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SUBMISSION TO: Standing Committee on Indigenous Affairs Inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities.	
SUBMISSION FROM	Shire of Halls Creek
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DATE	17 April 2014

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SUMMARY:

The Shire of Halls Creek is located in the East Kimberley area and has a population of around 4000 people. Over 1500 people live in the town of Halls Creek and the rest of the population live in remote communities across the Shire. Some also live on pastoral properties around the Shire. Over 80% of Shire residents identify themselves as Aboriginal, the highest proportion in Western Australia. The town is almost 3000km from Perth and 362 km from the town of Kununurra.

In 2009 the Director of Liquor Licensing, in a Section 64 decision, restricted the sale of packaged liquor in Halls Creek to minimise the harm or ill-health due to the use of liquor, caused to people residing in or resorting to Halls Creek. The Shire council considers itself to be in a strong and almost unique position to inform the Inquiry of the impacts of a highly restrictive alcohol sale regime on the supply of and demand for alcohol in towns like our own. We would also like to put forward an alternative strategy for minimising alcohol misuse and alcohol related harm to move the Shire, and similar towns and communities in Australia, forward.

- **Patterns of supply of, and demand for alcohol in different Aboriginal and Torres Strait Islander communities, age groups and genders**

Alcohol in Halls Creek has been restricted under the terms of the current liquor licences held by the Halls Creek Store, the Kimberley Hotel and Russian Jacks Restaurant since 2009. In addition there are Kimberley wide restrictions regarding consuming liquor in public places and on public roads (which are offences). The liquor restrictions have been operating for 5 years now and the impacts have been both positive and negative. These impacts are set out in the submission for the Inquiry to take into consideration when considering patterns of and demand for alcohol in restricted access towns and communities.

- **Best practice strategies to minimise alcohol misuse and alcohol-related harm**

This submission also proposes, for consideration, a new strategy for moving forward which includes:

- Kimberley Region personal identification system
- A daily limit per person for alcohol purchase within the region
- A levy or profit sharing arrangement on all alcohol purchased in the region
- Redistribution of that levy/funding back to the Shires through, perhaps, the Kimberley Zone
- Application of that levy funding to programmes related to education about responsible use of alcohol, mitigation of the harmful effects on vulnerable groups (including children and the elderly) and rehabilitation for those with drinking problems.

In addition the submission asks that the Inquiry comes to Halls Creek as part of their investigation and public hearing process.

Introduction:

The Shire of Halls Creek is one of the few Shires in the State (and the country) to have significant restrictions imposed by the Director of Liquor Licensing (in 2009) on the sale of full strength alcohol. Today in Halls Creek the Kimberley Hotel is the only establishment at which locals and tourists can drink alcohol without also buying food. Russian Jacks Restaurant at the Best Western Motel also has a licence which is restricted to the sale of alcohol with meals. The Halls Creek Store and the Hotel are the only places where alcohol can be sold to take away – and this is restricted to low alcohol product only. Prior to this the Halls Creek Store and Kimberley Hotel had imposed voluntary restrictions on their premises.

Background to Director of Liquor Licensing decision in May 2009:

- Fitzroy Crossing, restrictions imposed in October 2007
- Interim restrictions in Halls Creek 2007
- Section 64 decision May 2009

Patterns of supply of, and demand for alcohol in different Aboriginal and Torres Strait Islander communities, age groups and genders

Situation in 2009

At the time of imposing liquor restrictions the town was experiencing an escalation in the harmful effects of alcohol in relation to violence, injury and crime. There were a number of factors which contributed to the problems, many of them simply a result of too many people drinking too much. The liquor restrictions in Fitzroy Crossing imposed in 2007 moved many individuals and problems to Halls Creek as it is the closest town – this increased the magnitude of the problem in Halls Creek at the time.

There were also some other factors which changed in the Kimberley region around the same time as the restrictions were introduced. For example:

- Drinking alcohol in public places was also banned and the police have been very strict and vigilant in managing this.
- Drunkenness in public places was also more strictly policed after the restrictions were introduced.

