.

allows that “An indigenous community (through their respective Indigenous leadership group/Council/Elders) may request what type of restriction should be placed on the liquor Permits of their own community members.”<sup>18</sup>

#### Recommendation 6

Appropriate representatives from the communities of Yirrkala and Gunyangara to be appointed as members of the Permit Committee. Selection to be decided by each community.

The selection of those representatives must be decided by whatever process each community deems appropriate. It is recognised that there are many clans living on the Peninsula and the preference might be for all of them to be part of any selection process, but that will require lengthy time and negotiation. As an interim step to engage Yolŋu sooner rather than later, it is recommended that the Traditional Owners of the Peninsula lands (i.e. the Rirratjinju and Gumatj clans) identify suitable nominees for Permit Committee membership now.

As Committee members, Yolŋu representatives will be able to contribute insights and information as needed about individual Yolŋu regardless of where they reside. They will be able speak to the likely risks that the granting of a permit or revocation of a permit might have on the broader Yolŋu community, as well as families and individuals. They should bring a greater understanding of salient matters to the decisions to be made: such as how different people manage their alcohol, who is vulnerable to being forced to share alcohol, individual propensities to violence, attitudes toward family and child, cultural respect and the like.

#### **Peninsula Permit Committee**

For various reasons the three Committees have not functioned as originally intended for some years. The Yirrkala and Gunyangara committees have not met at all and the Nhulunbuy committee has essentially relied on Police participation.

To reinvigorate the Permit Committee process it is proposed that one committee be established to manage permits across all communities on the Peninsula. This should aid efficiency as only one get together will be needed on a regular basis and it will be an opportunity for members to learn from each other and develop collaborative relationships and cultural understandings. It also ensures that recommendations are the shared responsibility of the entire group and not just the local representatives. As each individual

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<sup>18</sup> Department of Business [Nhulunbuy Liquor Permit System Terms of Reference](#). Darwin, Northern Territory Government, 2015, page 6.

application is considered, members of the Committee will have equal opportunity to contribute to the decision-making process.

To specifically address the evident lack of priority or enthusiasm given to these Permit Committees in the past by the dozen or so agencies that were supposed to participate, it is recommended that membership of a Permit Committee be defined by how informed the stakeholders can be about their community and the general impact of alcohol.<sup>19</sup> More specifically, preference should be given to stakeholders with a demonstrated capacity to assess people who are likely to manage alcohol in irresponsible ways. This is based on deliberations generally being about people who display problems with alcohol (e.g. they have a history of offences, have previously breached permit conditions, are repeatedly involved in anti-social incidents or have ongoing mental and physical health issues). For others there is generally an assumption of “responsible character” and a permit is routinely granted until there is evidence to the contrary.

To keep a Permit Committee manageable and engaged it is proposed that membership be limited to Police, Health services and key representatives from Yirrkala, Gunyangara and Nhulunbuy. These agents are most likely to have access to relevant but restricted information, be familiar with individual and family situations, have daily interactions across the community and be part of networks that can tap a variety of intelligence and information sources about what is going on in the community. Police and Health also bring specialist perspectives and expertise.

This is largely consistent with the findings from the survey when respondents were asked to indicate which stakeholders should be on a Permit Committee. The results are listed in

Table 4 - Percent Support for Becoming a Permit Committee Member

	Indigenous (n=92)	Non-Indigenous (n=214)	Total (n=339)
Police	89.1	93.0	91.4
Elders – Yolŋu	95.7	81.3	83.8
Health Professionals	76.1	72.9	72.9
Territory Families	68.5	62.1	63.1
Department of Housing	62.0	34.1	41.9
Liquor Licensing	83.7	71.5	74.9
Licensees	67.4	41.1	48.4
Other	13.0	19.6	18.6

<sup>19</sup> Original composition of committee included NT Police, Department of Health AOD, Department of Prime minister and Cabinet, Miwatj Health, Crisis Accommodation, Nhulunbuy AOD Services, the Arnhem Club, the Golf Club, Licensing NT, Night Patrol, Nhulunbuy Corporation, Gunyangara School, Laynhapuy Indigenous Corporation, Yirrkala School and Yirrkala Health Clinic

Table 4 and show that Police and Yolŋu Elders were the most strongly endorsed and that Liquor Licensing and Health professionals were also highly rated.

While other agencies and stakeholders may have valuable advice and information to contribute, it is questionable whether they need to be involved directly in the discussion of individual applicants. Pertinent information from such interested parties could be collated outside of a meeting and made available to the Committee as appropriate.<sup>20</sup>

Any information provided by Liquor Licensing and Territory Families is unlikely to warrant these agencies to be permanent members involved in deliberations about all permits. Their information could be accessed as needed so proceedings of a Committee would not be dependent on a representative being present. Those forming the Committee should consider membership only if it will aid efficiency and effectiveness to the tasks to be undertaken.

#### Recommendation 7

Establish a Peninsula Permit Committee to deliberate permit the approval or revocation of individual permits for persons living in or visiting Nhulunbuy, Yirrkala, Gunyangara and Birritjimi. Membership of the Committee to be Police, Health and representatives from the communities of Yirrkala, Gunyangara and Nhulunbuy.

Additional members must have a direct and informed capacity to deliberate on individual applications and circumstances.

Representatives from local Council or community governance bodies might similarly be considered. This is based on the section 203 of the *Liquor Act* requiring the Director to take reasonable steps to consult with local Councils. The inclusion of such persons on the Permit Committee can facilitate this.

It is suggested that GPHG, at this stage, determine the composition of the Permit Committee. Whatever is decided it will be important to keep the membership as small and as focused as possible. Its purpose, after all, is simply to give a view about individual cases – see the primary functions reflected in Table 5.<sup>21</sup>

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<sup>20</sup> This assumes that the Committee has some administrative support.

