PUBLIC DRUNKENNESS IN THE NORTHERN TERRITORY: An overview of the 1990s

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2. INTRODUCTION:

A petition seeking to remove drunken itinerants from the streets of Darwin with over 1000 signatures is expected to be presented to the Legislative Assembly in the first sittings for 1996. The petition demands tougher measures on the 2km drinking law, the Anti-Littering Act, the Summary Offences Act and the Domestic Violence Act. This action, which was instigated by a Darwin resident, is an indication of the continuing problems associated with alcohol abuse, public drunkenness and homelessness, that have plagued the Northern Territory (NT).

This paper will investigate the problems associated with public drunkenness and the initiatives that have been put into place by Government and community organisations in an attempt to alleviate the destructive cycle of alcohol abuse in the NT.
3. PUBLIC DRUNKENNESS IN THE NORTHERN TERRITORY: AN OVERVIEW OF THE 1990S.

Legislation that made public drunkenness an offence was abolished in the Territory in 1974. At the same time a new section was inserted into the Ordinance that allowed police the power to apprehend and detain persons who were deemed incapable of caring for themselves for a period of six hours or until they were able to look after themselves. The terms were considered vague and further amendments were introduced in February 1976 which allowed the police to take into custody an intoxicated person until 7.30am. Problems associated with people drinking in public places in the NT continued and the 2km law was introduced in 1982 (Summary Offences Act 1982 “Part VIA-Drinking in Public Places 45D”) in an attempt to curb public drunkenness. The 2km law makes it an offence to drink alcohol in a public place within two kilometres of licensed premises.

Chief Minister, Marshall Perron, sent out letters in July 1990 to licensees to warn that licenses would be suspended or cancelled if they failed to observe obligations under the Liquor Act. Perron also was preparing Amendments to the Summary Offences Act in regard to the 2km law to allow “all liquor in the possession of offenders” opened or unopened to be poured out. At the same time the Labor Party was calling for the

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repeal of the 2km drinking law and tried to delay the new amendments which were passed in October of 1990.

In August 1990, Perron wrote directly to the Prime Minister seeking advice on the possibility of banning both purchase and use of alcohol by “traditional” Aboriginal people, who he claimed had requested such extreme measures. ⁴ Criticism of this proposal included reference to reverting to pre-1967 when Aboriginals had to have a special licence to drink alcohol and the many studies that indicate that prohibition does not work. ⁵

In November 1991, NT alcohol-related reforms were announced including $10m a year for education and rehabilitation, a reduction in trading hours and the controversial court power to ban habitual drinkers from obtaining alcohol. ⁶ A Bill was passed in March 1992 with the Labor opposition calling for guidelines about the right for appeal. ⁷

In January 1994, Shane Stone called for the recriminalisation of public drunkenness. Shortly after the Chief Minister, Marshall Perron, was reported to be sympathetic to Stone’s comments that where sobering-up shelters and rehabilitation failed “we don’t have a lot of choice with the habitual drunks and the habitual misbehavers than to

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⁵ McCue, Fred. “Irony in Perron’s Bid to Secure Alcohol Ban”, Sunday Territorian. 5.8.90.
⁶ ‘NT Alcohol Reform Seen as Historic’, Sunday Territorian. 10.11.91.
⁷ Alcorta, Frank. "Licence to Drink", NT News. 4.3.92.
send them to jail". The Territory ALP Aboriginal Affairs Spokesperson, the Member for Arnhem, responded to Shane Stone's call for the recriminalisation of public drunkenness. The Member for Arnhem referred to recommendation 79 of the Royal Commission into Aboriginal Deaths in Custody which “Called for all states to abolish the offence of public drunkenness”, stating that “everybody recognises offensive drunks are a problem but making then criminals will not resolve the issue”.

Ken Parish (Shadow Spokesperson for Industries and Development) also criticised Stone claiming that vagrancy laws were repealed in the NT because the laws failed to address the long term and complicated issues involved with public drunkenness. Parish also blamed the Lord Mayor George Brown for trying to blame Darwin’s drunken itinerant problems on the permit system in place at Bagot Community. The Federal Aboriginal and Torres Strait Islander Minister, Robert Tickner, called Brown’s suggestion “abhorrent” and “retrograde” and called on Queensland, Victoria and Tasmania to act to decriminalise public drunkenness. Aboriginal groups called for more funding to address the causes of public drunkenness rather than the symptoms.

In February Marshall Perron said that he opposed recriminalisation but supported a tougher approach to disorderly public behaviour. Shane Stone stated that he no longer advocated recriminalisation but rather tougher legislation.

