

Prevention Strategies

Introduction

- 5.1 The chapter examines a range of ways that demand for alcohol can be reduced, including through early intervention, the promotion and provision of alternatives to drinking, education, diversion, treatment and ongoing care.
- 5.2 It also raises some of the consequences of prevention strategies, some of which are unintended and can cause issues of their own.
- 5.3 The chapter also considers strategies such as that of the Alcohol Mandatory Treatment of the Northern Territory.

Alternatives to alcohol

- 5.4 While the reasons why people consume alcohol at harmful levels are many and complex, providing people with alternatives to drinking through greater opportunities for a better life through recreation, education and work are important demand reduction strategies.
- 5.5 Ms Nicola Coulter from the Northern Territory Council of Social Service asserts that demand reduction involves the provision of alternative activities away from alcohol, as well as health promotion and countering the view that 'alcohol is cool'.¹

1 Ms Nicola Coulter, Board Member, Northern Territory Council of Social Service , *Committee Hansard*, 3 April 2014, Darwin, p. 9.

- 5.6 The Wirrpanda Foundation runs the Happy Families Employment Program. In this program Aboriginal and Torres Strait Islander men work with mentors to support them in gaining meaningful employment and soft skills also with a focus on health and fitness creating a happier future for themselves and their families in Kwinana in Western Australia.²
- 5.7 The Foundation also runs the Indigenous Employment Program which is aimed at inspiring and creating opportunities for long-term unemployed Aboriginal and Torres Strait Islander people aged over 18 to reach their full potential and gain employment.³

Sport and recreation

- 5.8 The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (ATSIA committee) June 2011 report *Doing Time – Time for Doing: Indigenous youth in the criminal justice system* found that recreational activities, including sport, assisted young people to develop self-confidence and self-worth, ambitions for the future, and a commitment to community responsibility.⁴
- 5.9 In Ceduna, the committee heard that boredom contributes to young people drinking, particularly in the sporting off-season, or where parents are absent due to their drinking.⁵
- 5.10 While involvement in sport and recreation programs are seen as beneficial in providing people with alternatives to drinking, it was emphasised that responsible drinking practices also need to be promoted in sport at all levels.⁶
- 5.11 The Australian Drug Foundation (ADF) highlights the work of the Good Sports Program in the Northern Territory, which has assisted in reducing alcohol-related harm. The program helps sporting clubs to become healthier, safer and more family friendly places, and is estimated to have prevented over 1 300 alcohol-related injuries, assaults and road accidents combined in 2011 and 2012.⁷
- 5.12 The ADF noted:

2 Wirrpanda Foundation, *Submission 17*, p. 1.

3 Wirrpanda Foundation, *Submission 17*, p. 2.

4 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous youth in the criminal justice system*, June 2011, pp. 61; 64-72.

5 Senior Sergeant Matthew Steinbeck, Officer in Charge, Ceduna Police Station, *Committee Hansard*, Ceduna, 5 May 2015, p. 25.

6 Australian Society for Medical Research, *Submission 75*, p. 7.

7 Australian Drug Foundation (ADF), *Submission 92*, p. 19.

Good Sports is an example of the positive benefits that can come from implementing a simple yet effective program. For this reason Good Sports has now been adopted by over 6,500 clubs around Australia. It is often incorporated into wider community initiatives such as Liquor Accords and local Alcohol Management Plans as a key way of tackling alcohol problems in the important setting of sporting clubs.⁸

- 5.13 The Queensland Government reports that the provision of alternative activities away from alcohol are included as part of its Alcohol Management Reform Program.⁹ The Queensland Government comments that diversion from drinking programs, including sport and recreation activities such as cultural dance and music, youth discos, and wet season holiday programs can also contribute to crime prevention, health and wellbeing.¹⁰
- 5.14 The *Sport: More than a Game* report of the ATSLIA committee focused on the importance of sport in improving Aboriginal and Torres Strait Islander wellbeing and supporting Closing the Gap targets.¹¹

Diversion

- 5.15 There is strong support for alcohol and drug diversion programs that redirect people who come into contact with the criminal justice system into the health system, with the aim of reducing alcohol dependency and minimising further offending.¹²
- 5.16 The National Congress of Australia's First Peoples state that 'prevention, early intervention and diversion of alcohol related crime offenders deliver significantly higher economic and social outcomes' than conventional sentences.¹³
- 5.17 There are a range of diversionary options available for people experiencing problems with alcohol and other drugs (AOD), who come before the courts. The Clontarf Foundation funds a number of programs for Aboriginal and Torres Strait Islander boys across Australia.

