

Northern Territory Government

Submission to the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs

*Inquiry into community safety, support, and job opportunities in the
Northern Territory*

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Acronyms	Full form
AJA	Aboriginal Justice Agreement
AMP	Alcohol Management Plan
APA	Alcohol Protected Area
APCU	Alcohol Policy Coordination Unit
APO NT	Aboriginal Peak Organisations of the Northern Territory
ARIT	Alcohol Review Implementation Team
CDP	Community Development Program
CLC	Central Land Council
CM&C	Department of the Chief Minister and Cabinet
GPFRG	Gove Peninsula Futures Reference Group
GRA	General Restricted Area
ICRO	Interagency Coordination and Reform Office
JPP	Justice Policy Partnership
JSCATSIA	Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs
LDM	Local Decision Making
NIAA	National Indigenous Australians Agency
NLC	Northern Land Council

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Executive Summary

On 27 July 2022, the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs (JSCATSIA) was appointed to inquire into and report on matters relating to Aboriginal and Torres Strait Islander affairs.

In October 2022, the JSCATSIA extended an invitation for the NT Government to appear before it and provide a submission, as part of its Inquiry into Community Safety, Support Services and Job Opportunities in the Northern Territory (the Inquiry).

The Inquiry is directed at considering the preparations made for the sunsetting of *the Stronger Futures in the Northern Territory Act 2012* (Cth) (the Stronger Futures Act) and to consider its impacts on community safety and alcohol management, job opportunities and Community Development Program (CDP) reform, justice reinvestment community services, and related matters. A report on the findings of the Inquiry will be provided by 1 December 2022.

The object of the Stronger Futures Act was to 'support Aboriginal people in the Northern Territory to live strong, independent lives, where communities, families and children are safe and healthy'. The three main substantive parts of the Act were:

Part 2 modified the Northern Territory's *Liquor Act 2019* and granted the Minister for Indigenous Australians powers in relation to alcohol laws in the Northern Territory.

Part 3 enabled the Commonwealth Government power to modify particular laws of the Northern Territory in relation to the use of land in Town Camps and Community Living Areas.

Part 4 included measures relating to food security. It established a stores licensing scheme to support the viability of remote stores and increase individual store capacity to provide sufficient, quality food and grocery items for residents of remote communities.

Consistent with its legislative provisions the Act ceased on 17 July 2022.

The following submission outlines key timeframes, events and engagements between the Commonwealth Government, through the National Indigenous Australians Agency (NIAA) and the NT Government, Department of the Chief Minister and Cabinet (CM&C) leading up to the cessation of the Stronger Futures Act.

The submission provides information on NT Government initiatives addressing community safety, alcohol management, job opportunities, CDP reform, justice reinvestment community services and related matters.

Context

The Northern Territory's population of approximately 246 000 people comprises just 1% of the national population, but geographically is the third largest jurisdiction in terms of land mass. Half of the population lives outside the greater Darwin area, across four urban towns, 73 remote communities and more than 500 homelands and outstations.

Over 30% of Territorians are Aboriginal compared to 4% nationally, and 76.6% of Aboriginal people live in remote or very remote areas. Aboriginal people own freehold title to 48% of the Territory's landmass and over 84% of the coastline under *the Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and have interests in a substantial portion of the remaining landmass and most of its coastline.

Territorians are on average younger and more mobile than the general population. Distance and remoteness are universal challenges substantially affecting the cost of delivering programs and services.

Stronger Futures Legislation

In 2007, the Commonwealth Government passed the *Northern Territory Emergency Response Act 2007* (Cth) (the Emergency Response Act) (commonly referred to as 'the Intervention'), which introduced widespread alcohol prohibitions in 'prescribed areas', including all land held under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), all Community Living Areas and all town camps.

The Stronger Futures in the Northern Territory Bill 2011 was introduced to the Commonwealth Parliament on 23 November 2011, along with the Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011. Both bills were passed on 28 June 2012. The Stronger Futures legislation repealed the Emergency Response Act.

The object of the Stronger Futures Act was to 'support Aboriginal people in the Northern Territory to live strong, independent lives, where communities, families and children are safe and healthy'. The three main substantive parts of the Stronger Futures Act were:

- Part 2 – Tackling alcohol abuse
- Part 3 – Land reform
- Part 4 – Food security

Part 5 featured a number of miscellaneous provisions. It required the Minister to cause an independent review to be conducted of the first three years of the operation of this Act (section 117). It provided that this Act sunsetted 10 years after commencement (section 118). It also included other miscellaneous provisions (such as the power to delegate, the power to make rules and the power to make regulations).

The Stronger Futures Act continued alcohol prohibitions in prescribed areas and gave the Commonwealth Government powers to amend Northern Territory legislation applying to Community Living Areas and Town Camp Living Areas. The Stronger Futures Act also imposed prohibitions on pornography and established a licensing regime for certain community stores aimed at promoting food security in Aboriginal communities.

Alcohol restrictions

At the time, the Stronger Futures Act inserted provisions into the *Liquor Act 1978* making it an offence to possess, supply, consume or bring alcohol into an Alcohol Protected Area (APA). While some communities already had alcohol controls in place through the General Restricted Areas (GRA) provisions under the *Liquor Act 1978*, the introduction of the Stronger Futures Act APAs superseded all existing arrangements and forced a ban on all alcohol.

Community Stores Licensing

Community store licensing was first introduced in 2007 to facilitate the introduction of income management under the Emergency Response Act. Under the Act, a store had to be licensed in order to participate in the income management regime.

