



Speech by

Mr JIM PEARCE

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**COMMUNITY SERVICES LEGISLATION AMENDMENT BILL
INDIGENOUS COMMUNITIES LIQUOR LICENCES BILL**

Mr PEARCE (Fitzroy—ALP) (10.04 p.m.): I appreciate the opportunity to contribute to the debate on the bills now before the parliament. The Indigenous Communities Liquor Licences Bill and the Community Services Legislation Amendment Bill are complementary pieces of legislation that are important to the state government's commitment to tackling alcohol related issues in indigenous communities. There have already been a number of speakers on the legislation, with some magnificent contributions from members on this side of the House and some worthwhile contributions from those on the other side of the House, and we appreciate the support they are giving to the two bills. Support for the bills from both sides of the House is recognition of the need for an effective legislative regime that will deliver real opportunities for Aboriginal communities to put in place alcohol management practices which ensure that access to alcohol is managed in accordance with the wishes of the community.

My contribution to this debate will focus on several key areas: the Aboriginal community of Woorabinda, a community located in the Fitzroy electorate, and why there is a need for government to introduce the legislation. I will also comment on the recent visit to Woorabinda by the minister and discussions that took place there with community leaders, and the results of a survey carried out several years ago in Woorabinda and how they reflect the intent of the legislation now before the parliament. I will also touch on some key aspects of the legislation and the commonsense outcomes that will flow from giving the people the power to determine for themselves the management of alcohol access in the communities in which they live.

I will start by saying I am not an expert on alcohol and substance abuse. I know it exists in Woorabinda and that for the people of that community it is a serious problem, but it would be morally wrong for me to stand in this place and attempt to compare what is happening in Woorabinda with what is happening in the Cape York communities because I do not know what is happening up there and I have no personal experience of it. It should be pointed out that at this time there is no licensed alcohol outlet in Woorabinda. However, I am aware that there is a reliable sly grog industry which ensures that alcohol in large volumes is finding its way into the homes of Woorabinda people.

First I will tell members of the House a little bit about the history of Woorabinda. The word itself is an Aboriginal word meaning the place where the kangaroo sits down. The town itself is a deed of grant in trust (DOGIT) community located 172 kilometres south-west of Rockhampton with a population of about 1,200 to 1,400 people. The history of the town dates back to 1927, when Aboriginal people from the Taroom Mission Reserve—most people would know where Taroom is—were rounded up and walked like cattle to where Woorabinda now stands as a community. They were forced from their land to make way for the construction of a dam on the Dawson River. Here we are 75 years later and that dam is still under consideration. That is appalling.

The clans from Taroom were later joined by several hundred families from Hope Vale. While Woorabinda lies within the traditional Wadja Wadja country, most of the traditional owners were moved to other reserves prior to the town being established. Those people were moved away from there and other clans were brought in. Woorabinda served as a dumping ground for Aboriginals from throughout the state, and residents can therefore claim heritage to many different clans.

Why has it been necessary for government to introduce legislation that is about the management of alcohol in Aboriginal communities like Woorabinda? The answers lie in two important documents: the Aboriginal and Torres Strait Islander Women's Task Force on Violence Report and the Cape York Justice Study. The latter report contains some 60 pages of statistics about Cape York communities, such as statistics on mortality and suicide, hospital admissions for assault and injury, offences against a person, offences related to high levels of alcohol and drugs, indigenous people in custody, children and sexual abuse, and education and employment. The Fitzgerald report on alcohol abuse and violence in Cape York indigenous communities tells a story that is nothing short of tragic and one to which a responsible government is obliged to respond.

The women's task force report is another significant document that should be read not only by all members of this House but also by all members of the community. While I have not read the whole report in detail, I have read enough to make me realise that as a member in this place I know nothing about the way of life in indigenous communities. I was touched by the personal quotes from women about the trauma of assault, rape and outright abuse, and the sense of hopelessness where violence, sexual abuse of children, sickness and death are part of everyday life for people who have done nothing wrong except to be introduced to alcohol.