8 ADF, *Submission 92*, p. 20.

9 Queensland Government, *Submission 98*, p. 4.

10 Queensland Government, *Submission 98*, p. 21.

11 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Sport: More than a game*, June 2013.

12 Foundation for Alcohol Research and Education (FARE), *Submission 83*, p. 33; Victorian Aboriginal Community Controlled Health Organisation Inc (VACCHO), *Submission 33*, p. 2.

13 National Congress of Australia's First Peoples, *Submission 97*, p. 13.

- 5.18 In New South Wales, there are a number of programs that aim to address the needs and risks of re-offending of Aboriginal and Torres Strait Islander offenders. These programs include the Balunda-a (Tabulam) Program, which is a court diversionary program provided in a community-based residential facility. The program aims to improve life skills and address specific areas of risk to reintegration in the community, including drug and alcohol misuse.¹⁴

Education

- 5.19 Educating people about the harmful effects of alcohol, particularly while they are young, is a strategy that can assist in preventing people from developing excessive drinking patterns.
- 5.20 There is support for more education about alcohol to be available at the national level. Professor Mike Daube from the McCusker Centre for Action on Alcohol and Youth argues that Australia needs ‘strong, independent, sustained and well-funded public education on alcohol through mass media’ in order to counter messages about the desirability of drinking from alcohol marketing and promotion.¹⁵
- 5.21 Professor Daube comments that, given the success of public health campaigns against tobacco smoking, a similar strategy could be used to inform the public about the harms of alcohol misuse.¹⁶
- 5.22 The Central Australian Aboriginal Legal Aid Service (CAALAS) stresses the need to educate communities about the health consequences of harmful alcohol use, and to encourage people who are struggling with their drinking to seek help as early as possible.¹⁷
- 5.23 The Wirrpanda Foundation illustrates that important work is currently being done in some schools to educate young people about harmful alcohol use and the problems it can cause.¹⁸ It provides the example of the Troy Cook Health and Leadership program, which caters for Aboriginal and Torres Strait Islander boys aged 10-17 years who are at risk of anti-social behaviour and disengaging from school. The program educates

14 New South Wales Government, *Submission 62*, p. 12.

15 Professor Mike Daube, Director, McCusker Centre for Action on Alcohol and Youth, *Committee Hansard*, Perth, 30 June 2014, p. 19.

16 Professor Daube, McCusker Centre for Action on Alcohol and Youth *Committee Hansard*, Perth, 30 June 2014, p. 21.

17 Central Australian Aboriginal Legal Aid Service (CAALAS), *Submission 56*, p. 19.

18 Wirrpanda Foundation, *Submission 17*, p. 4.

- participants about the risks of alcohol and other drugs and promotes living a healthy and fulfilling life.¹⁹
- 5.24 Professor Kate Conigrave, Dr Kylie Lee and Mr Peter Jack from the University of Sydney comment that educating young people about the harms of AOD is unlikely to be effective if it occurs in isolation, and should be 'combined with measures to increase youth resilience and opportunity'.²⁰
- 5.25 Milliya Rumurra Aboriginal Corporation suggests that there are school based AOD education programs which should be supported with parallel family based interventions.²¹
- 5.26 Milliya Rumurra believes families are a critical focus area for AOD interventions and have developed a culturally secure Family Engagement and Support Program (FESP). The FESP centres on the Boab tree which is unique to the Kimberley region and has significance in traditional Aboriginal and Torres Strait Islander history. The FESP aims to engage with family members of clients during treatment.²²

Focus on Early Childhood

- 5.27 The People's Alcohol Action Coalition (PAAC) strongly support an approach which is based on early childhood development programs which they consider will break the inter-generational cycle of disadvantage and alcohol abuse that affects many Aboriginal and Torres Strait Islander families.²³
- 5.28 The Central Australian Aboriginal Congress (CAAC) state that the key to alcohol demand reduction is in the primary prevention of demand through supporting health development in early childhood.²⁴
- 5.29 PAAC note that there is an abundance of strong evidence that well-designed early childhood development programs are a key, cost-effective intervention to address intergenerational disadvantage.²⁵

19 Wirrpanda Foundation, *Submission 17*, p. 4.

20 Professor Kate Conigrave, Dr Kylie Lee and Mr Peter Jack, University of Sydney, Discipline of Addiction Medicine, *Submission 38*, p. 2.