<sup>21</sup> Common to Department of Business [Nhulunbuy Liquor Permit System Terms of Reference](#), Darwin, Northern Territory Government, 2015; Department of Business; [Gunyangara Liquor Permit System Terms of Reference](#), Darwin, Northern Territory Government, 2015; and, Department of Business [Yirrkala Liquor Permit System Terms of Reference](#), Darwin, Northern Territory Government, 2015

Table 5 - Key Functions of the Permit Committee<sup>22</sup>

- Make recommendations to the Director General of Licensing (DGL) about people in the area who should and should not receive a Liquor Permit;
- Where a Permit application is supported, if appropriate, make recommendations on specific conditions that should be applied to a Permit like the amounts and type of alcohol such as light/mid-strength beer only;
- The Permit Committee manager (Dept. Business) will forward all Liquor Permit applications (both supported and denied) to the Director General Of Licensing for a Decision;
- Consider a Permit Holders behaviour and conduct when a breach is triggered by breaking the Nhulunbuy Liquor Permit System rules (see Attachment 1- NLP Rules);
- When considering a revocation application, the Committee shall use the guidelines of this document in determining their recommendation to the Director General of Licensing;
- Make recommendations to the Director General of Licensing (DGL) if a Permit Holder has behaved in an inappropriate manner such that a Liquor Permit should be revoked or varied with conditions;
- Recommendations submitted to the Director General of Licensing must give reasons why a Permit is to be revoked or varied with conditions;
- Advise Licensing NT and the Director General of Licensing on issues affecting the General Restricted Area and/or the operation of the Liquor Permit System.

### **Short Term Permits**

The processes for recommending people for a permit requires sufficient time for relevant information to be collected so an informed assessment to be made. This includes criminal checks by Police and feedback from agencies and community networks. For visitors and tourists without any local history, this will necessarily be truncated to a Police check only. It has been suggested that applicants made by bone fide tourists and non-permanent residents be automatically recommended for short-term permits without requiring a meeting of the Permit Committee.

Criteria will have to be set to define legitimate tourists. These might include a person who does not normally reside in the region, a person able to provide commercial accommodation details and only staying on the Peninsula for less than 14 days.<sup>23</sup> Similarly, a time limit to define non-permanent residents will also need to be decided (e.g. three

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<sup>22</sup> Department of Business [Nhulunbuy Liquor Permit System Terms of Reference](#). Darwin, Northern Territory Government, 2015, page 4

<sup>23</sup> Persons visiting with Nhulunbuy permanent residents already holding a permit can currently consume at private residence under the provisions of the host's permit.

months). Any persons with a short-term permit under these criteria must complete an application form and understand that the permit will be immediately revoked if there is a breach of any breach.

This provision could help streamline processes and place less demands on Permit Committee members. The Permit Committee should be regularly updated of short-term permits that are issued. Only by exception should the approval any of those permits be discussed by the whole Committee.

#### Recommendation 8

Licensing, Permit Committee members and the GPHG to define persons who may be recommended for automatic approval of a short-term permit without being subject to endorsement by the Permit Committee.

### 3.4 OPPORTUNITIES FOR LOCAL DECISION MAKING

#### Delegations

Greater local input to the decision-making processes of the AMS was one of the most common aspects of the system that respondents in the survey wanted improved. This can occur most directly through the delegation of powers.

Section 11(2) of the Liquor Act 2019 allows powers and functions of the Director that are related to permits to be delegated to local officials. Those officials include the CEO of a local Council and a Police Officer in charge of a police station with the rank of Senior Sergeant or higher. Section 11(1) allows the delegation of any powers and functions to a Public Servant with appropriate qualifications or experience. The Director retains responsibility for reviewing the decisions made by any delegate.

There are no prerequisite criteria to determine when such delegation can or should be made. Localising decision-making capacity for the Gove Peninsula AMS might be an opportunity for this to be tried. It could streamline processes, enable more timely actions and communications, and ensure a more grounded appreciation of the local environment. This would occur with the Director still having the ultimate say if necessary.

When this possibility was raised during consultation there was some hesitancy. This stemmed largely from a fear that it could place enormous power and influence in the hands of a single person. It was suggested that this could be countered by delegating to two persons who would have to agree and by mandating that recommendations from the Permit Committee would have to be considered. Further, questions were asked about whether all powers and functions need to be localised or whether some would offer greater efficiencies



than others. Before creating a new structure along these lines, further examination of the benefits and risks needs to be undertaken.

There was discussion that the AMS would particularly benefit from the Permit Committee being able to effect revocations immediately. At the outset this is virtually what happened, with the Director usually approving recommendations without delay. However there is now a seven-day period for a person to seek a review of a recommended action.<sup>24</sup>

While the principle of natural justice should not be denied, this more bureaucratic process has the potential to cause tensions. Two concerns were anticipated when the appeals process was about to be introduced: the risk of dissociation between the penalty and the action that caused the breach; and, the standard of evidence required to substantiate recommendations made against permits.<sup>25</sup>

The second of these concerns has been borne out by recent occasions when recommendations were dismissed by the Director's delegate as indefensible because of the quality of the evidence provided. This is despite the recommendations not being issued by a judicial or statutory body bound by strict legislation and regulation. As previously suggested by d'Abbs and Crundall (2016), guidelines about the acceptability of "evidence" should be developed so there is some consistency between decision-makers.

Another solution could be delegating revocation powers to local authorities under section 11 of the Act. This would enable a person's permit to at least be suspended, whilst still allowing review by the Director if the applicant so desires.<sup>26</sup> It would have to be made explicit that this power could only be taken on advice from the Permit Committee and that

#### Recommendation 9

The Director of Licensing to identify potential local persons who may be delegated powers and functions related to the permit system. Conversations to be engaged with those persons (and others as required) with the intent of delegating agreed powers and functions that will enable more local decision-making in the management of permits. Delegations will be at the discretion of the Director and in accord with the *Liquor Act (2019)* and only to be exercised with agreement of the Permit Committee.

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<sup>24</sup> This applies to revocations as well as applications for a permit.

<sup>25</sup> d'Abbs, P. and Crundall, I. Review of Liquor Permit Schemes Under the NT Liquor Act: Final Report. Darwin, Menzies School of Health Research, 2016

<sup>26</sup> Section 28 allows for a delegate's decision to be enforced even while subject to review. To guard against vexatious application by the delegate, this approach might be the preferred option when breaches are of a significant or serious nature.

the Committee has reasonable grounds for determining that a breach has occurred and has caused harm. Such a delegation would strengthen the link between a breach and the consequence, and it would reinforce the primacy of local knowledge through deliberations of the Permit Committee.

### **Community Forum**

Local input can also be achieved by establishing “a forum at the local level for community input and discussion regarding emerging alcohol harms, health and social issues”. This was an original intention of the AM designed to enable ongoing commentary on the AMS and consideration of broader strategies to deal with a range of alcohol-related issues beyond access to takeaway. It requires a core group to operate as a focal point for diverse community input and liaison with Licensing. The GPHG stands as an existing group that could fulfil this role.