Tony Fitzgerald summed it up well in his report when he wrote that 'massive alcohol consumption has virtually become the norm'. Violence is 'all-pervasive', with injury patterns 'clearly related to the cycle of Commonwealth Development Employment Program and Social Security payments', and alcohol is 'deeply implicated'. The current operations of the justice system only 'make things worse'. In general, people's lives are 'ravaged by tragedy, poverty, alcohol and other substance abuse, violence and poor health'. Communities 'traumatised by past events and present circumstances' are unable to deal with the crisis. But as the problems are 'complex, difficult and deeply entrenched', the options available to save these communities are in fact 'very limited'.

There is no doubt that the situation in indigenous communities is heartbreaking. Those who live in those communities have to live with the consequences of alcohol every day. They see every day what alcohol is doing to their brothers and their sisters, and they know how bad it is. They want to do something about it, and that is what this legislation before the House is all about. It is about giving people the power to take control and to make decisions about the management of alcohol in their communities. It is for this reason that I wholeheartedly and strongly support the government's resolve to work with communities to address the scourge that is alcohol.

Late last month the minister visited Woorabinda to open the new council building. During her visit she took advantage of the opportunity to speak with elected council representatives and with members of the local community justice group. It was obvious to both the minister and me that the community members were keen to learn about and make comment on the legislation. To her credit the minister listened intently and her response was frank. She did everything she could to make sure that the community understood what the legislation was all about.

There was certainly support for the intent of the legislation but a feeling that the control and management of alcohol had to be linked to a strategy directed at dealing with the unemployment issue if there are to be ongoing beneficial outcomes. I see that as a reasonable expectation, given that no work leads to boredom and the search for an activity to fill the void. Those community members we spoke with expressed some confusion over the role of the community justice group and the community canteen management board. Another matter to come out of the meeting was the involvement of the council in determining the future of alcohol availability through licensed premises. While it was considered appropriate for a council nominee to be part of the community justice group, there was strong support for the canteen management board to be free of direct council involvement. The feeling that no councillor should be a member of the board was very strong. I strongly support the minister on this point, because the future of alcohol management in Woorabinda should be in the hands of the community—those people who are the victims of previously unsuccessful alcohol management practices.

As we all know, Aboriginal people advocate self-determination. Government is giving them the opportunity, with legislative support, to take control of alcohol management in their communities. Government will review the process in three years' time. If the communities cannot address the problems through a cooperative and commonsense reform, then government will do it through legislation. I know that is a strong line to take and people are a little offended by it, but alcohol and alcohol related problems must be brought under control. I say: give the people the chance to do it their way. If it does not work out, then we owe it to the victims of those communities to step in and do it for them.

If a licence is recommended for a community, the people of that community must have the opportunity to set the ground rules. The community can do this through its community justice group by determining for recommendations to the Liquor Licensing Division such matters as trading hours, types of alcohol to be sold, quantities, declared dry areas and rules. We learned through our discussions that

Woorabinda council members reluctantly accepted that the council would be free from the responsibilities of holding a liquor licence but appreciated that they will be the beneficiaries of the canteen profits which will be directed back into services and infrastructure for the benefit of the community. I like this. I think it is good, because this structure is accountable and leaves the council without the ability to make decisions about alcohol management based on the council's need to generate profits.

Community justice groups will have no control over how those profits are expended but will be able to make recommendations to council on how moneys might be expended in ways that benefit the community—for example, alcohol abuse programs, training and infrastructure. This is sensible. It is a commonsense approach. The groups should be at arm's length from the management of the profits. Otherwise they could be seen to be profit motivated, which means that alcohol problems are not being addressed.

What I found interesting was the information gathered during a survey undertaken several years ago on the alcohol outlet the Mimosa Club, commonly referred to as the pub. The results of the survey suggested at the time that the community wanted more say in how alcohol was managed. The Mimosa Club has been closed for almost two years now as a result of poor management and theft, which caused it to be running at a loss. The pub closure has encouraged the development of a sly grog market, operated by persons within the community as well as from outside. Sly groggers are people without a conscience who charge exorbitant prices. A good example of what is happening out there at the moment is a \$10 flagon being sold for \$30 cash, but if you want to book it up you can have it for \$40. It is so important to have in the legislative powers to deal with those low-lives who put their own personal greed ahead of the health and welfare of the Woorabinda people.