21 Milliya Rumurra Aboriginal Corporation, *Submission 114*, p. 3.

22 Milliya Rumurra Aboriginal Corporation, *Submission 114*, p. 3.

23 People's Alcohol Action Coalition (PAAC), *Submission 7.1*, p. 2.

24 Central Australian Aboriginal Congress (CAAC), *Submission 84*, p. 5.

25 PAAC, *Submission 7.1*, p. 31.

Early intervention

- 5.30 For people who are at risk, or who have already developed problematic alcohol use, early intervention can be effective in reducing alcohol consumption, particularly with youth and young adults.²⁶
- 5.31 The ADF comments that the adequate resourcing of primary prevention and early intervention would 'reduce the demand for more intensive and expensive subsequent treatment of alcohol disorders'.²⁷
- 5.32 The ADF further note that evidence-based prevention and early intervention programs are a cost-effective way to reduce the development of harmful patterns of alcohol use. In particular, prevention programs that target whole communities by applying interventions using a coordinated strategy are likely to be more effective than interventions applied in isolation from each other and on a less coordinated basis.²⁸

Justice Reinvestment

- 5.33 Justice reinvestment was highlighted as a promising strategy for reducing the number of Aboriginal and Torres Strait Islander people who are incarcerated for alcohol-related offenses.²⁹
- 5.34 Ms Jillian Smith from the Council for Aboriginal Alcohol Program Services (CAAPS) supports justice reinvestment, in particular:
- ... looking at early intervention and prevention, where resources are better utilised by diverting a proportion of the corrections budget to communities that have high rates of alcohol-related offending to invest in education, housing and healthcare programs that will improve the wellbeing of families and, in particular, children.³⁰
- 5.35 The Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Michael Gooda, highlights a number of developments towards justice

26 Queensland Aboriginal and Torres Strait Islanders Corporation for Alcohol and Drug Dependence Services (QAIAS), *Submission 110*, p. 1, 7.

27 ADF, *Submission 92*, p. 12.

28 ADF, *Submission 92*, p. 12.

29 See, for example: Top End Women's Legal Service (TEWLS), *Submission 96*, p. 6; Ms Jill Rundle, Chief Executive Officer, Western Australian Network of Alcohol and other Drugs Agencies (WANADA), *Committee Hansard*, Perth, 30 June 2014, p. 30;

30 Ms Jillian Smith, Chief Executive Officer, Council for Aboriginal Alcohol Program Services (CAAPS), *Committee Hansard*, Darwin, 3 April 2014, p. 1

- reinvestment in his 2014 *Native Title and Social Justice Report*, including community initiatives in Bourke and Cowra, New South Wales.³¹
- 5.36 Commissioner Gooda notes that while governments in Australia have not yet adopted justice reinvestment, these community initiatives are doing some very positive work.³² Commissioner Gooda stresses:
- ... community governance, capacity and involvement are crucial in developing justice reinvestment plans with Aboriginal and Torres Strait Islander communities.³³
- 5.37 Commissioner Gooda asserts that justice reinvestment requires a shift away from punitive measures towards a preventative approach to crime reduction, stating that:
- ... there is a serious need to reorientate the conversation towards safe communities. If we can create safer communities, this will lead to less offending which in turn means less people going to jail. This may show that imprisonment is not cost effective in these times of economic restraint.³⁴
- 5.38 Proponents of justice reinvestment emphasise the significant financial cost of keeping people in detention, and argue that money can be better spent on community initiatives that minimise offending. In recommending Australia adopt a comprehensive justice reinvestment approach, Amnesty International recently reported that it costs about \$440,000 each year to keep a young person in detention in Australia.³⁵
- 5.39 In its 2011 report *Doing Time – Time for Doing: Indigenous youth in the criminal justice system*, the ATSIAC committee supports the principles of

31 Commissioner Michael Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title and Social Justice Report*, 2014, Australian Human Rights Commission (AHRC), p. 116.