The Stronger Futures Act continued the licensing regime and provided that if a store in a food security area is an important source of food, drink or grocery items for an Aboriginal community then the store may be required to have a licence in order to trade. Conditions may be placed on a store licence to ensure that the community has access to a range of food, drink and grocery items that is reasonably priced, safe and of sufficient quantity and quality to meet nutritional and related household needs.

Sunsetting of Stronger Futures legislation

The Commonwealth set up a taskforce within NIAA in February 2021 to consider the cessation of Stronger Futures legislation. By April 2021, NIAA officials discussed with the NT Government a low-risk option of allowing the Stronger Futures Act to sunset and using Northern Territory legislation to extend alcohol management to communities not covered by Northern Territory legislation. It was agreed that alcohol sunset issues would be managed through the Community-Identified Aspirations (Alcohol) Steering Group.

On 18 June 2021, NIAA provided the NT Government with a working draft of its *Stronger Futures in the Northern Territory: Sunset Review*. However, it was also known that key stakeholder groups were in discussion with senior officials in NIAA and directly with the Minister or his Office regarding potential Commonwealth legislation to continue the alcohol component of Stronger Futures. It was not completely clear until March 2022 when former Minister for Indigenous Australians wrote to the Hon Selena Uibo MLA, Minister for Aboriginal Affairs, confirming the arrangements would sunset (NIAA advised the signed correspondence from the former Minister may have been incorrectly dated).

A series of other meetings, correspondence and workshops took place in the lead-up to the sunset. Attempts were made to engage with the Aboriginal community-controlled sector, with some of these meetings postponed at the request of the sector:

Key timeframes and recorded activities	
August – October 2021	CM&C and NIAA wrote jointly to Land Councils on 20 August 2021 seeking to meet to discuss sunset arrangements. Northern Land Council (NLC) and Central Land Council (CLC) initially responded on 28 August 2021 welcoming a meeting. On 1 September 2021, CM&C sought Land Councils' preference for a date and time for the meeting. On 19 October 2021, CLC advised it was not yet ready to discuss positions on future legislative arrangements associated with the Stronger Futures Act sunset.
14 September 2021	NIAA/CM&C presented to the Community Aspirations Alcohol Forum discuss the sunset of arrangements relating to alcohol restrictions.
28 October 2021	CM&C sought a spot on the Closing the Gap Partnership Working Group meeting on 28 October 2021 to brief Aboriginal Peak Organisations of the Northern Territory (APO NT) on the potential sunset of the Stronger Futures Act. APO NT accepted this invitation and overview given by the NT Government of what could happen if Commonwealth confirm they will sunset the Act.
11 November 2021	NIAA circulated the draft Stronger Futures Sunset Review and a paper outlining suggested sunset approaches to Land Councils and APO NT.
15 November 2021	Workshop held with Land Councils, APO NT, NIAA, Yili Housing, NTIBN and CM&C to discuss the Northern Territory Remote Aboriginal Investment and Stronger Futures Act.
December 2021 / January 2022	Other meetings proposed in December and January declined by APO NT due to unavailability of the Chair/senior staff.
9 February 2022	Second workshop held with Land Councils, APO NT, NIAA, Yilli Housing, Northern Territory Indigenous Business Network, North Australian Aboriginal Justice Agency and CM&C to discuss the Northern Territory Remote Aboriginal Investment and Stronger Futures.
3 March 2022	NIAA, NT Government and APO NT met at Community-Identified Aspirations (Alcohol) Steering Group Meeting to discuss sunset arrangements for alcohol

Key timeframes and recorded activities	
8 March 2022	The NT Aboriginal Health Forum met and expressed the need to meet to discuss the sunset.
25 March 2022	CM&C met with the NT Aboriginal Health Forum to discuss Stronger Futures legislation.
14 April 2022	CM&C met with the APO NT Governing Group to brief APO NT on Stronger Futures Act amendments.

Northern Territory Legislative Amendments

In the late 70's the Liquor Act granted any community the power to request the banning or restriction of alcohol in designated areas. At the time, the 'restricted area provisions' renamed GRAs in 2006, were rapidly opted into by Aboriginal communities.¹

In principle, these restrictions could take any form. In practice most communities had one or more of the following: a total ban; a ban of particular types of alcohol (often wine and spirits) with restricted access to others; a permit system under which specified individuals may drink in a community; or a licensed club, within which residents may drink subject to regulations (for example, mid-strength beer cans only).²

In 2007 the Emergency Response Act introduced widespread alcohol prohibitions in 'prescribed areas', including all land held under the Aboriginal Land Rights (Northern Territory) Act 1976, all Community Living Areas and all town camps. While the Act did not interfere directly with existing permits systems, it did severely limit the ability of Aboriginal communities to determine their own aspirations concerning alcohol.

In preparation for the sunset of the Stronger Futures Act, the Northern Territory Legislative Assembly passed the *Associations and Liquor Amendment Act 2022*, on 17 May 2022, amending the:

- *Associations Act 2003* to continue modifications made to it by the Stronger Futures Act around leasing and licensing in Community Living Areas; and
- *Liquor Act 2019* (Liquor Act) to enable relevant communities to apply to continue current alcohol restrictions for two years while they are consulted about their long-term alcohol aspirations.

Remote communities that were an APA under the Stronger Futures Act would cease to have any alcohol restrictions. Amendments to the Liquor Act ensured that those communities which no longer had an APA could transition from complete alcohol management in a managed and controlled way.

The amendments to the Liquor Act meant these communities could continue with the current alcohol management arrangements until July 2024 while working through what a longer term alcohol management plan might look like for that community.

Many other remote communities were covered by a GRA, which existed before the introduction of the Stronger Futures Act and would 'reactivate' on the sunset. The GRAs provided the same level of restrictions as the APAs.