As well as providing advice and feedback to Licensing about the operation of the AMS and emerging issues, such a group should also coordinate regular bulletins about the permit system and related matters to the general population of the Peninsula. This could occur via the local newspaper, radio, social media and other accessible communication channels that are available. Keeping people informed is a way of building confidence in the system, giving assurance about the transparency of the system and helping to dispel inaccurate information and hearsay being spread.

This engagement could be bolstered with occasional public meetings being held. These would be open to anyone to attend and for any matters pertaining to the AMS to be raised and discussed.

The Permit Committee would logically link to this forum, as a sub-group or by shared membership or by regular reporting, but it complicates processes and responsibilities to have it be one and the same. The focus of the Permit Committee is the individual. The focus of the Community Forum is more systemic and strategic.

#### **Recommendation 10**

GPHG be recognised as an appropriate body for community input and discussion regarding emerging alcohol harms, health and social issues associated with the AMS. Alternatively, GPHG manage the formation of such a body.

The community body is to: establish effective links with the Permit Committee and be responsible for coordinating regular feedback to community members about the performance of the AMS and related matters.

## Review of Breaches and Penalties

Another avenue for local input is through a review of breaches, specifically to ensure they are meaningful and appropriate. This should include an assessment of the progressive tier system applied to person's having their permits reinstated. If this is not assisting reform or acting as a strong disincentive to offences in the first place then alternatives might need to be considered.

There are conditions associated with the issue of a permit and individuals can lose their permits if they breach those conditions.<sup>27</sup> Permits can be withdrawn for different periods, depending on the nature of the breach. There is currently a list of breaches that fall into three categories:

- Minor: incurring a loss of permit for three months
- Moderate: incurring a loss of permit for six months
- Major: incurring a loss of permit for 12 months

Penalties can be extended up to two years if multiple breaches occur and a permit can be revoked if an alcohol ban is issued by a Court or is a Probation/Parole condition or part of an Alcohol Protection Order.

These penalties have not been reviewed since they were formulated in 2008. It is recommended that Licensing, Police and community representatives check the list and ensure they are proportionate for the breaches listed. Thought should be given to whether revocation of a permit is likely to impact on an individual in a constructive way (i.e. will it seriously lessen access to alcohol and promote behaviour change?). Penalties need to be meaningful.

It is important in this regard that respected Yolngu are part of the review. The incentives or penalties that are salient to Yolngu people may be different from those which Balanda respond to. Identifying and enabling culturally appropriate responses (within limits) should be encouraged.

Consideration might be given to breaches being a trigger to divert people to some form of intervention aimed at addressing personal alcohol and related issues. If a referral pathway to alcohol and other drug education and/or counselling services were incorporated into the management of unacceptable behaviour, the permit system would be proactive in fulfilling the intention of the AMS "to assist people with serious alcohol misuse issues".<sup>28</sup>

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<sup>27</sup> See Appendix

<sup>28</sup> See the three community Terms of Reference.

Individuals are more likely to seek and accept help in dealing with drinking issues when there is “a crisis point”.<sup>29</sup> Losing a permit once or several times, or being unable or unwilling to satisfy a penalty might be just the occasion for individuals to take stock of themselves and seek professional guidance about how to better manage their drinking behaviour and other aspects of their lives. This may initially be a brief intervention, but it could be extended if the person was further encouraged. This approach does not exclude traditional healing processes for Yolŋu.

A discounted penalty, such as being re-instated at a higher tier or having the duration of the revocation reduced, could be an incentive to participate. Instead of punishment being the only response, this approach offers the chance of personal development as well.

It is also the case that the suddenly stopping the supply of alcohol can spark agitation and withdrawal symptoms. Individuals who lose their permits may try to avoid such experiences by either drinking more on-premises (costing more) or by securing alcohol by other means. Providing some intervention early in this process could avert problems arising from the disruption of established patterns of drinking.

Applying penalties to situations of secondary supply is particularly vexed because the source of supply is not always complicit. There can be cultural imperatives or threats that force the handover of alcohol on occasion. Discretion needs to be exercised to guard against genuinely “innocent” people being penalised. This view was expressed among the areas of concern and improvement reported by 3% of respondents in the survey.

#### Recommendation 11

Breaches and associated penalties to be reviewed by a Panel nominated by the Director of Liquor Licensing and including local community representatives. The review is to assess appropriateness and effectiveness of the regime for both Balanda and Yolŋu and recommend changes.

Review to include examination of rehabilitative intervention options, added penalties for people who threaten violence or abuse privileges to obtain secondary supply, and effectiveness of the progressive tier requirements for reinstatement of a permit.

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<sup>29</sup> Maggie Brady ( *Indigenous Australia and Alcohol Policy*. University of New South Wales Press, Sydney, 2004) notes, for example, that Indigenous people are often motivated to change when they experience serious health problems, road accidents, money issues, overwhelming family responsibilities and interpersonal and dysfunctional community relationship.

Having people involved in the deliberations of the Permit Committee who have intimate knowledge of residents, particularly among the Yolŋu, should help in this regard. They may have knowledge of the character and history of an individual to hint at whether he or she would have been chosen to be deliberately involved. Breaches may not be applied to those who are compelled to facilitate secondary supply. The receivers of the alcohol, however, should be penalised and be subject to some added consequence to emphasise how their behaviour jeopardised others. Such consequences may be a growling from Yolŋu leaders, an extra period of permit suspension, or a corresponding ban from licensed premises).

### 3.4 OTHER RELATED ISSUES

#### ON-PREMISES DRINKING AND RSA

Consultations often raised issues of drinking on-premises as being inter-related to the operation of the permit system. This was reiterated by survey, although results also revealed notable differences in the drinking patterns according to Identity.

Table 6 shows a marked difference in the typical dinking frequency between Indigenous and non-Indigenous people. More of the latter drank at least a few times a week (60.7% versus 38.1%). Conversely, 30.3% of Indigenous respondents reported never drinking, while this was reported by only 7.9% of non-Indigenous respondents.

Table 6 - Percentage of Usual Drinking Frequency per Week

	Indigenous (n=92)	Non-Indigenous (n=214)	Total (n=339)
Daily	5.6	11.2	9.1
A few times a week	32.6	49.5	43.9
Once a week	31.5	31.4	32.0
Never	30.4	7.9	14.8

There was also a distinction in where people typically drink. From Table 7 it is evident that half of Indigenous drinkers reported they would usually consume at a licensed premises. This was only nominated by one in six non-Indigenous respondents. The majority of non-Indigenous drinkers usually drank at their own residence. There were no answers provided to assess the extent to which drinking at a licensed premise is a choice of Indigenous people or the result of other considerations.

