

**SUBMISSION TO THE EDUCATION AND HEALTH STANDING
COMMITTEE.**

FOR

**INQUIRY INTO THE ADEQUACY AND APPROPRIATENESS OF
PREVENTION AND TREATMENT SERVICES FOR ALCOHOL AND
ILLCIT DRUG PROBLEMS IN WESTERN AUSTRALIA.**

**PRESENTED BY
INSPECTOR JIM CAVE
KIMBERLEY DISTRICT POLICE OFFICE**

I am an Inspector and an Assistant Divisional Officer for the Kimberley District Police Office, based here in Broome.

I have previously served as a Detective Sergeant at Kununurra for 3 years leaving in January 1993; I was the OIC of Derby Police Station for 3 years leaving in October 2008 and returned to Broome as an Inspector in January 2009.

The Kimberley Policing District covers an area of some 440,000 square kilometres with 7 Police Stations and 6 Multi Function Police Facilities (MFPF) (implemented from the Sue Gordon Report) We have a compliment of 166 Police Officers. Of those officers we still have 7 Aboriginal Sworn Police Officers (2 in Broome, 2 in Derby, 2 in Fitzroy Crossing and 2 in Halls Creek). We also have 5 Aboriginal Liaison Officers (APLO's), (2 in Broome, 2 in Wyndham and 1 in Fitzroy Crossing).

The MFPF officers reside within the communities and are staffed in conjunction with resident officers from the Department of Child Protection in line with the Service Delivery Model, at this point Justice are not resident in the communities. This initiative is taking Policing to the communities and is having a positive effect in reducing crime and anti social behaviour from a community based approach.

Kimberley Policing Strategies have identified a number of key issues;

- 80% of all Police tasking is alcohol related.
- The majority of all offences committed are alcohol related.
- Public behaviour standards often do not meet the community expectations and alcohol is a significant contributing factor.
- Juvenile Crime has increased dramatically, necessitating the need for Prolific and Priority Offender Management

The causal factors for these issues revolved around;

- Alcohol abuse in itself;
- Anti Social Behaviour;
- Domestic and Non Domestic Assaults;
- Overcrowding and itinerant camping;
- Health and medical issues from alcohol abuse;
- A failure of itinerants to return to their communities after attending events in larger towns;
- A traditional shift for aboriginal people with their children to attend larger towns for events such as funerals and remain;
- Juvenile offenders not taking advantage of education opportunities, even when those opportunities have been modified to suit remedial or discreet learning capacity;
- Truancy; and
- Unemployment

What works well now?

Multi Function Police Facilities (MFPF) in aboriginal communities;
Interagency interaction, problem solving;

What are current challenges?

Itinerant movement from liquor restricted towns in the Kimberley;
The closure of the Fitzroy Crossing Supermarket;
A shift in drinking pattern (power drinkers);
Juvenile Crime;
Prolific and Priority Management of offenders

What do we see as our future challenges?

Population growth from James Price Point construction, Broome North housing development and increased housing at Kununurra;

The Ord expansion, Royalties for Regions in Kununurra;

Unemployment for indigenous youth;

LIQUOR RESTRICTIONS

Restricting the availability of and access to alcohol is one of a number of strategies are used to reduce the incidence of offending. Police work in partnership with the Drug and Alcohol Office and licensees through local liquor accords and these strategies are in line with the Kimberley Alcohol Management Plan 2009 and our submissions to the Director of Liquor Licensing under Section 64 of the Liquor Control Act.

The alcohol restrictions are designed to reduce the excessive consumption of alcohol which in turn reduces alcohol fuelled anti social behaviour and alcohol induced offending. They have been referred to previously as “circuit breakers” and are intended to provide communities with sufficient time to gather their resources, so as to deter individuals from alcohol related harm and encourage a healthy lifestyle.