32 Commissioner Michael Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title and Social Justice Report*, 2014, AHRC, p. 108.

33 Commissioner Michael Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title and Social Justice Report*, 2014, AHRC, p. 115.

34 Commissioner Michael Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Native Title and Social Justice Report*, 2014, AHRC, p. 116.

35 Amnesty International, *A brighter tomorrow: Keeping Indigenous kids in the community and out of detention in Australia*, 2015, p. 27. For original data, see: Productivity Commission, *Report on Government Services 2015*, Table 16A.1 'state and territory government real recurrent expenditure on youth justice services, (2013-14 dollars)', <www.pc.gov.au/research/recurring/report-on-government-services/2015/community-services/data/rogs-2015-volumef-chapter16-attachment.xlsx>, viewed 5 June 2015.

justice reinvestment, and recommends that government effort should concentrate on early intervention and diversionary programs.³⁶

Alcohol Mandatory Treatment – Northern Territory

- 5.40 There is wide ranging concern about the Alcohol Mandatory Treatment (AMT) Scheme in the Northern Territory.³⁷ AMT is a compulsory assessment, treatment and aftercare program for people who have been repeatedly taken into protective custody for public intoxication.³⁸
- 5.41 Under this scheme, any people in the Northern Territory brought into protective custody three times in two months for being intoxicated in public are able to be held in a secure facility while their suitability for mandatory alcohol treatment is assessed. A person may be ordered by the Alcohol Mandatory Treatment Tribunal to undertake community based alcohol treatment for up to three months or be detained in a residential rehabilitation facility for up to three months. They can also be subject to welfare income management.³⁹
- 5.42 Criticisms of the AMT scheme included that it criminalised public drunkenness⁴⁰ which was against the recommendations of the Royal Commission into Aboriginal Deaths in Custody.⁴¹
- 5.43 The Law Society of the Northern Territory is concerned that there is a trend of criminalising addiction within the Territory.⁴²
- 5.44 In relation to people who have a serious alcohol dependency and refuse to engage in treatment, the CAAC considers that there should be no criminalising of the treatment process.⁴³ Criminalising alcohol consumption, in the view of the National Congress of Australia's First Peoples, is a failed strategy that adds to increasing rates of incarceration

36 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time – Time for Doing: Indigenous youth in the criminal justice system*, June 2011, p. 321.

37 See, for example: Royal Australasian College of Physicians (RACP), *Submission 28*, p. 28; CAALAS, *Submission 56*, p. 13; Aboriginal Peak Organisations of the Northern Territory (APO NT), *Submission 72*, p. 36; Criminal Lawyers Association of the Northern Territory (CLANT), *Submission 76*, pp. 5-8; Mr Jonathon Hunyor, Principal Legal Officer, North Australian Aboriginal Justice Agency (NAAJA), *Committee Hansard*, Darwin, 3 April 2014, p. 13.

38 Northern Territory (NT) Government, *Submission 60*, p. 6.

39 CAALAS, *Submission 56*, p. 12.

40 Tangentyere Council, *Submission 95*, p. 20.

41 CAALAS, *Submission 56*, p. 13.

42 The Law Society of the Northern Territory, *Submission 89*, p. 6.

43 CAAC, *Submission 84*, p. 5.

and means that problems become hidden in watch houses, prisons and institutions.⁴⁴

- 5.45 Evidence was heard that young children and babies of women who were in mandatory treatment were not able to be accommodated and there was rarely any follow-up support after the release of the person back into their community.
- 5.46 Other criticisms of the AMT approach is that it is not supported by evidence of what works, is not being effectively evaluated, and is too expensive.⁴⁵
- 5.47 The Central Australian Aboriginal Alcohol Programmes Unit (CAAAPU), an organisation that administers an AMT program, supports mandatory treatment. CAAAPU says that AMT provides another treatment path and assists many people who have alcohol problems to take control of their lives and their health.⁴⁶

Consequences of reduced supply

- 5.48 It was highlighted that where there is a demand for alcohol and a supply point is not available, people will engage in a range of activities to circumvent alcohol restrictions.⁴⁷
- 5.49 These activities include trafficking alcohol to restricted areas, sometimes referred to as 'grog' running or 'sly grogging', the presence of drinking camps set up outside of restricted areas, or the movement of community members to locations where alcohol is more readily available.
- 5.50 There is also the concern that when alcohol is less available, that substitution will take place, often with illicit drugs.