Table 7 - Percentage of Settings Where Drinking Mostly Occurs

	Indigenous (n=92)	Non-Indigenous (n=214)	Total (n=339)
Go to a licensed venue	50.0	16.9	24.6
Drink alcohol at home	26.4	71.4	59.9
Drink alcohol at the home of a friend or family member	15.3	10.8	12.6
Other places	6.0	2.0	2.8

Together these data show that while licensed premises are the most common location for drinking among Indigenous people, they tend to drink less frequently. Non-Indigenous people prefer to drink at home and drink on more days of the week.

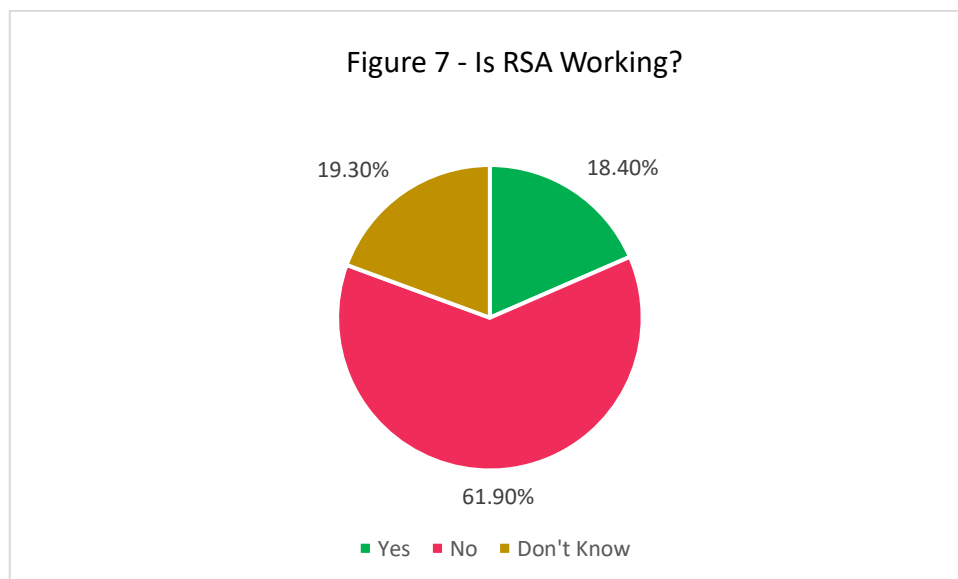
Table 8 - Percent of Main Problems Due to Drinking Too Much by Identity

	Indigenous	Non-Indigenous
Violence (fighting, aggression)	51.0	39.7
Domestic and Family Violence	15.2	27.5
Anti-social Behaviour	14.1	23.8
Drunken Behaviour	8.7	6.5
Hangover	5.4	-
Poor Decision Making	14.1	-
Health	10.9	24.3
Mental Health	2.17	7.0
Addiction	3.3	4.7
Sexual Abuse	1.1	2.8
Child Abuse	1.1	0.9
Injury	9.9	-
Self-Harm	4.3	1.4
Unsafe Behaviours	6.5	0.5
Tensions at Home	8.7	1.9
Neglect of family	4.3	4.2
Money worries	12.0	6.5
Poor role models	1.1	0.5
Employment and work performance	4.4	1.4
Dysfunctional relationships/family	6.5	4.7
Crime / Police dealings	9.7	9.8
Do not care for themselves	2.2	2.3
Drink driving risks	2.2	7.5
Community disruption	4.3	-
Deterioration of Culture	2.2	-
Costs to Government	1.1	1.9

There were also some cultural variations in the kind of issues perceived to result from drinking too much. While Table 8 shows violence behaviours to be the most commonly identified issue, this was higher among Indigenous respondents. However Domestic Violence and anti-social behaviours were more commonly recognised by non-Indigenous respondents. Overall, negative health consequences were more often reported by non-Indigenous respondents, whilst Indigenous respondents were more likely to highlight injury and self-harm. Non-Indigenous people also tended to identify drink driving risks more often, while Indigenous people raised financial concerns, poor decision making and unsafe behaviours, problems at home and with community and culture.

Being mindful of these cultural differences in drinking patterns and the kind of consequences that stand out, it is interesting that the survey explored the specific issue of the Responsible Service of Alcohol (RSA).

The majority of respondents, as shown in Figure 7, did not think RSA was being sufficiently practiced.



Criticism of a lack of Responsible Service of Alcohol practices at some venues included a range of specific problems, including the continual serving to intoxicated patrons, aggressive and discriminatory security, and lack of responsibility for patrons exiting the premises. These concerns have been raised over many years and there has been ongoing consultation between the licensees, Police and Licensing to address them.

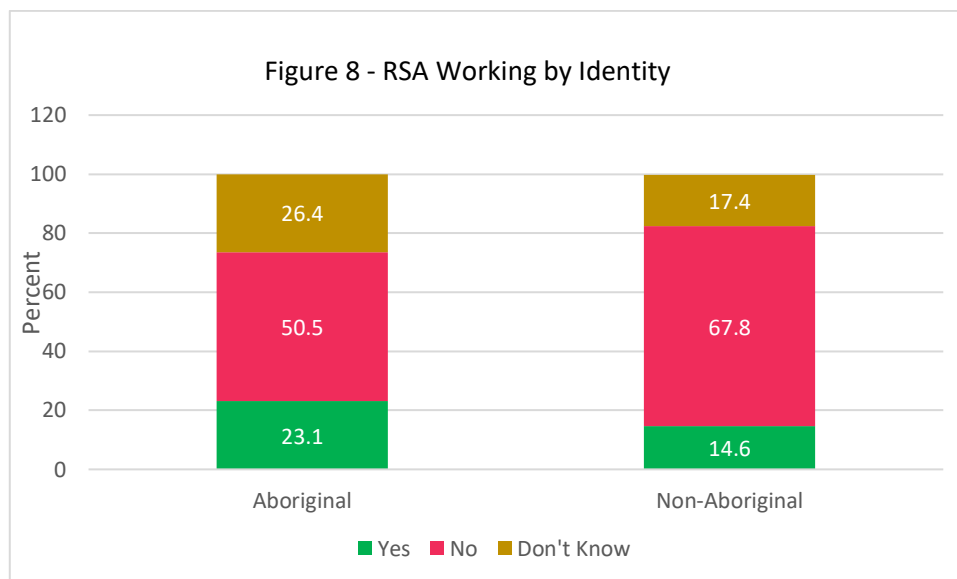


Figure 8 shows how RSA was rated by Identity and there is a variation of interest. The majority of both groups do not think it is working and the next most sizable groups comprise people who were not in a position to provide a judgement. However around one in four Indigenous people and fewer than one in seven non-Indigenous people thought it was working well.