Liquor restrictions are not the only answer to repair communities, other agencies such as Health, Education, DCP, DHW and the Shires need to work with Non Government Organisations to address on the ground problems at a local level. All Kimberley towns have individual local interagency meetings to address problem solving initiatives that work in conjunction with liquor restrictions.

Currently all towns within the Kimberley are subject to Section 64 Liquor Restrictions from the Director of Liquor Licensing in relation to the supply of packaged liquor;

Packaged Liquor is prohibited;

- In a individual container that contains more than one litre of relevant liquor, or;
- In an individual glass container that contains more than 400 millilitres of beer

More stringent Section 64 Liquor Restrictions are also subject to Derby, Fitzroy Crossing and Halls Creek.

The Fitzroy and Halls Creek restrictions were imposed after public consultation by the Director, require the;

- Sale of packaged liquor, exceeding a concentration of ethanol and liquor of 2.7 per cent at 20C is prohibited to any person, other than a lodger (as defined in Section 3 of the Act).
- The sale of liquor for consumption on the premises is prohibited before 12.00 noon on any day, except when it is sold ancillary to a meal or to a lodger.

Effectively the only take away liquor that can be bought from the liquor outlets at Halls Creek and Fitzroy Crossing is light beer. These restrictions do not preclude customers consuming full strength alcohol on the licensed premises at the hotels in both towns or bringing alcohol into the community for personal consumption.

HALLS CREEK STATS FOR FIRST YEAR OF RESTRICTIONS.

Liquor Restrictions were imposed in Halls Creek on the 18th May 2009. In the first year of restrictions reported offences to Police have reduced by 28 %, Police Tasking has reduced by 46 % and Overtime paid to Police Officers has reduced by 36 %

The economic viability of Halls Creek has increased. Examples include the Halls Creek Visitors Centre, the “Halls Creek Liquor Restrictions Interim Report” compiled by the Drug and Alcohol Office reported an increase in sales of tourist services between June and August 2009 by 103 %.

In a meeting with The Shire President and CEO on 1st July 2010 they advise sales have continued at the rate since the introduction of Liquor Restrictions, the Shire have employed extra staff and are now open every day during the tourist season.

A new bakery has opened in the town and staff is barely able to cope with the demand. The IGA Supermarket is well stocked and providing healthy food choices for the community.

LIQUOR RESTRICTIONS KUNUNURRA AND WYNDHAM

The Health Department and Police currently have a submission to the Director of Liquor Licensing recommending Section 64 Liquor Restrictions in Kununurra and Wyndham. The Director will conduct Section 64 hearings in Broome, Kununurra and Wyndham from the 17th August 2010.

The report submits that the existing levels of alcohol consumption, harm and ill-health occurring in Kununurra and Wyndham communities are significant and that mandatory restrictions are warranted. Liquor restrictions are an effective

means of starting the process of instigating systemic change of alcohol consumption, leading to a reduction of alcohol-related harm and creating healthier, safer and more vibrant communities.

Our recommendations include restrictions that;

1. Packaged liquor may only be sold Monday to Saturday from 12 noon to 8pm.
2. The sale of packaged liquor on Sunday is prohibited.
3. The sale and supply of liquor for consumption on premise is prohibited before 12 noon except where it is sold ancillary to a substantial meal or lodger.
4. Beer and Ready-to-Drinks (RTDs) sold as packaged liquor are limited to 3.5% alcohol content or less between 12 midday and 5.00pm.
5. Specified packaged liquor may only be sold in the following quantities:
 - a. Beer is limited to 30 cans maximum, each can no greater than 375ml, per customer, per day.
 - b. Ready-to drinks (RTD's) are limited to 24 containers maximum, each no greater than 375ml, per customer, per day.
 - c. Spirits are limited to one 750ml bottle maximum, per customer per day.
 - d. Wine, port, moselle and musket in containers of 750ml or less is limited to two maximum, per customer, per day.
 - e. Casks are limited to a maximum of one per person, per day.
6. The sale and supply of liquor is only permitted to a person who is present at the time of purchase on the licensed premises conducting the sale, unless approved in writing by the Director of Liquor Licensing.

