Restricted Areas and Aboriginal Drinking

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The term 'restricted area' or 'dry area', as used in the context of alcohol consumption in general and Aboriginal drinking in particular, refers to an assortment of by-laws, regulations and other statutes all of which restrict or forbid the consumption of liquor within a certain area. The restrictions can apply continuously or for certain periods only: they can encompass all or only some types of liquor, and there may or may not be provision for certain people to be exempted. They need not apply exclusively to Aboriginal people, but this paper is concerned with the use of restricted area legislation as a response to Aboriginal alcohol abuse.

Restrictions of this nature are not new to post-contact Aboriginal Australia. From the early years of this century until the 1960s, Aboriginal people were subjected to a broad range of restrictions on their movements, employment and relationships, and these included restrictions on access to alcohol. Not until 1964 were Aborigines in Western Australia and the Northern Territory granted the right to drink liquor, and the prohibition on supplying liquor to Aborigines in South Australia remained until 1967 (D'Abbs 1987; McCorquodale 1984). In Queensland, Aborigines off reserves were granted access to liquor in 1965 but here, as elsewhere, the right remained a legal rather than a practical one for many Aboriginal people, as restrictions on the possession or consumption of liquor by Aborigines on reserves or missions continued well into the 1970s (Barber et al. 1988). Throughout the 1970s, however, the shift from a policy of assimilation to one of self-determination led to the removal of most of the restrictions on access, in practice as well as in theory, so that by the end of the decade Aborigines throughout most of Australia had full access to liquor.

In the light of these changes, the use of 'restricted areas' as an instrument of Aboriginal alcohol control policy takes on new significance and raises new issues, if only because any declaration of a restricted area today takes place in a context in which Aborigines have the same rights as anyone else to possess and consume liquor.

Over the past 10 years, a number of legislatures have introduced restricted area provisions of one sort or another. The provisions embody a variety of motives. Some reflect the desire of Aboriginal communities to overcome problems of alcohol abuse. The removal of restrictions in the 1970s was accompanied by a disturbing increase in alcohol related problems, leading the author of one parliamentary investigation to declare: 'Alcohol is the greatest present threat to
the Aboriginals of the Northern Territory and unless strong immediate action is taken they could destroy themselves’ (Commonwealth of Australia 1977a). In its final report, the same committee noted that the damage caused by alcohol was no less devastating in other states than in the Northern Territory (Commonwealth of Australia 1977b). A board of inquiry set up in 1973 by the Department of the Northern Territory to report on all aspects of the sale and consumption of liquor found evidence of widespread concern on Aboriginal communities regarding the troubles caused by liquor (Australia. Dept of the Northern Territory 1973).

In other instances, the imposition of geographically-defined restrictions appears to owe more to the desire of non-Aboriginal groups to sweep Aboriginal drunkenness from off the streets.

It is the contemporary use of restricted area legislation that forms the subject of my paper. One consequence of the variety of measures that have been adopted in recent years is that a number of policies which have very different implications, all carry the label 'restricted' or 'dry area policy. It is necessary to bring some conceptual clarity to this area before useful policy discussion can proceed; accordingly, I shall begin by proposing a conceptual framework within which the various sets of restricted areas provisions can be compared, and significant issues identified. Three sets of contemporary restricted area provisions, each of which illustrates a distinctive approach to alcohol control, will then be discussed. Finally, some general implications which arise out of analysis, and which apply to the use of restricted areas as an Aboriginal alcohol control measure will be set out.

**Community Control or Statutory Powers: a Framework for Comparing Restricted Area Provisions**

Whatever the difference among them, all restricted areas provisions embody two common elements: a set of regulations stipulating the kinds of liquor that may or may not be drunk, under what conditions, and by whom, and a set of measures governing the declaration and enforcement of the restrictions. The former define the restrictions; the latter address issues of control: at whose behest are areas to be declared restricted, and by what means?

Both elements pose issues of practical and theoretical interest: we might consider, for instance, the relative effectiveness of measures which ban all consumption - as are found on some Aboriginal communities in the Northern Territory - with those that impose a per capita limit on liquor consumption in a community. These questions raise the broader issue of the extent to which controlling the availability of liquor represents a viable basis for preventative alcohol abuse policies - an issue on which expert opinion remains divided (see, for example, Smith 1983: Ravn 1987a, 1987b; Nieuwenhuysen 1988; Single 1988).