The lower proportion of Indigenous respondents thinking RSA was not working may be due to differences in the expectations people have of RSA or it might also relate to licensed premises being the only venues where Indigenous people can congregate and consume alcohol. With half of the Indigenous sample usually drinking at licensed venues, it could be that their experience is one of greater tolerance for practices as they are. In either case it would be helpful if standards of RSA were widely known and understood by all.

The different experiences of Yolŋu and Balanda people drinking on licensed premises will also be influenced by the environment and ambience of the place. Licensed premises are not homogenous. There is one tavern and three licensed clubs on the Peninsula. The clubs cater for members and bona fide guests. The tavern is centrally located, has different bars operating and runs the Latitude12 restaurant. Unless banned by the venue or subject to legal restrictions, anyone may drink at these venues. This includes individuals who do not have a permit and those who have lost their permits.



Table 9 - Percent Indicating Good RSA Practices

PREMISES	Indigenous (n=92)	Non-Indigenous (n=214)	Total (n=339)
Latitude 12	33.7	35.5	35.1
Golf Club	35.9	37.4	35.1
Boat Club	30.4	52.3	46.0
Surf Club	30.4	52.3	46.3
Walkabout Tavern	33.7	13.6	19.8
None of the above	6.5	12.1	11.8
Don't Know	23.9	13.6	16.5
Other	13.0	14.0	13.3

Table 9 details how many survey respondents thought each of these venues was effectively applying RSA.<sup>30</sup> The ratings from Indigenous people are similar for all outlets. Among the non-Indigenous respondents, however, the ratings are more graduated. The Boat and Surf Clubs are most frequently nominated. The Tavern is the least endorsed by a substantial margin.

Table 10 lists a few strategies to reduce people getting drunk and how many respondents had experience of them being effective. Dealing directly with the drinkers, by ceasing service or removing them from premises, were identified the most readily. They were particularly endorsed by Indigenous respondents.

Table 10 - Percent Having Seen Actions Work That Stop Drunkenness.

	Indigenous	Non-Indigenous	Total
Stopping service to intoxicated persons	65.2	55.1	57.8
Removing intoxicated persons from premises	62.0	51.4	54.0
Monitoring by security staff or equipment	43.5	30.4	35.4
Restricting supply/purchase	47.8	37.8	41.9
Educating the Public about RSA and how to report problems	22.8	16.8	18.3
Having clear processes so public can report concerns	23.9	18.2	20.1
Other	39.1	24.8	29.5

<sup>30</sup> It is acknowledged that these ratings do not necessarily account for how familiar individual respondents might be with each outlet. It is not possible to know whether the results are based on experience or word-of-mouth and hearsay.

Table 11, on the other hand, shows how much support there is for taking specific actions to strengthen the practice of RSA on licensed premises. All actions are supported. Presumably, respondents want practices already being implemented to be reinforced and enhanced.

Table 11 – Percent Support for Actions to Improve RSA

	Indigenous	Non-Indigenous	Total
Cease servicing intoxicated persons	78.3	86	83.5
Remove intoxicated persons	72.8	73.4	73.2
Monitoring by Security	65.2	54.7	58.4
Education and awareness for public about RSA and reporting	72.8	50.0	56.0
Supply/purchase restrictions	68.5	62.6	64.0

The licensed premises are not necessarily responsible for the education and reporting action, although they need to be involved at some stages. How education can be delivered and designing a reporting system that is pragmatic, efficient and open to substantiating incidents should be a task undertaken by Licensing with local involvement.

#### Recommendation 12

Liquor Licensing manage the development of an effective education program and reporting regime, so the public is more aware of RSA and more able and willing to report breaches of RSA to an appropriate authority.

Although not listed as an action, regular Police patrols though licensed premises have occurred in the past. These might be re-introduced, especially as they have legislated powers to exclude intoxicated people from premises. Indeed the *Liquor Act* enforces a range of requirements that can reinforce compliance to RSA by licensees and staff.<sup>31</sup> These include all staff holding up-to-date RSA certification; mandating the cessation of service and removal from premises any patrons who are violent, quarrelsome, disorderly or incapable of controlling their behaviour or reasonably believed to be intoxicated; allow directives to be sent by the Director if the licensee is facilitating irresponsible consumption or “it is otherwise in the public interest to issue the direction to prohibit or restrict irresponsible drinking”.

<sup>31</sup> See Part 6, Divisions 3 and 4.

Harm Minimisation Audits are another mechanism that can be applied. These assess the extent to which licensed premises meet a number of criteria, including: that liquor is sold, supplied, served and consumed in a responsible manner; the harm or ill-health caused by the consumption of liquor is minimised; and, it reduces or limits increases in anti-social behaviour and alcohol-related violence.

While a mutually cooperative working relationship between Liquor Licensing and licensed premises is the preferred pathway to improving RSA, the low survey endorsement of RSA suggests more might need to be brought to bear. A concerted focus on licensed premises located on the Peninsula consistently complying to these various legal requirements should not be ignored in this context.

#### Recommendation 13

Liquor Licensing consider an intensive approach to ensure licensed premises comply with sections of the *Liquor Act* that support the delivery of Responsible Service of Alcohol practices.

As pointed out by some respondents, if people lose their permits or otherwise do not have one then the only legal places they have for drinking is licensed premises. It can be culturally fraught to restrict Indigenous people to only drink on licensed premises. Where Indigenous people choose to drink and with whom they choose to drink is important to strengthening social ties whilst also avoiding trouble.<sup>32</sup> Forcing different groups to mix can fester disagreements, long term family feuds and jealousies and this can lead to aggressive and violence outbursts. Providing alternate safe places where people have more control over who they want to drink with (if anyone), could reduce public disorder and unrest that spills into the Nhulunbuy township or is brought back to disrupt communities. Assessing the feasibility of this, let alone making it a reality, will take considerable and negotiation.