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8 “CM Backs Hard Line on Drunks”, *NT News*. 29.1.94.
9 Member for Arnhem. (Shadow Spokesperson for Aboriginal Affairs”, *Media Release*. 27.1.94.
12 “CM Backs Hard Line on Drunks”, *NT News*. 29.1.94.
13 Feeney, Gordon. “Perron: No to Drink Offence”, *NT News*. 2.2.94.
By February 1994, 15 people had been effectively banned from drinking in the NT over a period of 12 months through the enforcement of prohibition orders. Licensees were instructed not to sell alcohol to certain individuals who had been taken into custody more than 3 times in 6 months.

In 1995 the Living With Alcohol program introduced and funded the Anti-Social Behaviour Project. The project will have a lifespan of 5 years and it will employ specialist staff through councils in Darwin, Palmerston, Katherine, Tennant Creek and Alice Springs who will conduct regular patrols. The existing 2km law will be used to police drinking in public areas and allow confiscation of unopened or opened liquor. The program will attempt to move drinkers into homes, pubs and clubs, and it is being financed partially through the 30c a litre wine cask levy. 14 Councils responded to the new program with some hesitation as they did not want to become a second police force. 15 Alice Springs Town Council rejected the program.

In December 1995, NT Police Association chief, Max Hill, called for NT drinkers to be licensed. Hill believed that programs to defeat alcohol abuse had failed, but conceded that implementing a drinking licence would be difficult although he suggested that licences could be taken away if drinkers abused their privileges. 16

The NT Government used an urgent motion to pass new drinking laws through in the final sittings for 1995. The amendments to the 2km drinking law were strengthened

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14 Reed, Mike. (Minister for Health and Community Services). Media Release. 17.5.95. Ref:R-0280-95.


to enable police to confiscate all alcohol in the vicinity of a person breaking the law, as opposed to the initial amendment which only allowed alcohol to be emptied in front of the offender. Confiscated alcohol can now be disposed of and not reclaimed.  

The beginning of 1996 has brought the issue of making public drunkenness a crime into public debate again with Shane Stone commenting that such action could combat Darwin’s itinerant problems. This suggestion was quickly called a “retrograde step” by Dr Wake, President of the Territory’s branch of the Australian Medical Association, who stated that “Aboriginal people are already over-represented in our prisons, largely because of petty alcohol-related crime. Reinstating public drunkenness as an offence would exacerbate the situation” and Dr Wake also commented that sending drunks back to their communities would not be a solution and that continued resources to combat the causes and the results of alcohol abuse must be maintained.  

4. REGIONAL ISSUES

(a) Alice Springs

Alice Springs was declared Australia’s booziest town in 1990 with residents consuming on average two and a half times more alcohol than the rest of the country and 37% more than the rest of the Northern Territory. These statistics were the result of a six month study commissioned by the Aboriginal Tangentyre Council. The study put forward 18 recommendations including legislation to make licensees liable for

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harm caused to inebriated or under-aged customers. Findings concluded 84.8% of people being treated at crisis centres were there because of alcohol. Forty four percent of government agency non-medical contact, with those aged 15 and under, were confirmed or suspected to be alcohol related. The study indicated that there had been no prosecutions to licensees from 1984 to 1989. 19

In 1990 the Minister assisting the Chief Minister on Centralian Affairs, Roger Vale, stated that “bush” Aboriginal pressure had brought about the 2km law and that the problem of public drunkenness by Aboriginals in Alice Springs would only be solved by “the Aboriginal community working with the Government”. 20 This statement followed a march in Alice Springs by Aboriginal women against alcohol abuse.

In February, 1992, an Alcohol Intervention Program was launched at Alice Springs hospital. It aimed to identify patients with alcohol related-problems and helped them solve their difficulties. 21

Territory Government funding ceased for the Central Australian Aboriginal Alcohol Planning Unit in 1995 after an independent inquiry found mismanagement of funds and failure to implement major reforms. 22 There were calls by Deputy Opposition Leader, Maggie Hickey, to reinstate the program, at least until an alternative scheme was in place. Hickey stated that “alcohol addiction is a sickness, not a crime” and that

19 Simpler, Errol. “Alice Springs the Booze Capital”, The Australian. 25.7.90.

20 Vale, Roger. (The Minister Assisting the Chief Minister on Centralian Affairs). Media Release. 9.5.90. Ref: V-0399-90.