So far as the topic of this paper is concerned, these issues should be viewed as secondary to those having to do with control. To illustrate: an outright ban on liquor in a community is one thing if it is imposed by members of that community who speak with acknowledged authority, and quite another if it
comes about through legislation externally devised and imposed.

In principle, control over the designation and enforcement of restricted areas can be vested in one or both of two institutions: the local community or the state. By 'local community' in this context is meant Aboriginal communities and their representative institutions: the term 'state' refers here not only to state or territory governments, but to all levels of government - Commonwealth, state and local - and to their associated institutions. In the Northern Territory, many outstations or homeland centres have been designated by their occupants as dry areas, without recourse to formal legislation. At the same time, the Northern Territory Government has, since 1983, made it an offence to consume liquor in a public place within two kilometres of a licensed premise. The first instance is an example of community control, the second of a statutory restriction.

These two examples notwithstanding, the presence of community-based and statutory control mechanisms is usually a matter of degree rather than absolutes. If we think in terms of 'high' and 'low' levels of statutory and community control respectively, we can locate restricted area provisions on a matrix, structured as shown in Figure 1.

**Figure 1**

A framework for comparing restricted area provisions

<table>
<thead>
<tr>
<th>Level of statutory control</th>
<th>Level of community control</th>
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The top left hand cell in Figure 1 is in effect an empty cell, since it refers to cases where neither statutory nor community-based powers are used to impose restrictions. Each of the three remaining cells defines a particular type of model of restricted area provisions.

The first (No.1) encompasses restricted areas based on a high degree of community control, with little or no statutory involvement. The example of the outstations referred to above fits into this category, as do those Aboriginal communities in Western Australia which used their power to make by-laws under the Aboriginal Communities Act 1979 to declare themselves dry. In this case, use of the Act is indicative of a degree of statutory involvement, but insofar as the Act leaves responsibility for enforcing the restrictions with the communities themselves, the level of statutory control is low. This group is called the community control model.

The second group of provisions (No.2) is the polar opposite of the first. This covers restricted areas created and enforced largely through the use of statutory powers, with little or no local community control. The Northern Territory Two Kilometre Law is an example of this type of legislation. So too are dry areas declared under Section 132 of the South Australian Liquor Licensing Act 1985.
This group will be referred to as the statutory control model.

In the remaining cell of the matrix (No.3) are restrictions based on a high degree of both statutory and community control. This is called the complementary control model. The restricted areas provisions forming Part VIII of the Northern Territory Liquor Act constitute an instance of this model, at least in principle. While in practice the principle of complementarity is often lost sight of, Part VIII is an attempt to incorporate into legislation provision both for a genuine community voice and strong statutory powers. It is this characteristic that makes the Northern Territory legislation a particularly interesting alcohol control measure.

The typology of models is summarised in Figure 2.

*Figure 2*

**Restricted Area Provisions: a Typology of Models**

<table>
<thead>
<tr>
<th>Level of statutory control</th>
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Community control model e.g. communities which impose by-laws under *WA Aboriginal Communities Act*

Statutory control model e.g. NT Two Km Law e.g. dry areas declared under *SA Liquor Licensing Act*

Complementary control model, e.g. Northern Territory restricted area provisions

The following are issues associated with each of the three models:

*The community control model: restricted areas in WA*

The Aboriginal Communities Act was introduced in Western Australia in 1979 in order 'to assist certain Aboriginal communities to manage and control their community lands and for related purposes' (Western Australia 1979). It provides for management of communities by councils, which are empowered to pass by-laws regulating:

- admission of persons, vehicles and animals to the community;
- traffic matters on community lands;
- prevention of damage to flora and fauna;
- maintenance of buildings on community lands;
- noise, conduct of meetings, and offensive behaviour;
- prohibition or restrictions governing possession and use of alcohol and other substances;
- possession or use of firearms;
- disposal of rubbish.