Some remote Northern Territory communities have advised of their aspirations for the return of alcohol in a managed way and are using the NT Government's Local Decision Making (LDM) policy as the mechanism to progress those discussions.

¹ Clifford, S., Smith, J.A., Livingston, M. et al. A historical overview of legislated alcohol policy in the Northern Territory of Australia: 1979–2021. *BMC Public Health* 21, 1921 (2021). <https://doi.org/10.1186/s12889-021-11957-5>

² Ibid.

Community Safety

Community safety remains a key issue across the Northern Territory. NT Government's response to domestic and family violence and to anti-social behaviour is through a coordinated whole-of-government, multi-agency approach, engaging with the Aboriginal community controlled sector and non-government organisations on community led solutions.

Domestic and Family Violence

The NT Government's *Domestic, Family and Sexual Violence Reduction Framework 2018-2028* (the Framework) is the whole-of-government, whole of community road map to bring about generational change regarding domestic, family and sexual violence in the Northern Territory.

In partnership with non-government, Aboriginal controlled organisations and the Commonwealth, the NT Government is establishing the domestic, family and sexual violence Interagency Coordination and Reform Office (ICRO) to coordinate Government response and future investment in domestic, family and sexual violence prevention and response.

Priority actions of the ICRO will be to strengthen the role of Aboriginal people, communities and organisations in domestic, family and sexual violence governance mechanisms, policy planning and program design and implementation, and develop Action Plan 2 of the Framework.

Additionally, Measure 8.1 of the *Everyone together - Aboriginal Affairs Strategy 2019-2029* measures the incidence of domestic and family violence for Aboriginal Territorians. The number of domestic and family violence related assaults against Aboriginal Territorians increased from 4631 in 2020 to 5072 in 2021. Aboriginal women and girls in the Northern Territory disproportionately experience domestic, family and sexual violence, with 74% of domestic and family violence assault survivors and 62% of domestic and family violence related sexual assault survivors being Aboriginal women and girls.

Community Safety

The NT Government's approach to improving community safety includes Public Housing Safety Officers; Transit Safety Officers; CCTV networks; community safety patrols, police; culturally appropriate day/night patrol services; and private security, across the Territory.

Vulnerable people at risk of becoming victims or offending, are supported through programs, including but not limited to:

- Return to Country;
- Hosts and Healthy Engagement and Assistance in the Long Grass (HEAL) programs;
- youth engagement services, including Youth Outreach and Re-engagement teams;
- NT Health and non-government frontline services; and
- the Territory Safer Places grant program (\$2 million per annum) supports proposals that assist in creating safer places.

Additionally, 'Interagency Tasking and Coordination Groups' have been established across government with multi agency representation. These groups have been established across the Territory, including in Darwin, Palmerston and Litchfield; Alice Springs; Katherine; and Tennant Creek. These groups are co-chaired by the Northern Territory Police, Fire and Emergency Services and CM&C and identify actions to address anti-social behaviour.

Alcohol

Alcohol framework in the NT – Summary

The Northern Territory has an alcohol framework to reduce the demand for alcohol, reduce the supply of alcohol and reduce the harm caused to Territorians from the misuse of alcohol.

Supply reductions measures include:

- Risk based Licensing: an incentive model enforced for licencing fees rewarding those who supply alcohol responsibly and financially penalises those who do not comply with liquor rules.
- The Banned Drinker Register: prohibiting individuals that consume alcohol at harmful levels from purchasing alcohol from takeaway alcohol outlets within the Northern Territory.
- Placed based restrictions: GRAs and interim APAs under the Liquor Act provide prohibitions or restrictions of alcohol in certain areas across the Territory.
- Minimum Unit Price: increasing the price of alcohol beverage to at least \$1.30 per standard drink and thereby reducing alcohol consumption for groups most susceptible to alcohol-related harm.
- Moratorium on takeaway licences: since October 2017 a five-year moratorium on new takeaway liquor licences issued in the Northern Territory has been in place.
- Police Auxiliary Liquor Inspectors: are stationed at takeaway liquor stores in Alice Springs, Tennant Creek and Katherine to prevent breaches of the Liquor Act.
- Restricted premises: residential or business premises, any land or other place prescribed by regulation may request to have restrictions applied to their premises. Under the Liquor Act, it is an offence for an individual to possess or consume alcohol at the respective premises.

Harm reduction measures across the Territory include:

- treatment services;
- sobering-up shelters; and
- Alcohol Action Initiatives: including locally based and community led programs to reduce alcohol-related harm within communities.

Alcohol regulation/policy in the NT – A brief history

The Northern Territory has been the subject of a number of reviews and legislative actions in relation to the causes of the Territory’s very high alcohol consumption rates and related harm, spanning from 1978 to 2017. A timeline of critical Northern Territory and relevant federal interventions is provided at in the table below:

Critical Northern Territory and Commonwealth Government interventions	
2007	The Commonwealth Government enacted the Emergency Response Act amending Northern Territory legislation, including the <i>Liquor Act 1978</i> .
2012	The Commonwealth Government enacted the Stronger Futures Act which repealed the 2007 legislation but continued the Commonwealth Government’s amendments to the <i>Liquor Act 1978</i> .
April 2017	The NT Government announced the review panel and terms of reference for the Alcohol Policies and Legislation Review (also known as the Riley Review) which was undertaken under the <i>Inquiries Act 1945 (NT)</i> .