#### **DEDICATED LICENSING INFRASTRUCTURE**

The permit system operating on the Peninsula is unique and it is more complicated than many others. It deserves dedicated support due to the cultural mix of the population, the changing nature of the socio-economic dynamics of the place, the increasing number of visitors and tourists, and the complexities of the AMS itself.

Administrative support to the AMS has been provided from the outset, but in 2020 there was a period when the Licensing Office in the shopping centre was left vacant. Repercussions followed that highlight the need for support to be maintained. The

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<sup>32</sup> See Brady, M. On- and off-premises drinking choices among Indigenous Australians: The influence of socio-spatial factors. *Drug and Alcohol Review*, July 2010, 29, 446-451.

implications were most apparent with visitors and tourists, with many unaware of the AMS regime prior to arriving or of the belief that the process to obtain a permit will be relatively simple and quick. Without someone to instruct them about the restrictions that are in place and how to apply for permits they were either left frustrated or they sought help elsewhere. Often they would make enquiries at licensed premises, given the obvious link with alcohol.<sup>33</sup> Although willing to assist for the sake of the town's reputation, this became more of an intrusion as there was no-one with specific and detailed knowledge to direct them to. Relying on phoning or emailing Licensing in Darwin was problematic as internet and telephone connections are subject to outages which can add to dissatisfaction.

This experience alone argues strongly for an ongoing office being maintained in Nhulunbuy. Its accessibility, however, needs to be more responsive to local needs. Both the survey and discussion groups indicated it would be helpful, for locals and visitors, if service and advice about obtaining a permit were available on weekends and outside of standard office hours during the week. There are people who simply cannot attend between 8:30am and 4:30pm Monday to Friday. This could be addressed by having more than one full-time staff member, or having a reliable and effective interactive communication system that allows access when the Office is closed. Another option could be for other agencies (e.g. Nhulunbuy Corporation or Yolŋu businesses and offices) to provide back-up or alternate sites for assistance when the Office is closed.

But applying for a permit is only one of a multitude of tasks associated with an effective and efficient AMS. There also needs to be liaison with senior Licensing officers and the Director about individual permits and, at times, the provision of supplementary information that may be required for central office processes. Monitoring the progress of approvals, revocations and variations and being a clearing house for all local applications adds efficiencies so people can get timely updates and advice. There is value too in the strategic relationships that can be built with different agencies on the Peninsula so local enquiries and responses to issues can be more easily addressed. Being able to interrogate the AMS database with an appreciation of the local context is another advantage that can only come from a person familiar with the dynamics of the Peninsula.

History tells that Permit Committees are most successful when support is available to organise (and even moderate) meetings, maintain records and ensure necessary data and information is available for decision-making. These functions should be a priority role for the local Licensing officer and include collection and transport of Committee members if

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<sup>33</sup> Even when the office was open during 2019-20 it was reported by licensee that some 300-400 people made enquiries. Clearly there is an urgent need to have signage strategically placed so people are promptly aware that permits must be obtained and where they can find out more information or actually make an application.

needed, minute taking and other secretarial tasks, and being the central point for communications.

In recognition of the important and diverse role that a local Officer has in maintaining the AMS, involvement in Licensing business not related to the Peninsula should be minimised. There are growing demands from tourism and the increasing use of FIFO employees by Rio Tinto which further testify to the position being dedicated first and foremost to the Gove AMS. Without this minimal level of Government support, it is questionable whether the community alone has the voluntary capacity or confidence to fill all the gaps that would be left in keeping the AMS viable.

#### Recommendation 14

Liquor Licensing to maintain at least one full time position in Nhulunbuy to focus on managing the daily operations of the AMS and to facilitate the efficient operation of any Permit Committee. An office accessible to the public to be provided along with necessary equipment and support, and operational flexibility to meet community needs.

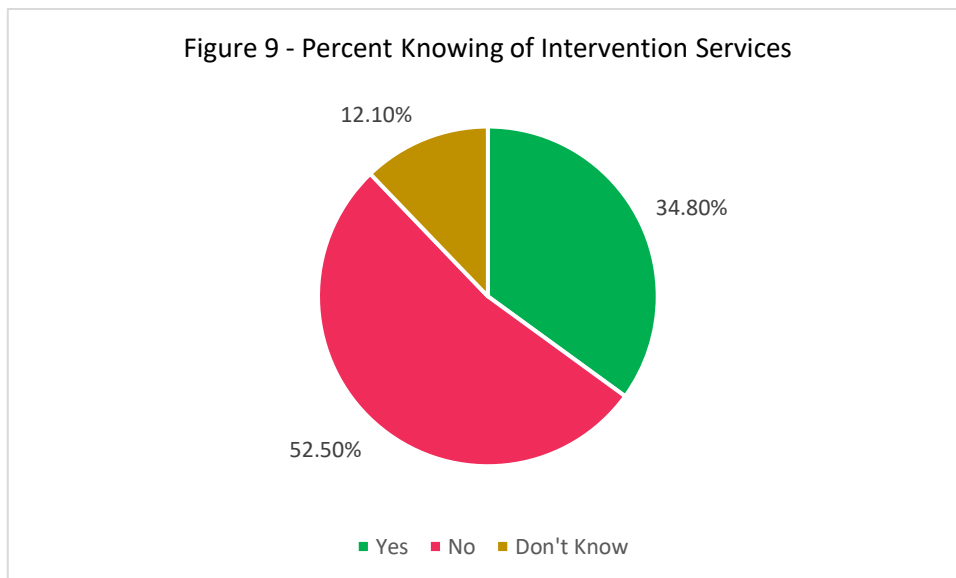
#### **ALCOHOL SUPPORT AND EDUCATION SERVICES**

When the AMS was set up, several adjunct services were established to ensure a comprehensive approach was taken to minimising alcohol-related harms. Over time these resources have been downgraded, leaving the permit system without the complementary support services that were originally agreed.

A care centre was initially built to provide treatment services, but this was transferred to Corrections some six years ago. This removed the sole dedicated facility for in-patient alcohol and other drug counselling. This, in turn, compromised the physical integrity of the Sobering Up Shelter (SUS) and that service is now limited. Similarly, operation of Community Patrols has been sporadic and of varying impact.

Having the SUS more available and enabling Night Patrols greater capacity to intervene in situations across the Peninsula were suggestions reflected in the responses obtained from the survey. However the number was low at 2.3%. This may simply be a function of other issues being perceived as more critical. Because of this, attention to these services might still be warranted to determine whether changes could be made to maximise harm reduction.