By-laws can only be made with the agreement of an absolute majority of council members, and are policed by means of a community justice system. This in turn is made up of Aboriginal members of the community appointed as Justices of the Peace, bench clerks, probation officers and rangers. The Act also provides for police to act in the event of a breach of a by-law, such breaches being punishable by a fine of up to $100 or up to three months imprisonment.

Although the Aboriginal Communities Act is not purely an alcohol control measure, the desire for greater control over the importation and consumption of alcohol is one of the most pervasive motives underlying its use (Hedges 1986). Alcohol abuse is also, as elsewhere, a major factor in civil and criminal offences. In the first of two reviews of the Act carried out in 1985 and 1986, Hoddinott tabulated offences committed between 1977 and 1984 on seven Aboriginal communities, four of which were participants in the Aboriginal Communities Act and three not. She found that 69 per cent of all offences were alcohol related (Hoddinott undated).

Hoddinott argued, mainly on the basis of statistics compiled from court records and police charge sheets with respect to two communities, that the Act had made no difference to the pattern of alcohol related offences (Hoddinott undated). She also criticised the Act for making insufficient provision for traditional Aboriginal sanctions.

At the time of the review, five Aboriginal communities in Western Australia were participating in the Act. In a subsequent review of the legislation, Hedges (1986) examined outcomes in each of these communities and drew somewhat less negative conclusions. In three cases, including the community in which Hoddinott argued that the Act had brought about no significant changes, Hedges found that the prevalence of drinking appeared to have moderated and the incidence of disorder decreased. In one community he was unable to document any consequences, while in the fifth he found that the by-laws under the Act were neither understood nor adhered to by most members of the community (Hedges 1986).

Hedges found that the desire for greater control over alcohol was characteristic not only of communities already participating under the Act but also of other communities which had expressed interest in participating in future. Pitman, who examined the workings of the Act in the East Kimberleys in conjunction with Hedges' investigation, reported that alcohol was 'the most immediate social problem in Aboriginal communities in the East Kimberleys' and that many communities were pre-occupied with its effects (Pitman 1986).

Neither Hedges nor Pitman believed that the powers accorded by the Aboriginal Communities Act were sufficient in themselves to deal with the alcohol problem. Hedges noted that during consultations, many communities had expressed a wish for greater government assistance in enforcing prohibitions on alcohol in their
communities, and recommended two sets of steps for achieving this. The first involved amending the WA Liquor Act in order (a) to make it possible to impose restrictions on licensees with respect to the amounts and kinds of liquor that they could sell, and (b) to enable residents of dry areas to lodge objections to the granting or renewal of liquor licences (Hedges 1986).

The second step recommended by Hedges was the preparation of new legislation which would prohibit the possession and consumption of liquor within 'specified areas'. These areas would be designated only after full consultation with community members, and would reflect residents' wishes. They would automatically lapse upon transfer of title or change of occupancy of the area concerned and Hedges suggested that they should also be subject to review by referenda held concurrently with state elections.

Breaches of the proposed dry areas legislation were to be punishable in the first instance by a fine of up to $1,000 or six months imprisonment, and subsequently by $2,000 or 12 months.

In terms of models set out earlier, Hedges' recommendations amount to proposing a shift from a community control model to complementary control. The shift embodies an acknowledgement, articulated by Aboriginal residents of communities and concurred with by Hedges, that most communities simply cannot muster the powers to overcome successfully the combination of many people's wishes to drink and the powerful vested interests that exist to fulfil those wishes.

In proposing the legislation, Hedges had in mind the Northern Territory restricted areas legislation, which will be discussed below. However, there is one important difference between his proposal and the Northern Territory legislation. Under the Northern Territory Act, communities may choose to declare themselves totally dry or semi-dry; that is, they may opt for restrictions rather than outright prohibition. Hedges proposed legislation provides for prohibition only. Communities wishing to restrict rather than ban consumption would have to choose one of two additional alternatives. They could either rely on the community justice system already existing under the present Aboriginal Communities Act, or they could elect to pass by-laws as provided for in the Act, without also having to establish and maintain the various components of the community justice system - that is, local Justices of the Peace, probation officers, etc.