Humbugging

- 5.51 A number of submitters gave evidence of the practice of humbugging, where people are intimidated or pressured into handing over their money to others for inappropriate needs such as alcohol purchasing.⁴⁸

44 Ms Kirstie Parker, Co-Chair, National Congress of Australia's First Peoples, *Committee Hansard*, Sydney, 5 September 2015, p. 8.

45 Mr Jonathon Hunyor, Principal Legal Officer, NAAJA, *Committee Hansard*, Darwin, 3 April 2014, p. 13.

46 Central Australian Aboriginal Alcohol Programmes Unit (CAAAPU), *Submission 73*, p. 2.

47 NT Government, *Submission 60*, pp. 9, 28.

5.52 Mr Stewart Naylor from the Tennant Creek Alcohol Reference Group spoke about humbugging:

'You are my family member, so you have to come and drink.' They want them to come and drink because that person has money and they do not. That person has saved their money to go to the football while the other one has chosen to go drinking. The person who is drinking knows who in their family group has money and there is an obligation within the family culture to provide it to each other. It is a very fine line for individuals to walk in that community.⁴⁹

5.53 Dr Shelley Bielefeld notes that income management was introduced in 2007 in the Northern Territory with the objective to minimise 'humbugging' and ensure funds intended for children's welfare are used for that purpose.⁵⁰

5.54 At the public hearing in Ceduna Mayor Allan Suter commented that while the trial of income management had produced some positive results, he expressed concern that humbugging had arisen as a result of the implementation of income management.⁵¹

5.55 The Australian Crime Commission (ACC) states that:

There is evidence to suggest that drinkers on income management are able to maintain high levels of consumption through the Indigenous domestic moral economy (demand sharing) and the substantial outflow and largesse from their drinking cohorts who are employed.⁵²

Creating 'dry' communities

5.56 One unintended consequence of alcohol restrictions has been the displacement of Aboriginal and Torres Strait Islander people from dry areas to areas without alcohol restrictions.⁵³

5.57 The Aboriginal Health Council of Western Australia (AHCWA) described consequences of displacement in the following terms:

48 Mr Stewart Naylor, Chief Executive Officer, Barkley Region Alcohol and Drug Abuse Advisory Group Inc, *Committee Hansard*, Tennant Creek, 1 April 2014, pp. 3-4; Councillor Allan Suter, Mayor, District Council of Ceduna, *Committee Hansard*, Ceduna, 5 May 2015, p. 1;

49 Mr Naylor, Tennant Creek Alcohol Reference Group, *Committee Hansard*, Tennant Creek, 1 April 2014, p. 4.

50 Dr Shelley Bielefeld, *Submission 67*, p. 1.

51 Councillor Suter, District Council of Ceduna, *Committee Hansard*, Ceduna, 5 May 2015, p. 1.

52 Australian Crime Commission (ACC), *Submission 59*, p. 6.

53 Queensland Government, *Submission 98*, p. 7.

This not only impels excessive drinking outside of town but creates a social dichotomy between Aboriginal people who are campaigning for dry communities and those who force the old lifestyle of violence and alcohol dependence.⁵⁴

5.58 The Northern Territory (NT) Government is concerned about unmanaged drinking in unsafe public places.⁵⁵ It describes these drinking practices as including:

... on highways, close to rivers, or far away from communities hidden in the bush, where family members cannot watch over drinkers, where anti-social behaviour arises between clans and the mixing of communities, and where drinkers are at a long distance from Night Patrol or police officers.⁵⁶

5.59 The NT Government refers to research which found that the introduction of the Northern Territory Emergency Response resulted in drinking camps shifting further away from communities.⁵⁷ There was also an increased risk of car accidents from drinkers returning from camps.⁵⁸

5.60 This research found that drinking camps located close to the community but far enough away to not cause disruption, frequented predominantly by one clan or one community and run in accordance with community rules, generally had less alcohol-related incidents.⁵⁹