Now 2014

The Shire considers that the current liquor restrictions did contribute significantly to breaking the cycle of alcohol related harm relating to violence and injury. Since the May 2009 restrictions came into force there have been significant improvements in the statistics (as set out in the 24 month review undertaken by Grant Akesson in November 2011):

- fewer alcohol related emergency department admissions,
- lower drink driving rates,
- lower violence and domestic violence rates (but those remaining were still mainly alcohol related, p. 8 of Akesson's report)
- fewer general assault offences; and
- fewer general police tasking offences

Current data has not been analysed or made readily available for various reasons. After almost 5 years the wider effects of the liquor restrictions can be identified by those living and working in the town and Shire. Many of the effects have been positive however there have been some effects which are detrimental to the town and those living in the Shire. **In 2014 we consider that the time is right to reconsider the restrictions on the sale of alcohol and give some of the power back to the people – the majority of whom are drinking and would drink in a responsible way if restrictions were eased.** The following table outlines some of the observable patterns of supply, demand and use of alcohol in Halls Creek. It also outlines some of the resulting behaviour and attitudes.

HALLS CREEK Alcohol restrictions since May 2009	
What's not working?	What is working?
<ul style="list-style-type: none"> • Binge drinking – alcohol purchased in Kununurra/Broome in bulk then drunk in single sessions (to avoid other family and friends drinking it) • Shire residents moving to Broome, Kununurra and other towns to access alcohol, setting up temporary camps and causing problems • Substitution of marijuana - illegal, uncontrolled, high cost, increased attractiveness for outside dealers to come to the Shire, easier to transport than alcohol. • Illicit liquor sales: <ul style="list-style-type: none"> ▪ Illegal ▪ Sellers - criminal element coming into the Shire and town ▪ Uncontrolled – no idea of how much and who is drinking ▪ Higher cost – greater proportion of household income spent on alcohol ▪ Underage sales 	<ul style="list-style-type: none"> • Perception of people living in the town that things have improved • Pride in the town that the residents themselves has made a positive change by instigating the restrictions • Intangible benefits – a sense of hope and purpose that some people in the town now feel • Rubbish in the streets (cans, bottles etc) has significantly diminished • Drunken people no longer a hazard crossing the Great Northern Highway (outside the Halls Creek Store) • Visible decrease in public alcohol consumption around the store and the hotel • More people are seeking work and working in the town • A decrease in the number of people from

<ul style="list-style-type: none"> • Overall perception of the Shire and town being singled out as a problem area • Considered by people in the town as racist and unfairly singling out the Aboriginal residents • No statistics available to prove that there was/is a continued decrease in violence and crime as recent statistics are not accessible • Excessive alcohol consumption is a problem across Australia • Alcohol can still be purchased over the phone and internet with delivery to Post Office • Residents travelling out of town to buy alcohol also buy their other shopping there too - causing local shops to lose significant trade. • The restrictions have not addressed the reasons why some people were drinking to excess and why some have continued drinking in excess. • Rehabilitation programs and reforms to education, employment and housing have been slow in coming to the town and Shire • Government agencies have not come on board to fund and support programmes and actions to address the real issues. 	<p>remote communities coming into Halls Creek causing issues for town based families</p> <ul style="list-style-type: none"> • Initiatives to introduce voluntary alcohol household restrictions are in place. • No longer any temporary settlements/camps in the town • Improved governance and management in existing licensed premises
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In summary the situation in Halls Creek 2014 is much improved to that of 2009. The liquor restrictions have however inadvertently contributed to a number of other related problems. The alcohol consumption that is still, inevitably, going on is now neither formally controlled nor monitored. People are spending more money on alcohol by buying from illegal sellers and/or travelling to Kununurra or Broome. Binge drinking is common to avoid relatives and friends consuming it. There is an increase in the use of more expensive illegal drugs. In addition there has been a perceptible decrease in business and economic activity in the town at least part of which the town's business people have attributed to the liquor restrictions. People making the trip to

Kununurra and Broome to purchase alcohol are also picking up their other basic shopping in those centres.