Hedges also made a number of other recommendations, especially dealing with training and education, which lie outside the scope of this paper. Some of these are now the subject of follow-up action. However, no action has been taken to implement his proposals concerning dry areas legislation. A number of communities continue to try to restrict the importation and consumption of alcohol by the existing by-laws, and continue to encounter the problems described by both Hedges and Pitman: in particular difficulties in policing the by-laws as a result of a shortage of police officers, and the opportunities thus created for sly grog runners.
Regardless of the degree of success attained in particular instances, restricted areas regulations of the type provided for in the Aboriginal Communities Act represent in essence a preventative measure aimed at enabling members of a community to control the impact of alcohol on their own society. In other words, the regulations are designed to benefit the lives of those most directly affected by them.

A rather different set of objectives underlies the second type of restricted area legislation which I wish to consider, namely the dry areas declared under the South Australian Liquor Licensing Act 1985 - an example of what is called the 'statutory control' model.

Statutory control: dry areas in South Australia

Section 132 of the South Australian Act makes it an offence, punishable by a fine of up to $1000 to possess or consume liquor in a public place on which a prohibition has been imposed. The mechanism for the imposition of prohibitions is Regulation 25 of the Act, which was gazetted for the first time only in October 1986 (SA Government Gazette 1986). Under Regulation 25, local councils can apply to the Liquor Licensing Commission to have particular places declared dry; in reaching its decision, the Commission may elect to consult community opinions, but it is not obliged to do so. Should the Commission accede to a council's request, then the resulting prohibitions are backed by the authority of the state government rather than the local municipal authority.

Since gazettal of the regulation, a number of public places in which Aborigines often meet and drink in Port Augusta and Ceduna have been declared dry areas. Prohibition in these places applies continuously and to all types of liquor. More limited forms of prohibition have also been declared with respect to other localities, not associated with Aboriginal drinking in particular: for example, areas in Glenelg and Noarlunga, in metropolitan Adelaide, have been designated as dry areas throughout the summer months.

The use of Section 132 of the Act as a device for declaring statutory dry areas was initially promoted by Port Augusta City Council, and has been condemned by Aboriginal organisations as well as the South Australian Council for Liberties as a discriminatory measure which does nothing to address the social and cultural problems underlying Aboriginal alcohol abuse. Rather, argue critics, it merely adds to the difficulties already experienced by the Aboriginal minority who wish to drink in reasonably pleasant, peaceful surroundings, but who are denied access to many licensed premises (Divakaran-Brown et al. 1986).

In attacking Port Augusta City Council's dry areas proposals, Divakaran-Brown et al. cite outcomes attributed to a similar piece of legislation introduced into the Northern Territory in 1983: the so-called Two Kilometre Law, already referred to. Section 45D of the Northern Territory Summary Offences Act makes it an offence to consume liquor in a public place within two kilometres of a licensed premise, or to do so on unoccupied private land without the owner's permission.
Like the South Australian provisions, the Two Kilometre Law is neither a preventative nor rehabilitative measure for alcohol abuse, but rather intended as a deterrent against public drunkenness. A review of the new law carried out in 1984 cited police reports that it had led to a reduction in the numbers of people drinking in public places although, as the review commented, the numbers of people apprehended for being drunk in public had continued to increase (Northern Territory Department of Health, Drug and Alcohol Bureau 1984). The review also drew attention to the findings of an anthropologist, who had examined the effects of the law on town camps in Alice Springs (O'Connor 1984). O'Connor had reported that, since the new law came into effect, drinkers visiting Alice Springs from bush communities had moved from public drinking places such as the Todd River bed, into local town camps, where they had helped to generate an increase in the amount of drinking and related violence.

It was this sort of outcome that lay at the heart of Divakaran-Brown et al.'s critique of the Port Augusta proposals. No similar outcomes seem to have been documented for Port Augusta, or elsewhere in South Australia, and in any case the consequences of any changes in drinking patterns would in part be a function of other factors such as the availability and quality of treatment facilities. These lie outside the present topic, and will not be explored further. What is important to note for present purposes, however, is the distinction between two kinds of restricted area provisions considered thus far. The community control model of restricted areas, illustrated by the Western Australian provisions, represents a community-based approach to the prevention of alcohol abuse. The statutory control model represented by the Northern Territory Two Kilometre Law and the South Australian Section 132 provisions is a measure to promote public order: it is not designed to prevent alcohol abuse per se, but rather to ensure that abuse does not occur in particular places where non-participants might be upset.