Critical Northern Territory and Commonwealth Government interventions	
September 2017	The NT Government reinstated the Banned Drinker Register . The Banned Drinker Register limits the sale of takeaway alcohol, and any person on the register was restricted from purchasing takeaway alcohol.
October 2017	The Riley Review was released with 220 recommendations spanning four categories: whole of government, regulatory framework, harm minimisation and managing harms.
November 2017	The NT Government extended the moratorium on takeaway licences and established the Alcohol Review Implementation Team (ARIT) to develop the NT Government's response to the Riley Review, and coordinate and report on the progress of its implementation.
February 2018	The NT Government released The NT Government Response to the Riley Review, the <i>Alcohol Harm Minimisation Action Plan 2018-2019</i> and the Table of Recommendations: the NT Government's Position on the Alcohol Policies and Legislation Review Final Report's Recommendations.
March 2019	The Northern Territory won the National Alliance for Action on Alcohol award for most progress in alcohol policy development in 2018.
August 2019	ARIT delivers its third and final six monthly progress report and winds up. Responsibility for ongoing implementation is transferred to other NT Government agencies.
October 2019	The new Liquor Act is enacted.
July 2021	The Commonwealth Government indicates (at officer level discussions) that it may not wish to continue Stronger Futures legislation which is due to sunset on 17 July 2022.
October 2021	The Commonwealth Government, through NIAA, formally advised that it was not going to continue the Stronger Futures legislation.
December 2021	The NT Government determined to establish a mechanism to allow communities to opt-in to having an interim APA under the Liquor Act and immediately commenced additional consultation with key stakeholders (including the four NT Land Councils) about this process.
June 2022	The NT Government amends the Liquor Act to establish a mechanism to allow communities to opt-in to an interim APA.
July 2022	The Commonwealth Government allows its Stronger Futures legislation to sunset lifting the Commonwealth Government's APAs over all Aboriginal communities and town camps. All original GRAs under the Liquor Act are now the effective mechanism for alcohol restrictions on Aboriginal communities. The NT Government announced it was establishing the Alcohol Policy Coordination Unit (APCU) within CM&C to coordinate alcohol policy across the Territory.
October 2022	The NT Government releases the three year evaluation of the minimum unit price for alcohol (the floor price). The key findings included; a reduction in alcohol related harms, a reduction in the supply of low cost, high alcohol products like cask wine, and no evidence to suggest the floor price had any negative effects on industry, tourism or the Territory economy.

Riley Review

The expert advisory panel for the Riley Review (the Panel) was chaired by the Honourable Justice Trevor Riley QC, with the other panel members being:

- Professor Richard Matthews, previously the Deputy Director-General, NSW Department of Health;
- Mr Denys Stedman, previously Lead Partner at KPMG Northern Territory and the current Northern Territory Buy Local Industry Advocate; and
- Ms Trish Angus, a Katherine-born Aboriginal woman and former long-term senior NT Government public servant and board member of the former Top End Health Service.

The review was undertaken under the *Inquiries Act 1945* (NT). The Panel conducted broad public consultation from May to July 2017 with key stakeholders, communities and businesses. Numerous public forums were held and the panel received over 138 written submissions.

On 19 October 2017, the Panel delivered its final report to the NT Government. The Riley Review found that the regulatory framework for alcohol in the Northern Territory was not fit for purpose and that the NT Government needed to deliver a cohesive approach to alcohol harm minimisation for all Territorians.

General findings and recommendations

In summary, the Panel found:

- The Northern Territory continued to have the highest rates of alcohol-related deaths, alcohol-related burdens of disease, single occasion of risky drinking behaviours and lifetime risky drinking behaviours.
- The lack of coordinated long term, appropriately resourced programs targeting alcohol harm reduction is a major contributor to the lack of any reduction in the high alcohol related statistics for the Northern Territory.
- In particular, the Northern Territory needs a comprehensive, coordinated and sustained approach to reducing alcohol related harm, focusing on:
 - supporting those affected by alcohol misuse, addressing social determinants (in particular housing, employment, education and access to alcohol);
 - educating the population about the detrimental effects of excessive and sustained alcohol consumption;
 - ensuring measures are culturally responsive; and
 - targeting the supply of alcohol and strengthening and supporting licensing and enforcement agencies and regulations.
- To achieve success in reducing alcohol-related harm a bipartisan, long term and culturally responsive approach must be taken.

The Riley Review contained 220 recommendations, with the most significant being:

- establishing a high level executive position within CM&C that reports directly to the Chief Executive and through to the Chief Minister and Cabinet, reporting on all alcohol related matters;
- the NT Government commence regular publication of alcohol related wholesale supply, consumption, criminal justice, hospital and health data;
- public education campaigns targeting specific cohorts be developed;

- the *Liquor Act 1978* be rewritten, with harm minimisation principles and public interest tests to be paramount;
- a Liquor Commission be established as the independent and primary decision maker under the *Liquor Act*;
- annual risk based licensing fees be introduced;
- standardisation of licence categories and conditions;
- introduction of a 48 hour suspension of licence power for Police;
- introduction of a requirement for staff at certain licensed venues to have a current Responsible Service of Alcohol certificate;
- introduction of a minimum unit price (floor price) for alcohol;
- operating hours of community patrols (night and day patrols) be assessed and adjusted in accordance with demand;
- point of sale interventions (i.e. Police Auxiliary Liquor Inspectors) continue in regional areas;
- a review of sobering up shelter services should be undertaken; and
- that managed alcohol programs (wet house) be trialled in the Northern Territory.

[Recommendations relating to remote communities](#)

The Panel also made a number of recommendations about alcohol in remote communities. It should be noted that the Riley Review was delivered when the Commonwealth Government's Stronger Futures legislation was still in force. At the time, there was no indication that the Commonwealth Government was going to relinquish control over Northern Territory alcohol legislation, nor that the Commonwealth Government Minister would process Alcohol Management Plans (AMPs) that they received from remote communities. This made some of the panel's recommendations difficult to progress.