22 Reed, Mike. (Minister for Health and Community Services). Media Release. 7.12.94. Ref:R-1099-94.
people needed help in Central Australia with public health issues such as alcohol abuse.\textsuperscript{23}

The final months of 1995 saw the number of alcohol related detainees rise to over a hundred a night, which stretched the limits of the police watch house and prompted Alice Springs Lord Mayor, Andy McNeill, call for the reformation of the town’s anti-social behaviour committee.\textsuperscript{24} A public meeting was held in December, and as a result the NT Hotels and Hospitality Association imposed trading restrictions in an attempt to make real changes for the next generation of Alice Springs drinkers. Restrictions now in place include a maximum of one 4 litre cask per person, no 4 litres casks to be sold before 4pm and all counter staff to undergo a recognised service course.\textsuperscript{25}

(b) Katherine

During 1990 the equivalent of 65\% of Katherine’s population was taken into protective custody or put into a sobering-up shelter for drunkenness. Alcohol is seen as a major problem for young unemployed people, especially in alcohol related court cases.\textsuperscript{26} Local police claim it is unusual for a crime to be committed in Katherine without the influence of alcohol. Spokespeople for the Katherine Alcohol and Drug Association (KADA) say that alcohol abuse in Katherine is not purely an Aboriginal

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\textsuperscript{23} Hickey, Maggie. (Deputy Opposition Leader). \textit{Media Release}. 2.1.95.
\textsuperscript{24} Hartshorn, Michael. “Drunken Night as 75 Held”, \textit{Sunday Territorian}. 24.9.95.
\textsuperscript{26} “Alcohol: Reason and problem for jobless”, \textit{Sunday Territorian}. 17.3.91.
\end{flushleft}
issue. KADA treat many non-Aboriginal clients but admit that public drunkenness is more likely to involve Aboriginal people. There was concern in 1991 vigilante action would be taken against Aboriginals moving from remote areas into town and the Council organised a cross-cultural meeting to help resolve the town’s problems.

The Aboriginal managed Kalano Community Patrol started running in 1993 to take inebriated people to the sobering-up shelter, without police intervention. The patrol is made up of predominantly young men but it also includes women who help diffuse potentially violent situations.

In December 1993, Katherine police put forward a strategy to introduce photo-licences that would be used when buying alcohol. It was intended that the licences would keep track of problem drinkers and repeat offenders.

In 1995, the town’s anti-social behaviour strategy proposed that fenced off drinking areas be established at several sites. Community backlash criticised the suggested venues because they were to close to where children and tourists gather.

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27 Cooper, Julia. “Town Looks at Future, Fate”, *Sunday Territorian*. 17.3.91.

28 Cooper, Julia. “Mayor Predicts Vigilante Action”, *Sunday Territorian*. 17.3.91.


30 “No to Drink Licence”, *NT News*. 17.12.93.

In June 1995 the Territory Liquor Commission heard submissions from Tennant Creek Hoteliers and the Julalikari Council which sought to limit hotel trading hours and takeaway sales to all residents in an effort to kerb violence and anti-social behaviour. As a result, a six month trial of alcohol-related restriction was enforced. The first period saw front bars closed on Thursdays, a ban on sales of cask moselle and riesling, and heavy beer sales restricted to lounge bars. The second three month period mirrored the original restrictions but front bars and take-away outlets operated on Thursdays between 3-9pm.

A report, conducted by the Menzies School of Research and the Living With Alcohol program on the 6 month trial period of alcohol restrictions at Tennant Creek was recently released. Findings concluded that alcohol restrictions have led to a general improvement in the appearance of the town and a reduction in the levels of social disorder. Police figures showed a significant drop in criminal damage and unlawful entry. Sobering-up shelters also showed a dropped in admissions. A survey of 270 residents including town campers, found that 58% were in favour of the trial measures.

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32 "Booze Laws to be Toughest Yet", Sunday Territorian. 11.6.95.


34 Ibid.
(d) Darwin

Problems associated with public drunkenness were highlighted in Darwin at the end of 1995 when public debate was fired by Darwin Lord Mayor, George Brown, again calling for tougher laws on public drinking and anti-social behaviour including increased policing of drinking permits at functions in public places and the extension of the 2km law to 5km. Brown's calls were rejected by Chief Minister, Shane Stone, because family groups would be unduly effected.

At the beginning of 1996, George Brown again entered the debate by declaring that police should "harass, harass, harass" public drunks to drive them out of town, forcing Aboriginals back to their communities and sending the "white buggers" back interstate. Alderman Robyne Burridge was quick to respond saying that it must be remembered that alcoholism is a disease not a crime and that proper support and treatment was necessary. Burridge called for a task force with community leaders from the three tiers of government, police, churches and non-government agencies to prepare appropriate action.

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38 Bane, Nathaniel. "Mayor Blasted On Harass-Drunks Call!", 25.1.96.
5. ALCOHOL AND THE HOMELESS

(a) Long-grassers

Long-grassers comprise two groups - Aboriginals visiting the city and non-Aboriginal itinerants. A Darwin working party studied drinking by long-grassers in 1991 in an effort to tackle the many problems, such as police and council workers continuously moving itinerants from one area to another. Members of the working party held talks with the long-grassers to identify their needs and discuss solutions such as finding a common area for them to go during the daytime.