Measures to maintain public order are, of course, a necessary part of social life, and such measures should include, by most people's reckoning, sanctions against public drunkenness. However, measures of this kind should not be allowed to undermine no less needed strategies for preventing and controlling alcohol abuse, nor should they be seen as a substitute for such strategies. Criticisms levelled against both the Port Augusta provisions and the Northern Territory Two Kilometre Law, highlight three dangers associated with the statutory control model:

- first, by sweeping Aboriginal drinking from public view, it enables other groups in society to ignore the very real problems underlying Aboriginal alcohol abuse;
- second, it provides nothing by way of assistance or treatment for those entrapped in alcohol abuse; and
- third, it may, by driving drinkers into town camps, aggravate problems experienced by residents of those town camps.

*The complementary control model: restricted areas legislation in the Northern Territory*
The Two Kilometre Law is one among several policies introduced by the Northern Territory Government in recent years to deal with alcohol abuse (Larkins & McDonald 1984). Another, which is in no way connected with the Two Kilometre Law, is that section of the Northern Territory Liquor Act 1979 under which communities can become designated as 'restricted areas'.

This legislation will now be considered as it illustrates a third model of restricted area legislation. The WA Aboriginal Communities Act in effect empowers communities to enact by-laws outlawing alcohol consumption, but then virtually leaves those communities to enforce their by-laws as best they can. The South Australian laws just considered facilitate the declaration of dry areas with scant regard to the wishes of the Aboriginal people most directly affected. The Northern Territory provisions are an attempt to combine community control with statutory authority.

The provisions at issue are contained in Part VIII of the Act. Residents of a community may apply to the Racing, Gaming and Liquor Commission to have a designated area declared a restricted area. The Chairman of the Commission is obliged to hold a public meeting in the community, at which residents and others likely to be affected by any decision are invited to present their views. If the Chairman considers that there is sufficient community support for the proposed restrictions, he may bring them into law. In principle, restrictions may take any number of forms. In practice, most communities opt for one or more of the following arrangements:

- total prohibition;
- prohibition of some types of liquor (often wine and spirits) combined with restricted access to others - for example, a limit of two cartons of beer per person per fortnight;
- a permit system under which specified individuals may drink on a community, subject to specific regulations; and
- a licensed club, within which residents may drink subject to regulations, and outside which consumption of liquor is forbidden or restricted.

Once an area is declared restricted, and subject to the terms of the particular declaration, it becomes an offence to import, possess, consume or otherwise dispose of liquor within the area, punishable in the first instance by a fine of up to $1,000 or 6 months imprisonment, with subsequent offences punishable by a $2,000 fine or 12 months imprisonment. In addition, any vehicle or other object thought to have been utilised in the commission of an offence is liable to be searched and seized. Should a conviction be recorded, the vehicle or object concerned is automatically forfeited to the Northern Territory Government, and may be disposed of as the Chairman of the Racing, Gaming and Liquor Commission sees fit.

With the passing of the new Liquor Act in 1979, all previously existing restrictions on the use of liquor in Aboriginal communities in the Northern Territory lapsed as of January 1981, from which time only those communities
which successfully applied to have themselves declared restricted areas would be recognised as such. Since then, more than 50 communities, including most of the more populous ones, together with their associated outstations, have become restricted areas. Most restricted areas lie outside urban settlements, although some Aboriginal town camps are also subject to restrictions.

In a review of the restricted areas legislation conducted for the Northern Territory Government in 1986, it was attempted to assess quantitatively the effectiveness of the legislation (D'Abbs 1987). It was concluded that the restrictions did lead to a significant fall in the apparent incidence of public drunkenness in communities, although the effects were neither universal nor necessarily enduring. It is hoped an example from the review, will serve to illustrate the part that can be played by the restricted areas provisions in helping a community to gain greater control over alcohol abuse.

The community concerned is Ramingining, population 240, located in northern Arnhem Land some 160 km west of Nhulunbuy.

