

Northern Territory repeals alcohol laws ‘discriminatory’ to Indigenous people

Scrapped orders introduced by the former CLP government were criticised over the number of Indigenous people subjected to them



Northern Territory's new Alcohol Harm Reduction Bill fulfils a Labor election promise and is the latest change in long running differences on how to tackle alcohol problems. Photograph: Tim Wimborne/Reuters

Helen Davidson in Darwin
18 August 2017

The Northern Territory government has repealed “discriminatory” alcohol laws which human rights groups said were unfairly targeting Indigenous people, and has reintroduced a banned drinkers register.

The Alcohol Harm Reduction Bill fulfilled a Labor election promise and was the latest policy change in long running cross-party differences on how to tackle the NT’s alcohol problems.

The two scrapped policies, alcohol prevention orders (APOs) and alcohol mandatory treatment orders (AMT), were introduced by the former CLP government in 2013 and were widely criticised over the disproportionate number of Indigenous people subjected to them.

APOs allowed police to issue an order to a person charged with an offence subject to a jail sentence if they believed that person was affected by alcohol at the time. It banned

the individual from possessing alcohol or going anywhere it was sold, including licensed venues, supermarkets and much of Darwin airport.

Warnings prior to the introduction and criticisms after the issuing of APOs effectively criminalised alcoholism without addressing its causes.

APOs were challenged in the high court as racially discriminatory because 86% of people issued with one were Indigenous, but a decision was yet to be made before yesterday's bill.

Alcohol mandatory treatment orders could be given to anyone picked up by police three times in two months for being drunk, forcing them to undergo three months of treatment in detention.

It too was criticised for targeting Indigenous people, and in 2015 was described by health professionals as lacking in evidence and criticised for "disquieting" costs.

In 2015 the CLP said it would review the policy after a coronial inquest into the death of a woman in enforced rehabilitation.

Natasha Fyles, the NT attorney general and health minister, told parliament on Thursday those subject to AMTs were "97% Indigenous, 50% aged 40 years or over, the majority were welfare recipients, unemployed and homelessness was common".

Under the new act, problem drinkers – determined through the banned drinkers register – will be directed towards voluntary rehab options, using facilities repurposed from the mandatory system, which ended immediately.

She said 225 people accessed AMT during one year, at a cost of \$24m, while therapeutic supports within the framework of the BDR would cost \$15.5m and be more accessible.

"It is a fundamental policy difference that we believe that people should go there on a voluntary basis with all supports to go there, but we do not believe in a mandatory approach."

Independent MP Gerry Wood protested the scrapping of AMT which he conceded "had its problems".

"I don't think a lot of those people that we looked after under the alcohol mandatory treatment program will find their way to voluntarily looking for treatment."

Wood, along with four other members of the cross bench, voted against the bill.

The Alcohol Harm Reduction Bill also introduced the banned drinkers register, a former Labor government policy scrapped by the CLP which saw ID scanning technology at the point of sale to restrict alcohol sales to identified problem drinkers. The new banned drinkers register will launch with a list of about 1,000 people including those rolled over from AMT.

The previous government had replaced the banned drinkers register with a policy of stationing police officers outside bottle shops, checking IDs to make sure alcohol was not being taken back to prescribed areas.

Government members said that policy was costly and did not work in cities such as Darwin where there were a lot of outlets, but it would be kept in some form to work in conjunction with the banned drinkers register.

During debate Labor MP Stuart McConnell dismissed claims the banned drinkers register inconvenienced the public who would have to show ID for scanning whenever they purchased alcohol.

“If showing my licence when I buy takeaway alcohol stops one woman from getting bashed, I will do it for as long as I need to,” he said.

“If it stops one person from dying in a car accident, one bystander from having to be the first responder to an accident or to a domestic violence event in the streets of Darwin fuelled by alcohol, I am happy to do it.”

In 2016/17 there were 1,448 alcohol-related assaults for every 100,000 people in the NT, comprising more than 90% of all assaults.

Independent MP Robyn Lambley questioned why the government was changing policy before it had the report and recommendations from an alcohol policy review currently underway. She also questioned the government’s figure of \$1.7m for the banned drinkers register rollout, because it cost more than five times as much the first time it was introduced.

The Human Rights Law Centre welcomed the bill but urged the government to also repeal the controversial paperless arrest laws and protective custody laws – which allowed police to arrest or detain someone on the belief they may commit a minor offence.

Both laws were also unsuccessfully challenged in court.

“The Northern Territory locks up people at a rate like no other jurisdiction in Australia, and overwhelmingly, it locks up Aboriginal people. The reforms are a positive step towards turning the tide on the NT’s shocking imprisonment rates and tackling problem drinking through sensible evidence-based approaches,” said senior lawyer Shahleena Musk.

“The Northern Territory government had promised to abolish the laws but they are still in operation,” she said.

“If the government is serious about reducing the over-imprisonment of Aboriginal people, and reducing the risk of deaths in custody, it must remove draconian paperless arrest laws and wind back alcohol lock-up powers.”