7. Where a packaged liquor product is available from a manufacturer in a non-glass container, licensees are prohibited from selling the product in a glass container.
8. Licensees to submit returns of alcohol sales data, by product type and quantity to Department Racing, Gaming and Liquor every four months.

SECTION 175 LIQUOR RESTRICTIONS

In conjunction with several communities, the Drug and Alcohol Office and Police, the Minister for Racing Gaming and Liquor has also imposed Section 175 Liquor Restrictions at Oombulgurrie, Bayalu, Yakanarra, Wangkatjunka, Bow River and Noonkanbah. These communities requested the strict restrictions to ensure no liquor enters their communities. The community council's work closely with the Police which seems to be working and any infractions have been minor.

Community consultation continues at other communities for Section 175 Restrictions to be implemented at Nicholson Block, Koongie Park and Ringer Soak, these communities are all out off Halls Creek.

Police and other service providers have met to discuss the impact the growing number of section 175 applications will have on service delivery. It has been noted at that while service providers are at present coping with the extra requirements the 175 communities are creating, the cumulative impact of the increasing number of 175 restrictions will mean that many agencies will not be able to deliver an adequate and timely service without further resources.

Other Aboriginal Communities rely on their By-Laws which prohibit or control the use of alcohol within the communities. In most cases the strength of the By-Laws is reflective of the strength shown by the Council itself.

Difficulties will always arise when a community is close to licensed premises such as Mowanjum which is only 10 kilometres from the Derby town centre. Effectively there is no liquor control at Mowanjum; consequently police are called to the community constantly for alcohol related issues.

POLICE USE OF THE LIQUOR CONTROL ACT

Police also rely heavily on the responsible service of alcohol by licensee's and their staff to reduce the excessive consumption of alcohol. Police have the ability to infringe bar staff if they permit drunkenness on licensed premises. These types of infringements are used as a last resort and usually after a number of warnings have been issued to the licensee. Licensee's have a requirement to provide Responsible Service of Alcohol training for all bar staff under Section 115 of the Liquor Control Act.

Another successful strategy has been the enforcement of "Close Proximity" Legislation. Police are enforcing liquor licensing provisions making licensee's of takeaway packaged alcohol responsible for any consumption within a close proximity of the liquor establishment under Section 65 of the Liquor Control Act.

This has reduced the number of street drinkers in Broome from places such as Male Oval in the centre of China Town. Licensees have taken their responsibility seriously and this has reduced the number of street drinkers and associated dumping of rubbish within the town centre. This initiative reduces the amount of alcohol consumed by people at risk which in turn has reduced the number of alcohol related anti social behaviour and assaults in these areas.

Other liquor related strategies employed by Police include the service of Prohibition Orders under Section 152 of the Liquor Control Act, barring patrons from entering any licensed premises within the State. Currently we have 2 patrons on Prohibition Orders, one in Derby the other here in Broome.

Section 115 of the Liquor Control Act also allows Licensee's and Police to bar patrons from specific licensed premises if they are deemed violent, disorderly or anti social. This is a combined approach between the licensee and Police; we have 2 patrons barred in Broome and one in Halls Creek.

The objective of these strategies is aimed to reduce alcohol consumption within the community and improve the health and safety of people in the Kimberley, in line with the Kimberley Alcohol Management Plan. Those objectives for the next three to five years are to;

- Reducing per capita consumption of alcohol by 25%
- Reducing Alcohol-related hospitalisation by 20%
- Reducing alcohol-related death by 20%
- Reducing alcohol-related assaults by 20%

INTERAGENCY COMMITTEES / MANAGERS MEETINGS.