It was not until 1984 that Ramingining officially became a restricted area, and then only after a protracted attempt by the community to overcome its alcohol problems unaided. In 1981, when the previous restrictions lapsed, there was concern by the community about the dangers posed by alcohol abuse, but heavy drinking sessions were reportedly fairly infrequent. By late 1982, however, the situation had changed; the then Field Officer for the Department of Community Development reported at the time that there had been a substantial increase in the amount of liquor being brought into Ramingining. In February 1983 the [Aboriginal] Town Clerk of Ramingining wrote to the Liquor Commission, stating that 'cartons and cartons of grog' were entering the community, many men were drinking heavily, and the community was experiencing serious problems involving violence, sometimes incorporating the use of firearms and spears. Women and children were being endangered, and work patterns disrupted.

A letter from the Sister in Charge at Ramingining Health Centre to the Liquor Commission written at this time provides graphic documentation of the situation.

3-12-82: An important ceremony was coming to a climax as a group of inebriated men interrupted, causing the lead singer (who was from Lake Evella) to collapse. He had to be treated for shock. The men also attacked some old women in the audience, but no serious injury was sustained.

17-12-82: Male adult . . . fighting whilst drunk - required 20 stitches to close 3 lacerations to the face. (no anaesthetic required - sufficiently internally anaesthetised with alcohol.)

3 to 21-1-83: Alcohol came in regularly by plane and barge over this period of time, gradually getting worse and culminating in a bad brawl, lasting most of a day and night. At this time a shotgun was fired, spears thrown and property damage done. As the town was in darkness (due to lack of diesel caused by those unloading the barge going 'bush' with the alcohol which came in at the same time and leaving the fuel to go back to Darwin) this meant no sleep because of
screams of women and children which went on all night. Next morning, there was a line-up of women and children suffering bruising and sprains. The most serious requiring X-rays at the Gove District Hospital for suspected fractured arm. A casualty at this time was a young (19) pregnant female chronic asthmatic who became so terrified she required emergency evacuation to Gove District Hospital for treatment.

According to the Town Clerk at the time, most people at Ramingining wanted their community to be 'dry'. Among their number were the traditional owners of the land, one of whom around this time wrote to the local air carrier, Air North, urging the airline to refuse to carry alcohol to Ramingining until further notice. However, a small but politically powerful group in the community, regular drinkers all, were opposed to the imposition of official restrictions.

In the event, the community opted in February 1983 to impose and police its own prohibitions on the importing and consuming of liquor - without involving the Liquor Commission.

Several weeks later, the then Sister in charge at Ramingining Health Centre wrote glowingly that 'this community has been a happier, healthier place since the people declared themselves a "DRY" community'. By years end, however, a less optimistic picture had emerged. The heavy drinkers - among whom were several councillors - had not modified their habits, and others in the community were unhappy with the behaviour of their leaders.

By early 1984 it was generally acknowledged that the self-imposed restrictions had become ineffective, and the community approached the Liquor Commission requesting that it be declared a restricted area. In April 1984 the Liquor Commission conducted a hearing at Ramingining, at which those present voted for the declaration of a restricted area (by a majority of 209 to 13), with no liquor permits to be issued to individuals.

Before looking at the consequences of the restricted area declaration, it is worth highlighting some of the key elements in the situation just described, since the same elements are to be found in other communities.

- Most people on the community were fed up with the conflict and violence engendered by alcohol abuse, and wanted restrictions imposed.
- Traditional owners shared these views, and had tried unsuccessfully to exert some control on alcohol inflow by seeking support from the airline via which much of the liquor was brought in. However, those in charge of day-to-day affairs on the community, namely the Community Council, were less willing to take a strong stand. Whatever their views may have been on the consequences of alcohol abuse for the community as a whole, several individual councillors enjoyed and were not prepared to forego their right as individuals to drink liquor.
- The community tried to deal with the issue of alcohol abuse without involving the Liquor Commission or other outside agencies, but in the end it failed, largely because in the absence of externally imposed sanctions it
proved impossible to control the importation of liquor into the community.