In particular, the Panel recommended:

- the NT Government develop clear action plans for managing alcohol in communities as it move towards the cessation of the Stronger Futures legislation, with the AMP process and permits being part of that process;
- guidelines be developed to provide for core requirements of a permit system including acting on the recommendations from the [Review of Liquor Permit Schemes under the NT Liquor Act](#) by the Menzies School of Health Research;
- the introduction of licensed social clubs or changes to conditions of existing licensed social clubs only occur following extensive consultation with communities through a LDM framework;
- licensed social clubs be encouraged to emphasise the social aspect of the club rather than simply be a place to consume alcohol;
- the NT Government implement the recommendations of the [Managing Alcohol Consumption – A Review on Licensed Clubs in Remote Indigenous Communities in the NT](#) (the Bowchung Report);
- specific education campaigns be conducted in remote communities to raise awareness of the problems that sly-grogging causes, and encourage people to 'dob-in-a-grog-runner'; and
- additional police resources be made available to remote communities to provide appropriate law enforcement including measures to restrict secondary supply of alcohol.

[The NTG's response to the Riley Review](#)

The NT Government either 'supported' or 'supported in-principle' all but one of the 220 recommendations³. The NT Government's response, comprised the:

- [NT Government Response to the Alcohol Polices and Legislation Review Final Report](#);
- [NT Alcohol Harm Minimisation Action Plan 2018-2019](#); and
- [Table of Recommendations: NT Government Position on Alcohol Policies and Legislation Review Final Report's Recommendations](#).

As part of the response, the NT Government had delivered the following initiatives:

- established the ARIT within CM&C;
- reinstated the NT Liquor Commission;
- implemented risk based licensing for licensed premises (prior to this no annual fees were paid);
- enacted an entirely new Liquor Act (with harm minimisation its primary purpose, implementing over 70 Riley Review recommendations);
- established Police Auxiliary Liquor Inspectors in Alice Springs, Tennant Creek and Katherine;
- the first Australian jurisdiction to introduce a minimum floor price for alcohol (at \$1.30 per standard drink);
- commenced quarterly publication of key alcohol harm indicators; and
- released the first [Addressing Fetal Alcohol Spectrum Disorder in the Northern Territory 2018-2024](#).

Throughout 2018 and 2019, the NT Government released [three public reports regarding its implementation progress](#) against the Riley Review recommendations and the Alcohol Harm Minimisation Action Plan 2018-2019.

[Outcomes achieved](#)

In the third and [final progress report in August 2019](#) against the *Alcohol Harm Minimisation Action Plan 2018-2019*, the following was reported:

- 17.3% reduction in Northern Territory emergency department presentations from July 2018 to July 2019 compared to the same period in 2017-18;
- 63% reduction in protective custody episodes in Alice Springs in the period of July 2018 to June 2019, compared to the same period in 2017-18;
- 23% reduction in alcohol-related assaults Territory-wide for the period of July 2018 to June 2019, compared to the same period in 2017-18;
- 42.5% reduction in alcohol-related assaults in Katherine from October to December 2017 compared to April to June 2019;
- 31.5% reduction in alcohol-related assaults in Tennant Creek in 2019, compared to the same period in 2018, representing the lowest rate recorded since 2009;

³ The NTG did not support the total ban of takeaway sales on Sundays (recommendation 2.5.6).

- over 17,000 litres of alcohol beverages marked for illegal secondary supply seized and destroyed by NT Police; and
- 27% reduction in Northern Territory high range drink driving offences in 2019, compared to the same period in 2018.

At the conclusion of ARIT, 168 of the 220 Riley Review recommendations had been completed, with the remaining recommendations either having been commenced or requiring a future action (e.g. evaluation post-program delivery). The NT Government's response to the Riley Review was well received, with non-government organisations, industry and health practitioners acknowledging its positive impact.

[Alcohol management in remote communities](#)

From June 2007 to July 2022, the Commonwealth Government directly intervened with the NT Government's ability to legislate and manage alcohol in remote communities.

AMPs describe strategies and actions to reduce alcohol related harm in the community. The development of AMPs commenced as a Territory-wide strategy in 2010 and continued until the end of 2015. They formed part of the Stronger Futures legislation.

There were 35 communities in the Northern Territory, which had undertaken an AMP process, however only the community of Titjikala had an AMP approved by the Commonwealth Government Minister at the time. The Minister also did not approve seven other AMPs submitted to them.

The NT Government determined not to proceed with the AMPs as an alcohol management tool due to the lack of resulting approved AMPs, which led to widespread frustration, and loss of community goodwill and engagement.

While AMPs are no longer in existence legislatively, it is broadly accepted that community driven alcohol planning and management is the best way forward, as opposed to government enforced prohibition^{4 5}.

[Alcohol management after the cessation of the Stronger Futures Legislation](#)

When the Stronger Futures legislation ceased, communities that had a GRA in place prior to the Commonwealth Government's statutory interference continued to have alcohol restrictions (noting that these were not all uniform). Communities that did not have a previous GRA ceased to have alcohol restrictions unless they opted in to maintain restrictions through an interim alcohol protected area under the Liquor Act.

There are no GRAs over any of the 17 town camps in Alice Springs, which increases the potential that these communities could be at greater risk of increased alcohol related harm from the lifting of the Commonwealth Government's APAs. This is primarily due to the fact that takeaway alcohol can now legally be purchased by residents for consumption in residences situated in town camps, and takeaway alcohol is acknowledged as a riskier category of alcohol consumption compared to supervised consumption on premises.