The survey asked whether people were aware of any local support or treatment and education services that can assist people who want to improve their management of alcohol. The response breakdown is shown in Figure 3.11.1. Only about a third of respondents indicated knowledge of such services.



The responses from Indigenous or non-Indigenous respondents separately were similar. There was a slightly higher proportion of the former who were aware of services (39% versus 34%) or did not know (15.2% versus 11.3%). More non-Indigenous respondents reported not being aware (54.2% versus 45.7%).

These responses might have been expected, as people are only likely to know about such services when they have a need. Unless people are motivated to want to change their own patterns of alcohol use or those of others who affect their lives, there is little reason for people to give specialist programs and agencies a lot of attention.

Alcohol Education was one of the information needs identified in relation to improving the permit system. This related to both education about alcohol effects and related issues generally, as well as services to assist the development of personal management strategies and interventions for individuals. The AOD services should consider whether an effective public messaging campaign can be developed to provide this kind of education, whether more capacity is required for individual counselling and intervention and/or whether more promotion of existing services can be enhanced.

**Recommendation 15**

Local AOD support service providers and other key local and Government stakeholders meet to explore ways in which current service delivery might be improved or adjusted to better support the AMS and the reduction of alcohol-related harms in the communities on the Peninsula. This includes options for alcohol education.

## 4. CONCLUSION

The permit system was set up by Government in response to concerns expressed by the local communities of the Gove Peninsula more than a decade ago. For the most part, the information collected for this review indicate there is little appetite to disband the system. While there are some who consider the system to be fundamentally wrong, the overwhelming sentiment is that alcohol-related harms are more controlled with the system rather than without. What is also evident, however, is that there is room for improvement.

Some of these improvements can be made through Government efforts, some will require actions from key local stakeholders. Recommendations include resurrection of an effective Permit Committee, establishment of form for community input to alcohol issues, removal of unrestricted limits, potential delegations under the *Liquor Act*, enhanced education, information and community engagement strategies, a review of the appropriateness of current breaches and penalties, a strategic overview of alcohol services, a focus on RSA and maintenance of a Licensing Officer to manage the AMS. These need to be considered in effort to update the system to better suit the evolving conditions of the Peninsula.

Regardless of the changes made, the system ultimately relies on the cooperation and support of all community members. To protect people from avoidable harms arising from drinking – some by choice and many as innocent parties - it is the responsibility of all people living and visiting the region to do their part to make the system work the best that it can. It is only a proportion of the people making it harder for everybody else to simply go about their business and enjoy alcohol responsibly and without threatening the health and welfare of others. This can be addressed by if everyone works together for the long-term benefit of all.

## Appendix A – Discussion Group participants

The list does not contain every individual who participated in the Discussion Groups. Some did not register their details, although they did take part. Those who registered were:

Ali Mills	John Hughes
Jillian Bridgefoot	John Cook
Djwalpi Marika	Hazel Trudgen
Brentley Holmes	Wanyubi Marika
Mario	Gathapara Mununggurr
Hamish Gondarra	Mandaloa Marika
Fabian Marika	Ben Garr
Deb MacEwan	Ruth Bandiyul
Karen Guwuwiwi	Ron Fino
Sophie Garrkali	Jeanette Callaghan
Jacqui Daniels	Mayalil Marika
Edna Garrawurra	Sarah Nniness
Mel Cruickshank	Mandy Crow
Klaus Helms	Mathilde Payet-Vidalenc
Jim Rogers	Shane Flanigan



## Appendix B - List of breaches and penalties

### Minor Breach - 3 month Permit cut-off (Permit Revocation)

- Causes an alcohol related criminal act, or getting an Alcohol Protection Order; substantial annoyance or disruption of community order and peace; this includes noisy parties; public drunkenness; minor alcohol related antisocial behavior/ disturbances; humbugging' or begging.
- Leaving litter from the liquor (grog litter) in the Restricted Area.
- Low range drink driving offence - blood alcohol between .05% and .08%.

**IMPORTANT** - If a Permit Holder does any of these twice (2 x) - it's a 12 month Ban.

### Moderate Breach – 6 months Permit cut-off (Permit Revocation)

- Banned from any licensed premise on Groote Eylandt or is served with a Trespass Notice from a licensed premise or public/private event.
- Medium range drink driving offence - blood alcohol between .08% and .15%.
- A driver who is on alcohol restrictions of 0.0% blood alcohol and is caught with a drink driving offence.
- Unsecured liquor in Permit Holders possession.

**IMPORTANT** - If a Permit Holder does any of these twice (2 x) - it's a 12 month Ban.

### Major Breach – 12 months Permit cut-off (Revocation)

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

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

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

## Appendix C – Copy of Survey Questionnaire

# Gove Peninsula Harmony Group

## Liquor Permit Review Survey - 2020

### Important information about this survey

*The Gove Peninsula Harmony Group is made up of key service providers and community members. This group has identified the importance of community feedback and input into the management of alcohol on the Gove Peninsula.*

*This survey provides opportunity for all people in Yirrkala, Gunyangara and Nhulunbuy to express their views on the liquor permit system. All surveys are anonymous, and no names are recorded to allow individuals to express views in a safe and confidential way.*

*The aim is to improve the liquor permit system and process to achieve positive outcomes in alcohol management, and to keep all our families and communities safe.*

*We appreciate you taking the time to present your views and answer the questions provided.*

*The results will be made available in the new year of 2021 through the Nhulunbuy Corporation Website, with recommendations to be presented back to the communities for consideration.*

*For and on behalf of the Gove Peninsula Harmony Group members.*

#### General Information

\* 1. What is your gender?

\* 2. How old are you?

Under 18    18-24    25-34    35-44    45-54    55-64    65+

**\* 3. In what type of community do you live?**

- Yirrkala
- Nhulunbuy
- Gunyangara
- Birritjimi
- None of the above

**4. If you selected 'None of the above" in Q3 Where do you live?**

Homelands in  
East Arnhem

Other  
communities in  
East Arnhem

Outside East  
Arnhem (I am a  
visitor)

**\* 5. Do you identify as any of the following?**

- Aboriginal
- Torres Strait Islander
- Neither Aboriginal or Torres Strait Islander
- Prefer not to say

**6. What language do you usually speak at home?**

- English
- Arabic
- Yolgnu Matha
- Mandarin
- Filipino/Tagalog
- Malayam
- Other (please specify)

## Information about you household

\* 7. How many people live in your house?