At the beginning of 1991, it was reported that there were at least 200 non-Aboriginal itinerants in Darwin, more than the number of Aboriginal itinerants, who often returned to their communities during the wet season. Darwin City Council proposed a number of recommendations in May 1991, including greater powers for the police to confiscate alcohol and remove itinerants from problem areas. Schemes to provide shelter and accommodation were also recommended in conjunction with sobering-up shelters. Whilst there were calls for the return of the Vagrancy Act the Council proposed that Government should amend the Summary Offences Act to enable people who inhibit access to public places to be moved on. Legislation already provided

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39 Muddimer, Dick. "'Long-Grass' Problem Grows", NT News. 2.2.91.


41 "Itinerant Figures Up Fourfold", NT News. 9.2.91.
police with powers to act against public drunkenness, disorderly behaviour, littering and loitering. 42

In 1992, the provision of a daytime centre near welfare agencies, for approximately 100 of Darwin's itinerants, was being investigated by the council who had found the homeless wanted "a place to go without being bothered". 43 Crisis centres such as St. Vincent de Paul, Bakhita Centre, offer accommodation to homeless men but many long-grassers prefer to remain independent of these agencies. In 1994 a representative of the Bakhita Centre suggested that the Government establish an itinerants camp close to the city. It was recognised that keeping the area alcohol free would be near impossible. 44 At the end of 1994, the Gsell Centre, a Darwin hostel for homeless men was closed by its administrator the Catholic Church. 45

Problems associated with homeless people in the NT is currently the subject of public debate initiated by long-time Darwin resident, Ruth Fermi, who instigated a petition and campaign to rid the streets of drunken itinerants. This petition will be presented to the Legislative Assembly during the first sittings of 1996 and will certainly add to the ongoing debate about solutions for the special needs of the Territory's homeless population. 46

42 Muddimer, Dick. "Crackdown on Vagrants in Darwin", NT News. 17.5.91.

43 "Mayor Tackles Itinerant Issue", NT News. 1.6.92.

44 "City May Seek Itinerants Camp", NT News. 9.2.94.

45 "Xmas Coming: No home", NT News. 24.11.94.

(b) Sobering-up Shelters

There are a number of Government funded sobering-up shelters throughout the NT.

In the first five years of operation the Alice Springs sobering-up shelter cared more than 20 000 people, mostly referred by police under the Protective Custody Act, in it's 26 bed shelter. It is not compulsory for clients to stay and juveniles (under 17) are not catered for at the shelter. 47

The 18 bed Katherine sobering-up shelter was opened in January 1990. Statistics indicate that of the 3244 clients admitted during its first year of operation, 2000 of these people used the facilities only once, illustrating that it was not the same people coming in over and over again. At the shelter, clients are showered, fed, given a bed and issued with their laundered clothes in the morning. Female clients, including a number of under-age girls, make up 27% of clients. 48

The Coconut Grove sobering-up shelter in Darwin, was opened in November 1991 and by March 1992 almost 750 people had used the facility, with 82 individuals making more than three visits. The 32 bed shelter houses men, women and juveniles in separate sections. 49

47 Raymond, Justin. “Care, not Detention, for Drinkers”, NT News. 2.2.91.
48 David, Lesley. “Katherine’s Alcohol Crisis Getting Worse, Sunday Territorian. 17.3.91.
49 Thonemann, Abi. “Numbers Indicate Shelter’s Success”, NT News. 3.3.92.
(c). Community Services

The Council of Aboriginal Alcohol Program Services (CAAPS) since its inception by the Uniting, Catholic and Anglican Churches in 1984, has managed the Gordon Symons Centre in Winnellie and the Five Mile alcohol treatment centre at Daly River. The centres allow for 6 week “dry out” stays for families or individuals and they aim at empowering Aboriginals to stay sober. Clients pay for food and accommodation and do their own domestic chores whilst undergoing re-education programs. 50

6. CONCLUSION

Intense public debate during the 1990s has focused attention on the ongoing social impact of public drunkenness. Legislation, government, Aboriginal organisations and community services, continue to work towards alleviating the many problems associated with public drunkenness in the Northern Territory.

7. READING LIST

no author


Alcorn, Gay


Blokland, Jenny

“NT Law Can Stop Drunks”, *Sunday Territorian*. 30.1.94.

Broadhurst, R.G.


James, Sarah


Larkins, Kevin & McDonald, David


Mark, Steve & Hennessy, Nancy

Midford, Richard


Sessional Committee on Use and Abuse of Alcohol by the Community (Legislative Assembly of the Northern Territory)


Shultz, Dennis