In recognition of this potential risk, the NT Government established the Stronger Futures Information Sharing Subcommittee of the Regional Coordination Committee, who meet weekly to share information and progress actions, including joint responses to identified areas with the highest numbers of domestic disturbances. This Subcommittee provides weekly operational intelligence briefs to the NT Government.

The weekly briefings are not showing a substantial sustained increase in alcohol related harm post cessation of Stronger Futures legislation. The briefings are showing fluctuations or spikes that can be attributed to specific activities such as significant sporting events leading to increase in visitors to

⁴ [2016 Review of Stronger Futures measures - Chapter 3](#)

⁵ [Alcohol Management Plan Review - QLD Department of Aboriginal and Torres Strait Islander Partnerships](#)

Alice Springs. However, we are now able to analyse three month periods of data, which will allow identification of trends.

It should be noted that Alice Springs was experiencing an unacceptably high level of domestic violence and assaults in the two years prior to the alcohol restrictions lifting. The causes and contributing factors to domestic violence are complex, stemming from historical and entrenched disadvantage.

Current status of alcohol restrictions in Aboriginal communities

Between May to 17 October 2022, there had been 245 face-to-face engagements, with 787 individuals (423 males and 394 females), across all regions. There have been further engagements with representatives of multiple affected areas, including town camps, outstations and communities, for example in discussions with Traditional Owners and Land Councils also being in attendance at multiple forums.

It is important to note that consultations with remote communities were affected by COVID-19 restrictions following a series of directions imposed by the Chief Health Officer over the period of June 2021 to May 2022.

Number of consultations by regions:

- Top End – 33 communities
- Darwin, Palmerston, Litchfield – 24 communities
- Big Rivers – 71 communities
- East Arnhem – six communities
- Barkly – 11 communities
- Central Australia – 100 communities

The following communities have exercised the option to opt-in to an interim APA:

- Peppiminarti (Community, Top End Region)
- Bagot Community (Town Camp in Darwin)
- Bulman (Community in Big Rivers)
- Jodetluk (Outstation, Big Rivers)
- Knuckey Lagoon Indigenous Village (Town Camp, Greater Darwin Region)
- Palmerston Indigenous Village (Town Camp, Greater Darwin Region)
- Railway Dam (Town Camp, Greater Darwin Region)
- Weemol Community Area (Community, Big Rivers)
- Dhipirinjura (Outstation, East Arnhem)
- Bayagida (Outstation, East Arnhem)
- Moorongga (Outstation, East Arnhem)
- Kewulyi (Outstation, Big Rivers)
- Garranydjirr (Outstation, East Arnhem)

Furthermore, the following communities have indicated they want to opt-in to an interim APA or are currently having their application processed:

- Patonga Airstrip (Outstation, Top End)
- Patonga Homestead (Outstation, Top End)
- Irrilyere (Outstation, Central Australia)
- Kwale Kwale (Outstation, Central Australia)

CM&C is continuing to engage with those communities that are still undecided about opting-in or that have requested further discussions on alcohol management for their communities.

A number of communities, notably the 17 town camps in Alice Springs, have made it clear to the NT Government that they do not wish to opt-in to the interim APA. These town camps are engaging with NT Government and providers on alcohol harm minimisation initiatives.

To date, no data, reviews or evaluations have been identified that indicate that the Commonwealth Government's prohibition on alcohol in Northern Territory Aboriginal communities, either under the Emergency Response Act or Stronger Futures legislation, has had any impact on reducing alcohol related harm^{6 7}.

[Northern Territory Alcohol Action Plan](#)

The APCU was established within CM&C in August 2022 to provide a central point of coordination for alcohol policy. The unit will build upon the work completed by the former time-limited ARIT and the work of agencies in reducing alcohol-related harm.

The APCU is currently developing a Northern Territory Alcohol Action Plan (the Action Plan) to minimise alcohol related harm among individuals, families and communities.

The Action Plan will be guided and informed by the *National Alcohol Strategy 2019-2028*, and will set out actions to reduce alcohol related harm for Territorians, while recognising that the provision and consumption of alcohol are legitimate activities.

The Action Plan will be based on an active partnership model that provides a structure for government, community and industry to work together to manage alcohol in the Northern Territory. This includes following a LDM approach in remote and regional areas.

The Action Plan will contain a number of actions under four key areas:

1. strengthen and support community responses (healthy communities and effective and accessible treatment);
2. comprehensive, collaborative and coordinated approach (government alone cannot reduce alcohol related harm in the Territory, everyone needs to work together);
3. research, data and evaluation (making evidence based decisions and ensuring that Government is transparent about progress through regular reporting of alcohol-related data); and
4. effective liquor regulation and compliance (reviewing the effectiveness of existing supply oriented measures).

The APCU will work in consultation with internal and external stakeholders on which actions should be included in the final Action Plan.

⁶ [2016 Review of Stronger Futures measures - Chapter 3](#)

⁷ [Stronger Futures in the Northern Territory Act 2012: Independent review of the effectiveness of Northern Territory and Commonwealth laws in reducing alcohol-related harm](#)

Current key activities

The ACPU is working collaboratively with NT Government agencies on a number of projects that may ultimately fall under the Action Plan including:

- a review of the Liquor Act under section 320 to ensure the Territory's alcohol regulatory framework is fit for purpose and operating as intended;
- addressing demand-side factors to reduce alcohol consumption and harm through suitable treatment programs and support services and targeted educational campaigns;
- developing an integrated data reporting solution for tracking alcohol related indicators and providing data insights into trends over time (in addition to recommencing the quarterly public reporting of key alcohol harm indicators) to support informed decision making at the operational and strategic policy levels;
- public reporting of key alcohol harm indicators, updated quarterly, supported by explanations of the indicators and information as to current government activities to reduce alcohol related harm;
- supporting communities to set local alcohol aspirations and make informed choices about how to manage alcohol in the way that best suits their community; and
- identifying any relevant outstanding recommendations of the Riley Review and investigating avenues to implement them.