The negative impacts of the current liquor restrictions in the town (some of which are set out above) are evidence that those people with a will to profit from a highly restrictive environment will find a way to do so. And equally that people with an alcohol dependency and other problems related to alcohol will find a way to access illicit alcohol and/or drugs. This is not however a reason to keep the current highly restrictive regime in place but suggests we as a community, region, State and nation should look for alternative ways to allow for the controlled and monitored sale and use of alcohol in places such as Halls Creek.

The Shire is looking for a new way for the sale of alcohol to be permitted within the town that:

- Allows people to access and buy alcohol locally in a responsible way.
- Provides for some of the profit made on the sale of alcohol in Halls Creek to be returned to the community to counteract some of the harmful effects of alcohol.

The Shire sees the reintroduction of regular strength take away alcohol sales back into Halls Creek in some form as essential to keeping and encouraging the economic viability of local business.

With these matters in mind the Shire has put together a proposed package of measures for consideration by the Inquiry. It is a basic framework around which further work needs to be undertaken at all levels of governance. The Shire considers it to be a starting point for working towards making the town of Halls Creek and the Kimberley region (and similar towns and regions) places where responsible alcohol use is encouraged, alcohol related harm is minimised and harm is mitigated as much as possible.

Best practice strategies to minimise alcohol misuse and alcohol-related harm

Region wide identification and restriction programme

Experience over the last 5 years has shown that there is little to gain from restricting alcohol in one or two towns, people will simply travel to the closest town alcohol is available and buy as much as they can (leading to binge drinking and related consequences) or buy from illegal sellers at extremely high prices, see table above.

We consider the key to responsible local sales of alcohol to be a strategy involving region wide personal identification and a sales control system.

- Identification system
- Daily limit per person

Identification could be an existing form of identification such as drivers licence or other form of photo identification. These details would be entered into a regional computer data base which would then be referred to each time that person tries to purchase alcohol from a licenced seller anywhere in the region. This system would be similar to the one used by pharmacies to monitor the sale of certain types of medicine and painkillers. Identification is required and entered into a database so that a track can be kept on how much individual customers are buying at various pharmacies to identify anyone buying excessive amounts.

A daily limit on how much alcohol an individual could purchase would be set, the exact amount to be determined based on analysis of current restrictions in Kununurra or other towns with daily limits in place. Daily limits would need to be established at appropriate levels and apply to all customers. As long as they were reasonable there would not be any need to distinguish between locals and out of town people (such as contractors and tourists). The daily limit could encourage people to drink sensibly. There would be no need to binge drink as it would be possible to buy more later in the week. The illegal liquor trade would diminish as people could buy their own supplies legally which would cost less than illegal alcohol.

Identified problem drinkers – court appointed or voluntary –could be banned or restricted beyond the normal daily alcohol limit. A link may be able to be made to those people living in households under the voluntary household liquor bans (which the police administer) and to corrective services probation conditions.

Liquor Licences and profit sharing

There has been some thought given to the actual point of sale mechanism by the Shire. Consideration was given to a possible model whereby the Shires themselves would act as the point of sale. However this was judged to be too complex legally, financially and operationally.

We would therefore suggest the existing system of licenses granted by the Director of Liquor Licensing would be more manageable. Existing/new licensees would operate under the new region wide identification and daily limit requirements, with accountability being part of the conditions of the licence. The number of outlets in any one Shire or town could be managed as they are now for the rest of the Kimberley region. The key difference to the current situation would be that the specific restrictions applying to Halls Creek and Fitzroy Crossing would be lifted. The new restrictions around identification and individual daily limits would need to be complied with by all the licensees in the region. It is envisioned that these requirements would be part of any licence being granted or renewed.

Share of profits back to community

In addition to the above all licences would be conditional on the return of a portion of the profit from all alcohol sales back to the local towns and communities. This portion or levy would be collected by the Licensing authority and returned to the region for use in reducing alcohol related harm.