From a policing perspective all Police Station OIC's either attend or chair Interagency or Frontline Managers meetings with DCP, Health, Education, Shires DHW, Justice and Community groups in an effort to address local grass root problems. These committees / meetings address problems such as juvenile crime, truancy, keeping the community safe and ensure ongoing governance and leadership in line with the "Closing the Gap" initiatives from Government.

TRUANCY PROGRAMS / JUVENILE OFFENDING

As stated previously Juvenile Crime is an ever growing issue across the entire Kimberley at present but we are not an isolated example of the trend. I would submit that it is an Australian wide emerging issue and hits at the heart of social inadequacy and lack of parental control.

It is unfortunate that our aboriginal population is significantly overrepresented in both offender and victim categories and this is particularly so where offences involve violence.

Kids are roaming the streets at night time because they don't want to be home for one reason or another. Police have a duty of care to victims and juvenile offenders; difficulties in this area generally arise with the inability to contact responsible adults to bail the child before he or she attends court.

Police are bound to comply with the Young Offenders Act to provide diversionary options and arrest is used as a last resort.

On most occasions where offenders are remotely located the Magistrate will hold a video or telephone conference before making decisions to remand in custody or bail offenders (adult or juvenile).

I understand Justice are proposing to introduce "Justice Field Officers" in Broome by December 2010 similar to a program in Geraldton (Norm Smith – Justice).

JUVENILE JUSTICE TEAMS

One area of concern that Police have is in relation to juvenile diversionary programs such as Juvenile Justice Team (JJT).

In the normal process a juvenile who commits an offence is provided with a Juvenile caution, a notice is provided to the juvenile and that notice is recorded on our computer system. A caution can be issued for mainly non serious offence, which do include burglary offences and stealing's. In many cases there are

situations where some juveniles are issued with more than one caution before any further actions are taken.

Another diversionary option before court proceedings is a referral to a Juvenile Justice Team. A meeting is organised with a responsible adult and the victim who all discuss the offence with Police and Dept of Justice, in accordance with the Young Offender's Act

There has been a backlog of JJT meetings across state and across the entire Kimberley. There are 80 JJT matters outstanding in the West Kimberley and 35 for the East Kimberley, this puts us in a difficult position.

Juvenile offenders that haven't appeared before the JJT are still offending, some at an incredible rate but in the majority of cases Magistrates refer all offences back to the JJT until the juvenile offenders have been dealt with in that process.

JOINT PATROLS WITH DCP

In an effort to reduce the neglect of children within the community, Police and DCP in Broome, Halls Creek and Kununurra conduct random joint patrols targeting at risk children who are roaming the streets during the evening/night. This provides an immediate deterrent as the community see Police and DCP staff working together with DCP providing follow-up on incidents observed during the night patrols. In the longer term, it provides an information data-base to assist DCP for future requirements.

The flow-on effect from these patrols is an improved working relationship between DCP and Police. Police provide many referrals to the DCP and have no hesitation in providing information which may assist in securing the safety and improved living conditions of children.

The introduction of liquor restrictions in Halls Creek and Fitzroy has also seen a change in the psychology of the community. Historically it was seen that children may actually be safer in large groups within the town site at night rather than at home where groups of adults were drinking. Now most homes within Halls Creek and Fitzroy are quiet at night and this allows for children to live a normal lifestyle, including being able to sleep at night and go to school in the morning.

Halls Creek report that since the commencement of Liquor Restrictions attendance at the Halls Creek District High School has increased by an average of 30%.

Fitzroy report that school attendance increased with Liquor Restrictions until the local shopping centre burnt to the ground. As a consequence locals now travel to Derby to shop and at the same time purchase their full strength alcohol. This has had an effect on the school attendance because the children travel with their parents.

YOUNG MEN'S GROUP

This project has been developed in Halls Creek, Wyndham and Oombulgurrie by Aboriginal officers who take the young men from the community out to the bush with a mentoring program for young men. In addition this program provides positive role models for local people, especially those who are released after serving a custodial sentence.