Job opportunities and Community Development Program reform

Community Development Program reform

The Northern Territory has approximately 17 800 individuals in the CDP, a figure which has remained steady over recent years. The Northern Territory labour market has long been characterised by low unemployment rates and high labour force participation rates, however continues to have a very limited labour pool of local workers and relies on attracting skilled and highly skilled workers from interstate and internationally.

In July 2022, the Northern Territory reported:

- an unemployment rate of 3.9%, below the national rate of 4.2%, and in very remote Northern Territory unemployment is approximately 38%;
- a participation rate of 72.2%, above the national rate of 66.1%;
- an underemployment rate of 5.2%, below the national rate of 6.0%; and
- an underutilisation rate of 8.7%, below the national rate of 9.4%.

In 2016, the Northern Territory reported:

- 40 760 person in the Aboriginal working age population comprising 25.5% of the working population; and
- an unemployment rate of 26.7% for Aboriginal people in the Northern Territory.

Any new program needs to be focused on community level decision-making that minimises the administrative burden, enables the flexibility to tailor options to both individual and community circumstances, and fosters long term social, economic and cultural development.

Approaches to support Aboriginal employment include a strong macro economy to support jobs growth; increasing skill levels; pre-employment assessment and training; intensive assistance for job seekers;

non-standard recruitment strategies; support for retention; wage subsidies and Aboriginal employment goals in government programs.

Aboriginal Territorians need to be a part of the design of any system. This includes understanding that a one size fits all approach will not work regionally across the Territory. Variation and flexibility in the system is required to meet the local needs of community. Remote jobs programs need to be tailored to specific communities and be community-led.

Localised business, private sector investment and community service delivery opportunities need to be established to create relevant long term, culturally and community appropriate employment prospects for CDP participants.

Economic participation

In 2020, in response to the economic impacts of the COVID-19 pandemic, the NT Government established the Territory Economic Reconstruction Commission (TERC). The TERC released its final report in December 2020, outlining a whole-of-Territory blueprint for economic recovery, supporting the NT Government's ambitious goal of making the Territory a \$40 billion economy by 2030.

In response to the TERC recommendations, the NT Government has developed the Aboriginal Economic Participation Framework to achieve its commitment to maximising job opportunities for Aboriginal Territorians across the economy. The Aboriginal Economic Participation Framework was launched in June 2022 and incorporates both the Aboriginal Procurement Policy and a commitment to develop an Aboriginal Grants Policy.

The Aboriginal Procurement Policy acknowledges the critical role of Aboriginal leadership in growing the Territory's economy, and aims to maximise economic opportunities for Aboriginal Business Enterprises (including Aboriginal community controlled organisations) through a whole-of-government preferencing system. Data shows there was an increase of 1% for the proportion of contracts awarded to Aboriginal Business Enterprises from 2019-21 to 2020-21, from 12% to 13%.

The Aboriginal Grants Policy is currently being developed in partnership between the NT Government and APO NT. The intent of the Aboriginal Grants Policy is to support priority reform 2 of the National Agreement on Closing the Gap (the National Agreement) (building the Aboriginal community controlled sector) by prioritising Aboriginal community controlled organisations for grant funding in certain situations.

Regional Development Framework

The NT Government has recently released the Regional Development Framework to ensure that community voices are heard by senior decision makers in Government. One of the key deliverables under the framework is the development of Regional Economic Growth Committees and Plans to drive industry, job creation, workforce development and sustainable employment in every region across the Territory.

Case study - East Arnhem Regional Economic Growth Committee's (the Committee) Growth Plan

The East Arnhem Regional Economic Growth Plan (the Plan) was launched on 31 July 2022.

The Plan sets ambitious targets of creating up to 4000 new jobs for the local labour force and to grow the regional economy by 40%, or \$400 million, by 2032.

Priority sectors targeted for growth and new investment include: aerospace, human services (including disability and aged care), tourism, construction and civil works, renewables and green manufacturing, fisheries and aquaculture, forestry and agriculture, defence and border protection and small business services growth.

The Plan identifies a number of priority areas to address in the short term, including:

1. increasing supply of industry housing across the region, including in the service centres in Nhulunbuy and Groote Eylandt;
2. effective industry and community transitions in the mining centres on the Gove Peninsula and Groote Eylandt, including the identification of the future land tenure for the Gove Peninsula;
3. accelerated upgrades and full sealing of the Central Arnhem Road in line with the recently released priorities of the Northern Territory Infrastructure Plan and Pipeline;
4. improved digital connectivity in the region, including co-funded industry initiatives to address network resilience;
5. the delivery of commercial and tourism port infrastructure at the Gove Port to support diversified industry; and
6. improved education and workforce development outcomes to maximise local jobs and business development.

At the heart of the Plan is the principle that economic prosperity is not in itself the destination. Instead, economic growth is seen as an enabler for Yolŋu and Anindilyakwa and Balanda (non-Aboriginal people) to thrive and live sustainably in two worlds and on country for many generations to come.

CM&C is currently working with the Committee to commence implementation, including assigning actions across Government agencies and stakeholders. The Committee is calling on all levels of Government to support the delivery of actions in the plan. The portfolio of prospective investments (and/or expansions) and projects is rapidly growing with a range of proponents in various sectors actively exploring options and initiating engagements in the region. CM&C East Arnhem and Investment Territory, together with Developing East Arnhem Limited, are proactively supporting these proponents.