5.61 Professor Marcia Langton, Dr Richard Clenhall and Ms Kristen Smith assert that one of the negative consequences of widespread alcohol bans under Stronger Futures in the Northern Territory has been the establishment of informal drinking camps.⁶⁰

5.62 Evidence was given about a number of tragedies associated with informal drinking areas set up outside of the public restricted area at Mataranka in the Northern Territory. Langton, Clenhall and Smith report that eight deaths near Mataranka have involved intoxicated people walking into the path of fast-moving vehicles on the Stuart and Roper Highways.⁶¹

5.63 The Tangentyere Council expressed its concern about the issue of population and mobility/urban drift in Central Australia. They consider

54 Aboriginal Health Council of Western Australia (AHCWA), *Submission 69*, p. 30.

55 NT Government, *Submission 60*, p. 28.

56 NT Government, *Submission 60*, p. 28.

57 NT Government, *Submission 60*, p. 28.

58 NT Government, *Submission 60*, p. 28; M Langton, R Clenhall and K Smith, University of Melbourne, *Submission 44*, p. 7

59 NT Government, *Submission 60*, p. 28.

60 M Langton, R Clenhall and K Smith, University of Melbourne, *Submission 44*, p. 7

61 M Langton, R Clenhall and K Smith, University of Melbourne, *Submission 44*, p. 7.

that the issue is significant and represents a major factor in the determination of the level of disadvantage experienced by both residents and visitors. They also note that despite the significance of this issue there is little understood or done about it.⁶²

Trafficking alcohol or 'sly grogging'

5.64 The committee heard in evidence that alcohol is being trafficked illegally and sold to community members. This is often referred to as 'sly-grogging' although Commissioner O'Callaghan from the Western Australian Police does not favour this terminology:

I know this is a legal term, 'sly-grogging', but sly-grogging sounds a bit like something Jack the lad would do and is almost a bit mischievous. It is trafficking a restricted substance. That is what it is. We ought to start calling it 'trafficking a restricted substance' so that it has a level of gravitas that sly-grogging does not. It all sounds a bit mischievous to me, but it is a lot more serious than that.⁶³

5.65 Western Australian Police noted that the potential for profit from trafficking alcohol can be significant, citing a case from Fitzroy Crossing in late 2013 where the initial outlay of \$4,700 resulted in a profit of \$30,000.⁶⁴

5.66 Mr Peter Frewen from the Jungarni-Jutiya Indigenous Corporation in Halls Creek comments that:

... as soon as you get sly groggers coming to town you see all the broken bottles on the streets and stuff like that, and you hear the violence and you hear the parties. Then it ramps down for a couple of days until the next supply comes in. It is a real problem.⁶⁵

5.67 The Queensland Government reports that it is introducing measures to combat the prevalence of alcohol trafficking to communities that have alcohol restrictions. They have introduced bulk sales registers as a condition of a liquor licence in 63 licensed premises in Queensland. The

62 Tangentyere Council Inc, *Submission 95*, p. 13.

63 Commissioner Karl O'Callaghan, Commissioner for Police, Western Australian Police, *Committee Hansard*, Perth, 30 June 2014, p. 3.

64 Sergeant Shayne Knox, Liquor Enforcement Supervisor, Western Australian Police, *Committee Hansard*, Broome, 1 July 2014, p. 2.

65 Mr Peter Frewen, Executive Officer, Jungarni-Jutiya Indigenous Corporation, *Committee Hansard*, Halls Creek, 2 July 2014, p. 14

registers record the purchaser's name and address, amount and type of alcohol sold and the intended place for consumption.⁶⁶

Illicit drug use and substitution

5.68 Concerns were raised that alcohol restrictions were likely to lead to people substituting illicit drugs for alcohol. For example, the Healing Foundation states that:

... many dry communities now face the scourge of drugs as a substitute for grog, causing many of the same social issues such as violence that alcohol did.⁶⁷

5.69 The 2013 *National Drug Strategy Household Survey* (Drug Survey) reports that apart from ecstasy and cocaine, Aboriginal and Torres Strait Islander people use illicit drugs at a higher rate than the general population. The NDSHS found that in 2013, Aboriginal and Torres Strait Islander people were:

- 1.6 times more likely to use any illicit drug in the last 12 months
- 1.9 times more likely to use cannabis
- 1.6 times more likely to use meth/amphetamines, and
- 1.5 times more likely to misuse pharmaceuticals than non-Indigenous people.⁶⁸

5.70 The Penington Institute reports that Aboriginal and Torres Strait Islander people who had used illicit drugs were more likely than those who had never used illicit drugs to consume alcohol at risky or high risk levels at a rate of 28 per cent compared with 13 per cent.⁶⁹

5.71 Mr Colin Goodsell from the Northern Territory Police Association (NTPA) observes that other drugs were being substituted for alcohol in Aboriginal and Torres Strait Islander communities that had supply restrictions:

From my understanding, alcohol related crime has dropped significantly. Unfortunately, it has been replaced to some extent by kava, cannabis and, increasingly, aerosol misuse. Whilst the

66 Queensland Government, *Submission 98*, p. 6.

67 Healing Foundation, *Submission 42*, p. 5.

68 Australian Institute of Health and Welfare (AIHW), 2014, *National Drug Strategy Household Survey (NDSHS) Detailed Report: 2013*, Drug statistics series no. 28, Cat. no. PHE 183, Canberra, AIHW, p. 95.

69 The Penington Institute, *Submission 80*, p. 3.

incidence of alcohol related crime might have dropped, that is rapidly being replaced by other factors.⁷⁰

- 5.72 The National Drug Research Institute (NDRI) disputes the notion that restrictions on the availability of alcohol will lead to an increase in cannabis use in Aboriginal and Torres Strait Islander communities, stating that international literature shows that ‘there is not a one-to-one substitution of one psychoactive substance for another’.⁷¹
- 5.73 Similarly, Inspector Raymond Briggs from the Western Australia Police said that there was no evidence to suggest that illicit drugs were being substituted for alcohol as a result of alcohol restrictions in Halls Creek.⁷²
- 5.74 Commissioner O’Callaghan from the Western Australian Police comments:

In regional locations, in the remote communities, an increase in drug use is starting to be seen. But whether you can relate it to alcohol restrictions or less availability of alcohol would be a long bow. It is just the fact that it is now more readily available than it historically was. Cannabis is very prevalent. I think poly-drug use is an issue in those communities. If they had access to alcohol and had a particular marijuana problem now, they just add that to the list. It would not be one or the other; it would just be all of it.⁷³

Contact with the criminal justice system

- 5.75 The criminalising of alcohol consumption can result in a higher than normal level of contact with the criminal justice system for Aboriginal and Torres Strait Islander people.⁷⁴
- 5.76 CAALAS asserts that the link between alcohol and contact with the criminal justice system is well-known and well documented. CAALAS further adds:

For many, alcohol is not only a factor in their offending, the harmful use of alcohol, personally or within family or community, also impacts on their ability to obtain stable accommodation, employment or training and access to health cares. This reduces

70 Mr Colin Goodsell, Senior Vice President, Northern Territory Police Association (NTPA), *Committee Hansard*, Canberra, 5 June 2014, p. 4.

71 National Drug Research Institute (NDRI), *Submission 47*, p. 25.

72 Inspector Raymond Briggs, Assistant District Officer, Kimberley District Police Office, Western Australia Police, *Committee Hansard*, Halls Creek, 2 July 2014, p. 9.

73 Commissioner O’Callaghan, Western Australia Police, *Committee Hansard*, Perth, 30 June 2014, p. 4.

74 CAALAS, *Submission 56*, p. 4.

their chances of obtaining bail or a non-custodial sentence, and impacts negatively on their rehabilitation prospects.⁷⁵