At the time of the review of the legislation, some 2.5 years had elapsed since the declaration. On the basis of discussions held in September 1986 both with Aboriginal and non-Aboriginal residents of the community, it can be suggested that the declaration had had two main consequences. The first was a substantial reduction in the amount of liquor entering Ramingining; the second, an increase in consumption of kava.

The importation of liquor had not stopped altogether. A few men were widely believed to make a habit of bringing grog back with them upon returning by plane from Darwin, and occasionally a truck would be mobilised for a trip to Darwin or Jabiru, where larger amounts of grog were purchased and smuggled back into the community.

While both of these practices indicated that the restricted area provisions were working less than perfectly, neither of them gave rise to the chronic violence and disruption that was part of everyday life at Ramingining prior to 1984. According to the Sister in charge at the Health Centre in the 12 months prior to September 1986 only about 6 incidents of alcohol related injuries had been brought to the Health Centre's attention - a striking contrast to the situation that prevailed in late 1982 and early 1983.

The replacement of liquor by kava raises a host of complex issues, most of which lie outside the terms of this inquiry. Mutually conflicting accounts of the sequence of events which led to kava-consumption becoming widespread were given to the author; whatever the truth, there seems to be little doubt that the reduction in liquor supplies was viewed by some as creating a market for an alternative mind-altering substance.

Not all of the restricted area declarations show the same qualified success as Ramingining, and even in communities where the restrictions do appear to help bring about an improvement in the quality of life, such improvements need not be permanent. Aboriginal communities, like communities everywhere, wax and wane in their social cohesion, quality of local leadership and economic wellbeing. All of these and other factors affect the willingness of residents to abide by constraints on liquor consumption.

The restricted areas provisions are not immune to pressures generated by these changes. neither can they ever be more than one among a battery of alcohol control measures. On the positive side, however, they do appear to overcome some of the key flaws indentified in the restricted areas provisions discussed earlier.

On the negative side, some problems and limitations must be mentioned. The first concerns the relationship between statutory authorities - notably the police - and community councils. Ideally, the relationship should be defined in terms of clearly defined boundaries and complementary functions; the reality often falls short of this ideal. A second problem concerns the controversy generated by the forfeited vehicles provisions of the legislation (D'Abbs 1987). Thirdly, the
legislation can only be as effective as the community allows it to be. If the local council is weak and/or divided or does not carry strong community support for the restrictions, the legislation too will be ineffective. It can only augment the authority of the community, not be a substitute for it.

A final issue concerns the licensing of roadhouses and other outlets. In recent years, Aboriginal communities and organisations have attempted to control the supply of alcohol not only by promoting restricted areas, but also by seeking to influence liquor licensing decisions. The extent to which they should be permitted to do so raises a host of policy issues which lie beyond the present topic.

Conclusion

It is hoped that this paper has demonstrated that, under the label 'restricted areas' are to be found a variety of alcohol control measures which have very distinctive implications for Aboriginal people and communities. In addition a number of conclusions follow from the foregoing discussion:

● The goals of reducing the incidence of public drunkenness and of preventing alcohol abuse must not be confused with one another, but kept clearly in mind in any policy formulation as quite distinct goals.

● While discussing public drunkenness is a legitimate goal of public policy, measures which have this objective should not be permitted to undermine the capacity of individuals or groups to overcome problems associated with alcohol abuse.

● Ultimately, success in overcoming Aboriginal alcohol abuse problems will be a function of the capacity of Aboriginal people, individually and collectively to exercise control over their social environment in general and the use of alcohol in particular. Restricted area policies which do not promote this capacity are unlikely to make a significant contribution to solving the problem. Insofar as some restrictive area policies promote such a capacity, they have a useful role to play as Aboriginal alcohol control policies.

● While promotion of a community's capacity to exercise control should be the foundation of restricted area policies, it is unreasonable to expect communities to enforce restrictions unaided. Few communities can exercise a countervailing influence against the vested interests that exist to promote alcohol sales, and the widespread desire of individuals to drink.

● For all of these reasons, the complementary control model in general, and restricted area provisions of the Northern Territory Liquor Act in particular, provide a model which could usefully be adapted for application elsewhere. This is not to suggest that it should be copied blindly, still less that it is either free of flaws or a comprehensive solution.

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