The survey results I mentioned reflect on the intent of the legislation. For example, there is strong support for responsible hosting, where pub management and staff are expected to ensure that people are safe, that there are rules, that those rules are enforced, that there is food available and that the place is safe. It is interesting to note that the survey resulted from door knocking and talking to the elders in the community. I thought it was a pretty comprehensive survey of the people of Woorabinda and what they thought.

It is very interesting to note that 96 per cent of those who contributed to the survey wanted refusal of service to drinkers who had had enough. Ninety-five per cent supported the right of refusal of entry to intoxicated persons. Ninety-five per cent supported enforcement of the policy to remove persons who fight, threaten or vandalise. There was 93 per cent support for staff to be trained in safe drinking practices for customers. There was also strong support for better policing of the pub environment by security staff, community police and state police. Only a handful of people suggested longer trading hours, with others noting that there was less behavioural problems when trading hours were shortened. There was also very strong community support for pub profits to be put back into improving the pub facilities and to be directed towards safety, community projects, alcohol rehabilitation, housing and helping the younger generation. All of this came from the community itself and is an endorsement of the process being put in place by the legislation we are debating here today.

This legislation is about Aboriginal people determining for themselves the way they want their community to manage the availability of alcohol. Community justice groups will be the major stakeholders in the structure that will follow as a result of the legislation before us today. Community justice groups have been operating in many communities for a number of years and they have been doing an excellent job. The values and strengths of these groups are that they are comprised of community elders and other concerned people who are determined to ensure that their people are kept out of the criminal justice system. Because of their make-up, these groups are best placed to provide leadership to the community in tackling alcohol related problems. Why? Because they are more likely to have the respect of the community because of their cultural connection! It is well known and accepted that community justice groups have played a vital role in nurturing the indigenous communities to which they belong by restoring authority and respect for traditional values and applying those values to contemporary problems, encouraging respect for individuals, families and community and instilling in young people an understanding of customary roles and responsibilities. Whilst there is already a community justice group in Woorabinda, like many other such groups it has no legal standing and therefore lacks authority.

The legislation before us today will provide existing groups with a legislative footing as well as allowing for the establishment of new community justice groups in communities where none currently exist. Community justice groups established under this legislation will have a number of powers and functions. They will be able to declare dry places in a community—that is alcohol-free areas within the community such as streets, parks and buildings. I think that will be one of the most important steps that the legislation will allow. The groups may, at the request of the people, declare the community locality as a dry area. It will be up to the community to decide that. The group will be able to recommend how a

licensed premises should be run and recommend what controls can be implemented on bringing alcohol into the community.

An issue has been brought to my attention which this parliament would probably have to look at in the future. However, it will get back to the community making a decision about it anyway. This occurs particularly in country areas if we are heading off to one of the regional cities. The next door neighbour might say, 'Look, can you grab me half a dozen cartons of Fourx and a couple of bottles of rum and bring them back home for me?' If a police officer pulled these people up while they are carrying an enormous amount of alcohol they might be accused of being involved in sly grogging. It will be a matter for the communities to decide how they are going to handle those types of issues.

The community justice groups will continue to carry out their functions in addressing justice issues through such means as providing sentencing advice to the courts, mediating in conflicts and dealing with minor offenders. The things that they have already been doing will still be there, but they will have legislative powers to make sure that they have these things in force. They will be able to carry out other powers given to them under council by-laws—and so they should!

One of the real strengths of this legislation is that it gives these groups the power to have influence during the process of approval of a liquor licence for the community which insists on certain alcohol management practices being met before and after a licence is granted. This is the community making decisions and having input as to how the licence should be issued, and then making sure that the ground rules that they set are enforced.

The Indigenous Communities Liquor Licences Bill comprises the second part of the government's reform agenda to address alcohol abuse and violence in remote Aboriginal and Torres Strait Islander communities. This bill introduces fundamental reforms in the management of licensed premises in remote indigenous communities. It provides for the implementation of controls on the amount of alcohol brought into indigenous communities. It enhances the powers of liquor licensing authorities to impose conditions on licensed premises in an effort to minimise alcohol-related disturbances and public disorder.

This is good legislation. I congratulate the minister. I know it has been a difficult task to get to where we are today. It is not an easy task for the minister and I think she is to be admired and deserves the respect of this place. I am very pleased to know that the minister is receiving support from both sides of the parliament. I commend the bill to the House.