- 1 - 2
- 3 - 5
- 5 - 10
- More than 10

8. How many children under the age of 18 years live in your house?

## Consumption of Alcohol

9. How often do you consume alcohol in a typical week?

- Daily
- A few times a week
- Once a week
- Never

10. When you consume alcohol, do you mostly:

- Go to a licenced venue (e.g. the Golf Club, Walkabout Tavern, the Boat Club)
- Drink alcohol at home
- Drink alcohol at the home of a friend or family member
- Other place

## Impacts of alcohol

**11. What do you think are the main problems that can happen when people drink too much alcohol?**

[Redacted]

**12. Have you ever applied for a liquor permit on the Gove Peninsula?**

- Yes
- No
- Other (please specify)

[Redacted]

**\* 13. If Yes, when did you apply for a liquor permit?**

- 2020
- 2019
- 2018
- Before 2018

**14. Do you currently have a liquor permit, if yes, what type of liquor permit do you have open permit or restricted permit?**

- Yes, Open Permit
- Yes, Restricted Permit
- No

**\* 15. Do you know why there is a liquor permit system?**

- Yes
- No

**16. Based on the reasons you think the liquor permit system is in place, do you think the system is working?**

- Yes
- No
- Don't know

**Why or why not?**

**17. What parts of the liquor permit system do you think are working well, (e.g Application Process, Limits on Purchases, Penalising people doing the wrong thing?)**

**18. What concerns or issues do you have about the system? What improvements would you like to see made to the system, if any (eg. Better enforcement, Better local decision making, speed up process?)**

**Decision Making**

**19. The local Permit Committee has made recommendations to Licensing about who can have a liquor permit, who should lose a permit or conditions that should be on a person's permit. Who would you expect to be on a committee that makes these decisions?**

- Police
- Elders - Yolgnu
- Health, professionals
- Territory Families
- Department of Housing
- Liquor Licencing
- Licensees
- Other (please specify)

#### Secondary Supply of Alcohol

**20. Buying alcohol with a permit and then selling it to a person who does not have a permit is against the law. This is known as secondary supply. Did you know it is against the law?**

- Yes
- No

**\* 21. Are you aware of this happening in the community?**

- Yes
- No



**22. Do you think secondary supply of alcohol is a problem?**

- Yes
- No
- Other (please specify)

**23. What actions, if any, would you support to reduce the re-selling of alcohol in communities on the Gove Peninsula?**

(eg. purchase limits during COVID - 2 bottles of wine, 1 carton of Beer and 1 bottle of spirits)

- Limits on the amount of takeaway alcohol that anyone can buy at one time
- Electronic monitoring of purchases at takeaway shops
- Education and awareness of the laws
- Harsher penalties
- More enforcement
- Other (please specify)

**Access & Supply of Alcohol**

The Responsible Service of Alcohol (RSA) refers to the actions taken by licensed venues to stop people getting drunk with the following questions seeking your views.

**24. Do you believe RSA is working across licenced premises on the Gove Peninsula?**

- Yes
- No
- Don't know

**\* 25. Please circle the premises you feel are doing well with their RSA? (choose one or more)**

- Latitude 12
- Golf Club
- Boat Club
- Surf Club
- Walkabout Tavern
- None of the above
- Don't Know
- Other (please specify)

**26. What practices have you seen working well to stop drunkenness?**

- Stopping service to intoxicated persons
- Removing intoxicated persons from premises
- Monitoring by security staff or equipment
- Restricting supply/purchase
- Educating the Public about RSA and how to report problems
- Having clear processes so public can report concerns
- Other (please comment)

**27. What improvements, if any, could be made to strengthen RSA? (click one or more)**

- Cease servicing intoxicated persons
- Remove intoxicated persons
- Monitoring by Security
- Education and awareness for public about RSA and reporting
- Supply/purchase restrictions

**Education and Awareness**

**28. Would you like to learn more about different alcohol management practices (eg. Responsible service, how to report concerns, how permits work)**

- Yes
- No
- Don't Know

**Please Comment**

**29. Are you aware of any local support or treatment and education services that assist people who want to manage alcohol better?**

- Yes
- No
- Don't know

**30. If you would like to win a breakfast for four people at the Refinery Café (to the value of \$150) Please complete your contact details below.**

**Name**

**Email Address**

**On behalf of the Gove Peninsula Harmony Group, thank you for taking the time to complete this survey. Your views will help with making decisions about alcohol that will keep our community and families safe into the future.**

# Gove Peninsula Harmony Group

## Liquor Permit Review Survey - 2020

### Important information about this survey

*The Gove Peninsula Harmony Group is made up of key service providers and community members. This group has identified the importance of community feedback and input into the management of alcohol on the Gove Peninsula.*

*This survey provides opportunity for all people in Yirrkala, Gunyangara and Nhulunbuy to express their views on the liquor permit system. All surveys are anonymous, and no names are recorded to allow individuals to express views in a safe and confidential way.*

*The aim is to improve the liquor permit system and process to achieve positive outcomes in alcohol management, and to keep all our families and communities safe.*

*We appreciate you taking the time to present your views and answer the questions provided.*

*The results will be made available in the new year of 2021 through the Nhulunbuy Corporation Website, with recommendations to be presented back to the communities for consideration.*

*For and on behalf of the Gove Peninsula Harmony Group members.*

#### General Information

\* 1. What is your gender?

\* 2. How old are you?

Under 18    18-24    25-34    35-44    45-54    55-64    65+

**\* 3. In what type of community do you live?**

- Yirrkala
- Nhulunbuy
- Gunyangara
- Birritjimi
- None of the above

**4. If you selected 'None of the above" in Q3 Where do you live?**

Homelands in  
East Arnhem

Other  
communities in  
East Arnhem

Outside East  
Arnhem (I am a  
visitor)

**\* 5. Do you identify as any of the following?**

- Aboriginal
- Torres Strait Islander
- Neither Aboriginal or Torres Strait Islander
- Prefer not to say

**6. What language do you usually speak at home?**

- English
- Arabic
- Yolgnu Matha
- Mandarin
- Filipino/Tagalog
- Malayam
- Other (please specify)

## Information about you household

\* 7. How many people live in your house?

- 1 - 2
- 3 - 5
- 5 - 10
- More than 10

8. How many children under the age of 18 years live in your house?

## Consumption of Alcohol

9. How often do you consume alcohol in a typical week?

- Daily
- A few times a week
- Once a week
- Never

10. When you consume alcohol, do you mostly:

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