This initiative is planned for other Police Sub Districts in the future.

BLUE LIGHT DISCOS

The Blue Light Association is active in all Kimberley towns and most outlying communities. This not only provides a positive experience between Police and

the communities' youth, but provides much needed entertainment for the isolated communities.

Although a lot of these activities aren't traditional or primarily core business for Police, we accept that in a lot of instances we can provide leadership and guidance within the community in an attempt to improve it. It is hoped that by investing efforts into the juveniles and children within our sub-district, we can improve their safety and quality of life.

SOBERING UP CENTRES

Sobering Up Centres, are housed in the major towns of the Kimberley with the exception of Fitzroy Crossing. (The Drug and Alcohol Office, in consultation with the community, closed the SUC in Fitzroy Crossing in early 2007 due to low numbers of presentations. The funding for the SUC was reorientated to service delivery and the building used for a drug and alcohol and mental health service. Police work closely with the shelters and use the facilities as a diversionary tool in preference to arrest. In most cases Police will convey alcohol affected persons to either their place of residence or the Sobering Up Centre.

All Kimberley towns have Aboriginal and Community based patrols – Kullarri – Broome, Numbud – Derby, Halls Creek People's Church - Halls Creek, Warringarri – Kununurra, Ngnowar - Wyndham these patrols are usually funded by DIA assisting their own people by conveying drunks to the Sobering Up Centres or their homes for their own protection.

DISPLACEMENT OF HALLS CREEK PEOPLE TO KUNUNURRA OR BROOME.

There has been much discussion and debate as to whether there has been a displacement of people from Halls Creek and Fitzroy to towns such as Kununurra or Broome due to the Liquor Restrictions.

Aboriginal people, particularly those living in isolated communities are transient by nature and travel from community to community to visit relations or attend cultural functions. Community members from Balgo, Bililuna and Mulan visited Halls Creek and while there drank alcohol from the liquor outlets. Since the Liquor Restrictions some community members returned home whilst others have travelled to Kununurra or Broome. It should be noted that these people do if fact have homes to go to, they are not homeless, but choose to travel and live rough to the detriment of the host towns.

There is an increase in transient movement into those towns but that has not increased the amount of offending to any great extent.

Since 8th June 2009 Kununurra Police have kept records with the origins of offenders, since that time there has been an average of 10 % who are Halls Creek, Balgo, Mulan or Bililuna residents which would be considered normal for a transient people.

SUPPORT FOR HEALTH PROFESSIONALS

An area of concern for the Kimberley Police District is the training and retention of health professionals. There is a lack of ongoing strategies in all towns for professions to conduct alcohol and mental health programs to affected patients.

There are also insufficient programs available to the justice system for use in conjunction with a penalty that would ensure perpetrators comply with a health program in an effort to address their behaviour (anger management, alcohol dependency), unless they are sentenced to a prison term. Sentenced prisoners are provided with health programs to complete as a condition prior to being released on parole.

Outlying communities rely mainly on fly in and fly out Health professionals, as an example a juvenile petrol sniffing offender at Balgo relied on the fly in and fly out treatment from Mental Health who are based in Derby, some 850 kilometres away. In effect the Health professionals flew in one day and flew out later the same day leaving the patient in the community without adequate care and treatment.

CONCLUSION

From a Policing perspective alcohol and the increase in juvenile crime are major factors requiring our efforts to provide a safe and secure Kimberley.

WA Police fully support the implementation of Liquor Restrictions; they are seen as a “circuit breaker” for those people at risk, providing them the opportunity to regain life skills and to care for their families.

It is our submission that a reduction in consumption of alcohol will reduce the incidence of crime and anti social behaviour.

Liquor Restrictions will never cure all the problems, but in conjunction with increased Government infrastructure into the Kimberley in the form of housing and increased access to grass roots programs from Education, Health, Justice and DCP the restrictions will be a factor in ensuring the Kimberley will be a better place to live.