Local Decision Making

NT Government endorsed the LDM policy in August 2018, a 10 year roadmap for consultation and implementation. Government continues to be committed to working with various Aboriginal Community Controlled Organisations and groups interested in jointly exploring LDM opportunities. Communities across the Northern Territory are being consulted after they have indicated an interest in knowing more about LDM.

Government and Aboriginal communities will be able to work together to develop policies and practices for service delivery, such as housing; local government; education, training and jobs; health; children and families; and law and justice. The below is an example of how LDM has been utilised to plan and execute economic opportunities and advancement across the Gove Peninsula.

Case study - Gove Peninsula Futures and Transition

- In 2019, the Rirratjingu Aboriginal Corporation, Gumatj Corporation, NLC, CM&C, NIAA and Rio Tinto established the Gove Peninsula Futures Reference Group (GPFRG).
- In May 2019, the GPFRG, together with the former Chief Minister and Minister for Treaty and Decision Making, released the joint Statement on the Future of the Gove Peninsula, where all parties committed to working together to achieve a positive future for Nhulunbuy and the Gove Peninsula post mining.
- In October 2021, the Traditional Owners of the Gove Peninsula, with the support of the GPFRG, launched *A New Journey Together: The Traditional Owners' Vision for the Future of Nhulunbuy and the Gove Peninsula* (the TO Vision). The TO Vision can be found [here](#).
- The launch included a GPFRG public statement to work to achieve the TO Vision.
- In late 2021, Rio Tinto advised that mining is expected to cease on the Gove Peninsula in 2027, three years earlier than previous advice. This timeline has now been widely socialised by Rio Tinto.
- To drive the implementation of the TO Vision and the economic and community transition, GPFRG has established six work streams, including: Yolŋu and Nākapi (non-Yolŋu) Together, Land Tenure, Essential Services and Infrastructure, Community and Government Services, Economic Development and Transition and Town Governance.
- In the 2022-23 Budget, NT Government committed \$2.1 million over three years to support the successful transition of the Gove Peninsula post mining. Other budget initiatives on the Gove Peninsula includes a commitment of up to \$10 million for co-investment in the Gove Port commercial areas to support diversified industry, and an \$8 million co-investment in now Gove Port tourism faculties at the Gove Boat Club.
- Although still being refined, a new [website](#) has been launched to provide community, business, investors and regional stakeholders ongoing updates and information about the Gove Futures work.

Justice reinvestment community services

Aboriginal Justice Agreement

Launched in August 2022, the Aboriginal Justice Agreement (AJA) is a comprehensive policy representing significant justice reform to reduce the offending and imprisonment of Aboriginal Territorians, engage and support Aboriginal leadership and improve government responses and services for Aboriginal Territorians. Initiatives under the AJA include (but are not limited to) increasing options for alternatives to custody, establishing more Law and Justice Groups and identifying and eliminating systemic racism in government agencies and contracted service providers:

- Under the AJA, the Alice Springs Alternative to Custody for Aboriginal women has been established and is operating at full capacity offering tailored programs to address the mental and physical challenges that create risks of reoffending.
- Law and Justice Group members are respected community members with appropriate cultural authority who act as a key interface supporting community and government collaboration on justice matters. They support Aboriginal community members to prevent entry into the criminal justice system and provide a community-level platform to hold people accountable for offending behaviours.
- The Aboriginal Justice Unit is reviewing 10 NT Government agencies to identify systemic racism and opportunities for reform.

As part of the AJA, the Aboriginal Justice Unit is coordinating a justice reinvestment working group to research and provide input to the AJA Governance Committee on developing a model for justice reinvestment in the NT.

The NT Government's LDM policy aligns strongly with the principles of justice reinvestment. LDM creates formal partnerships between Aboriginal communities, organisations and governments to progress community-led initiatives and priorities, to support stronger communities. LDM agreements are developed according to community priorities and cut across many complex and interconnected areas such as housing, justice, education, health and economic development. They reinforce Aboriginal decision-making processes and support community control of services based on community aspirations.

Related matters

The National Agreement on Closing the Gap

Justice and the economy are both targets under the National Agreement. Actions to support these targets are currently being developed for the second Closing the Gap Northern Territory Implementation Plan, in partnership with APO NT and the Local Government Association of the Northern Territory.

Under the Northern Territory's first NT Closing the Gap Implementation Plan, justice-related actions included the establishment of a peak Aboriginal justice body and additional support for the Anti-Discrimination Commission to expand their presence and services in remote and regional communities.

The National Agreement also required the establishment of a National Justice Policy Partnership (JPP), to progress a coordinated approach to address the overrepresentation of Aboriginal adults and youth in incarceration and detention between the Commonwealth, state and territory governments and Aboriginal representatives. The JPP has identified justice reinvestment as a focus area. The Northern Territory is also establishing an Aboriginal-led Territory JPP, to support the work of the national JPP at a jurisdictional level.

The Territory JPP will bring together representatives from various agencies and the Aboriginal community and justice sectors, to ensure a holistic approach to addressing adult and youth incarceration rates in the Northern Territory, and contribute to the review of the *Youth Justice Amendment Act 2021*.

The Everyone Together Aboriginal Affairs Strategy

The *Everyone Together* Aboriginal Affairs Strategy contains 67 measures and 21 priority initiatives under 10 focus areas including truth and healing, languages and culture, land and sea, children and families, housing and essential infrastructure, health, education, safety, justice, and jobs and economy. The measures and priority initiatives are Aboriginal affairs policies and programs from across NT Government agencies. Progress reports outlining data and assessing the progress of each measure are available on the NT Government Aboriginal Affairs [website](#).