It is considered that a central collection and redistribution point would be needed to allocate the money back to the individual Shires. A new agency/trust could be established in the region with the

sole task of redistributing the funds around the region much like a lotteries board. It is felt however that this may be just another level of bureaucracy which would incur administration costs and diminish the funding available for redistribution into the Shires and towns.

Another option and the one favoured by this Council would be to use the Kimberley Zone which represents the 4 Shires in the region. This body already exists and could act as the conduit to get the funding back to the individual shires. We would suggest that the basis on which the funds were allocated was the same amount as that of the alcohol purchased in each Shire. So if 25% of all sales were made in Halls Creek then 25% of the fund would be returned to Halls Creek. This could happen on a quarterly, six monthly or annual basis.

Once the funds have been allocated we consider that the Shires themselves should be responsible for the way they are used to mitigate the alcohol related harm. Shire based trusts could be established for this purpose but again this adds another layer and administration costs to the process of getting funding back to the communities.

To avoid this we would propose that the funds be administered by each council in much the same way as the EDL community grants are administered by councils. Councillors are the elected representatives of the residents of the Shire and are therefore accountable to them. Each Shire has an existing administration framework and could absorb the costs as much as possible. A panel of councillors would invite applications for funding specifically related to mitigating alcohol related harm. They could also invite community groups and other agencies such as police, health providers and government agencies onto the panel.

Funding criteria

Funding criteria could either be established by each Shire or agreed at the regional level.

Identified groups who are affected most and would benefit the most from assistance could include:

- children and youth,
- elderly,
- special needs (in particular Foetal Alcohol Syndrome children)
- domestic violence victims,
- at risk individuals and families,
- remote communities (Aboriginal Corporations).

Identified appropriate programmes and projects could include:

- Education – Responsible drinking for youth and others, remedial help for FAS children
- Rehabilitation – Into existing and new programmes
- Proactive engagement and positive reinforcement for responsible drinkers and those who don't drink - developing alternative activities, family events
- Practical help - women's refuge, help for the elderly

CONCLUSION

Current alcohol restrictions have been operating in Halls Creek for 5 years. The Shire feels it is well placed to comment on the outcome of those restrictions on behalf of many in the community. Whilst this submission has not been the subject of public consultation Councillors are active in the community and aware of the issues facing the people who live here in the town and throughout the Shire in the remote communities. We have seen the effects of the liquor restrictions on individuals, families, communities and the town of Halls Creek itself. We feel that this Inquiry is a well timed opportunity to inform the Standing Committee of the impacts of such restrictions. From our experiences living with the restrictions we feel that we are obliged to put forward a strategy for moving on from the place we find our town in five years after the introduction of the liquor restrictions.

We consider that the reintroduction of the sale of alcohol in the town in a responsible and controlled way as outlined in this submission will build on the positive things which came out of the current liquor restrictions. It is considered that the proposed strategy would reduce the harm currently being caused by alcohol such as binge drinking, excessive money spent on buying illegal alcohol and the use of drugs as an alternative to alcohol. It would control and monitor consumption in a moderate way rather than the extreme manner in which the current liquor restrictions operate. It would provide individuals with the choices most Australians have - that is to allow those who drink responsibly to do so while still retaining some control over those who cannot or will not do so.

Furthermore it would allow people to buy alcohol in the Halls Creek township rather than going outside the Shire. This will encourage people to shop for all their requirements in the town and support the businesses which are at present struggling to continue operating. And finally it would provide funding for programmes and projects which specifically target alcohol related harm.

The Shire would like to invite the Standing Committee to come to Halls Creek as part of your Inquiry into the harmful use of alcohol in our towns and communities. We would welcome the opportunity to meet with you here and facilitate discussion with the people of the Shire to help you in your consideration of the issues faced by Aboriginal and Torres Strait Islander Communities. You could meet with the people who have been impacted by the current liquor restrictions and talk with them about what it has meant for them and their families.