- 5.77 CAAPS notes that Aboriginal and Torres Strait Islander people make up approximately 30 per cent of the population of the Northern Territory but 80 per cent of the prison population.⁷⁶
- 5.78 Research from Dr Mandy Wilson and Ms Jocelyn Jones suggests the key issues that contribute to young Aboriginal and Torres Strait Islander people being involved in crime are:
- child abuse and neglect
 - parental psychiatric problems particularly maternal depression
 - family dissolution and violence
 - poor school performance
 - early school leaving
 - drug and alcohol abuse, and
 - youth unemployment.⁷⁷
- 5.79 The Australian Human Rights Commission (AHRC) notes that actions such as the imposition of complete bans of alcohol often in specific geographic areas without consultation or consent from a community can result in feelings of disempowerment and marginalisation.⁷⁸ They further state:
- Blanket bans also have the effect of criminalising behaviour that is not subject to criminalisation anywhere else.⁷⁹
- 5.80 Chief Superintendent Duval notes that if an offender was arrested for an offence where their alcohol consumption may impact their ability to be granted bail, they may voluntarily submit to a breath analysis test so that it may be used as a guide to when they might be granted bail.⁸⁰ However, blood alcohol reading cannot be used to delay bail if the given offence is not directly related to alcohol consumption, for example assault.⁸¹

75 CAALAS, *Submission 56*, p. 4.

76 Ms Jillian Smith, Chief Executive Officer, CAAPS, *Committee Hansard*, Darwin, 3 April 2014, p. 1.

77 Dr Mandy Wilson, Ms Jocelyn Jones, *Submission 118*, p. 8.

78 AHRC, *Submission 31*, p. 4.

79 AHRC, *Submission 31*, p. 4.

80 Chief Superintendent Duval, South Australia Police, *Committee Hansard*, Adelaide, 5 May 2015, p. 3.

81 Chief Superintendent Duval, South Australia Police, *Committee Hansard*, Adelaide, 5 May 2015, p. 3.

Conclusion

- 5.81 The committee is concerned that heavy or harmful drinking is being normalised in many communities with young Aboriginal and Torres Strait Islander people, girls as well as boys, starting to drink at a younger age.
- 5.82 The provision of alternatives to drinking through greater opportunities for recreation, education, work and recreation are important demand reduction strategies and need to be considered as part of any strategy to deal with alcohol-related harm.
- 5.83 The committee believes there needs to be more opportunities and activities for positive engagement of young people. The *Sport – More than just a game Contribution of Sport to Indigenous wellbeing and mentoring*, the report of the ATSLIA committee noted the importance of sport in Closing the Gap.
- 5.84 There is also a great need for diversion programs which redirect individuals who come in contact with the criminal justice system. These programs should address learning deficits, prepare people for parenting and employment and address addiction and mental and physical health issues. The committee considers programs such as the Clontarf program need to be extended to be more widely available. An equivalent program needs to be developed, funded and supported for Aboriginal and Torres Strait Islander girls in similar locations across Australia.
- 5.85 There is a real need for role models and mentoring for both men and women as well as appropriate support for those with FAS and FASD.
- 5.86 Given the concerning numbers of Aboriginal and Torres Strait Islander people who are incarcerated as a result of alcohol-related offences and the significant social and financial costs associated with imprisonment, the committee favours the focus of justice reinvestment on prevention, early intervention and diversion over punitive approaches to crime reduction.
- 5.87 The principles of justice reinvestment are consistent with the committee's findings that measures to reduce harmful alcohol use and alcohol-related harm, including alcohol-related offending, in Aboriginal and Torres Strait Islander communities must address the social and economic determinants of why people drink to excess in the first place.
- 5.88 The committee supports the findings of the ATSLIA committee that attention should be focussed on early intervention and diversionary programs, and recommends that the Commonwealth implement a justice reinvestment approach to reducing the number of Aboriginal and Torres Strait Islander people who are incarcerated as a result of their alcohol use.

Recommendation 14

- 5.89 **That Commonwealth, states and territories, through the COAG process implement justice reinvestment to reduce the number of Aboriginal and Torres Strait Islander people incarcerated as a result of harmful alcohol use.**
- 5.90 The committee is concerned by evidence that legal safeguards under the Northern Territory's AMT scheme are inadequate, that AMT does not represent evidence-based best practice, and that it is criminalising alcohol problems, which it views as a public health issue.
- 5.91 Although there is some evidence that mandatory treatment can help some individuals, the committee is concerned about mandatory treatment, especially when there is no community follow-up. Resources that could be used for more effective voluntary rehabilitation should not be redirected into mandatory treatment, without the necessary evidence-base of its effectiveness.

Recommendation 15

- 5.92 **That the Northern Territory Government prioritise the resourcing of voluntary alcohol treatment and rehabilitation programs in place of the Alcohol Mandatory Treatment program.**

