

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 26 May-6 June 2014

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1 Prime Minister and Cabinet

Topic: Alcohol Management Plans

Senator: Senator Cory Bernardi

Question reference number: 260

Type of Question: Written

Date set by the committee for the return of answer: 11 July 2014

Number of pages: 6

Question:

1. Can you carefully set out the process that is required under the Stronger Futures in the Northern Territory legislation to approve an Alcohol Management Plan?
2. When did the process for developing the plans start?
3. How many plans have been worked on by local communities and how many have been approved?
4. What did the 5 Minimum standards introduced by the previous government in February 2013 entail?
5. Why were these minimum standards introduced and how did their introduction affect plans that were under development?
6. What streamlined arrangements are being put in place to address the complicated processes set up by the previous government?

Answer:

1. The process to approve an Alcohol Management Plan (AMP) is described in Division 6 of the *Stronger Futures in the Northern Territory (2012)*.
1. A person or entity may apply for approval of an AMP in accordance with section 16 of the *Stronger Futures in the Northern Territory (2012)*.
2. The AMP must include information prescribed by the legislative instrument, the Minimum Standards (section 16(3)(b)).
3. Upon receipt of the plan, the Minister for Indigenous Affairs must determine whether to approve the plan (section 17(1)). The Minister must not approve a plan unless he is satisfied the plan meets the requirements applying to the AMPs, that is, the Minimum Standards (section 17(3)).

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4. If the Minister proposes to refuse to approve an AMP, the Minister must give written notice of this to the applicant (section 18(1)) specifying the reasons for the proposed refusal (section 18(2)(a)) and inviting the applicant to make written submissions in relation to the matters specified in the notice (section 18(2)(b)) within a specified period (section 18(2)(c)).
5. Any submissions received must be considered by the Minister before a decision is made to refuse to approve an AMP (section 18(4)(b)).
6. If the Minister makes the determination to approve an AMP under subsection 17(1), the Minister must give written notice of the decision to the applicant (section 20(1)), and the area covered by the AMP is a community managed alcohol area (section 26).
7. If the Minister makes the determination to refuse the AMP under subsection 17(1), the Minister must give written notice of the decision to the applicant (section 20(2)), and must specify the reasons for the refusal (section 20(3)).

2. The *Stronger Futures in the Northern Territory Act 2012* commenced on 16 July 2012. The Tackling Alcohol Abuse Implementation Plan, in accordance with which funding is provided to the NT Government to assist communities to develop AMPs, was executed on 3 June 2013.

3. There are 33 communities, including a number of individual town camps, which the NT Government has engaged with to develop AMPs. We understand 23 of these communities/town camps are currently being supported by NT officials to develop AMPs.

On 26 May 2014, the Minister for Indigenous Affairs approved the AMP covering the NT community of Titjikala.

4. The *Stronger Futures in the Northern Territory (Alcohol Management Plans) Rule 2013* commenced on 25 February 2013. The five Minimum Standards included in the Rule are listed in Attachment A.

Under the *Stronger Futures in the Northern Territory Act 2012*, the Minister for Indigenous Affairs must not approve an AMP unless it meets each of the five Minimum Standards.

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5. Section 119 of the *Stronger Futures in the Northern Territory Act 2012* (the Act) provides that the Commonwealth Minister for Indigenous Affairs (previously the Commonwealth Minister for Families, Community Services and Indigenous Affairs) (the Minister) may, by legislative instrument, make rules prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act.

Subsection 17(3) provides that the Minister must not approve an AMP under subsection 17(1) unless satisfied that the plan meets the requirements (if any) applying to AMPs prescribed by the rules.

Those AMPs developed prior to the introduction of the Minimum Standards were jointly reviewed by the Department of the Prime Minister and Cabinet and the Northern Territory Department of Business against the Minimum Standards. In some instances, AMPs which had already been endorsed by communities required revision and/or alteration to ensure they met the Minimum Standards. Where needed, communities have been supported to revise their AMP to ensure it meets the Minimum Standards.

6. Streamlined processes to expedite the submission of AMPs to the Minister for Indigenous Affairs and the allocation of funding are in development. These streamlined arrangements will more promptly assess community endorsed AMPs and submit them to the Minister for Indigenous Affairs in as short a timeframe as possible.

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ATTACHMENT A

Minimum standards

1. Consultation and engagement

- (1) An alcohol management plan must be developed in partnership and agreement between government and community representatives by way of a comprehensive and continued community consultation and engagement.
- (2) An alcohol management plan must be developed ensuring the views of vulnerable groups, community members and interest groups are heard, and recognise the need for targeted and diverse approaches particularly to ensure that women and children are heard.
- (3) An alcohol management plan must have been developed, where possible, with representation from:
 - (a) women;
 - (b) children;
 - (c) men;
 - (d) youth;
 - (e) the elderly;
 - (f) clan groups;
 - (g) traditional owners; and
 - (h) all residents including non-drinkers and drinkers.
- (4) An alcohol management plan must have been developed, where possible, with regard to the views and potential contributions of:
 - (a) local government;
 - (b) health and education authorities;
 - (c) relevant law enforcement and criminal justice agencies;
 - (d) alcohol and other drug services;
 - (e) representatives from local liquor outlets and licensees; and
 - (f) businesses.
- (5) An alcohol management plan must have been developed with the involvement, where possible, of local and regional organisations and service providers (particularly health services).

2. Managing the alcohol management plan

- (1) An alcohol management plan must include governance arrangements that clearly describe the roles and responsibilities of each of the agencies and participants in the alcohol management plan, especially those involving the need for resources. An alcohol management plan must include a balance of Aboriginal community members and their interests. This may include:

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- (a) the community participants indicated in Item 1(3) of Minimum standard 1;
 - (b) participants who are not based in the community, including senior police, managers and policy makers at senior levels in other government agencies; and
 - (c) non-government organisations which provide relevant services in the particular community.
- (2) An alcohol management plan must include, where relevant:
- (a) resources, roles and responsibilities of stakeholders including police and other government agencies, and their views and advice, to enable compliance with the alcohol management plan;
 - (b) roles and responsibilities of local health clinics and regional service providers in helping to prevent and manage alcohol problems in the community;
 - (c) responsibilities of local liquor licensees with respect to the alcohol management plan; and
 - (d) evidence that the stakeholders are aware of, and accept, the roles and responsibilities specified, and have allocated sufficient time, resources and personnel to perform their share of responsibilities in relation to implementation of the alcohol management plan.

Note: The development, implementation and management of an alcohol management plan are primarily the responsibility of the community; however, effective implementation requires shared responsibility with relevant agencies.

3. Alcohol management plan strategies – supply, demand and harm reduction

- (1) An alcohol management plan must identify community-based strategies to reduce harm to individuals, families and communities that results from alcohol abuse. These may include one or more of the following types of strategies:
- (a) strategies for controlling alcohol supply;
Note: Strategies for controlling alcohol supply may include whole of community strategies to address grog running and home-made alcohol, restrictions on sale or supply from local liquor outlets including takeaway, restrictions on hours of sale for on-license drinking, restrictions on types and amounts of alcohol permitted to be sold to individuals and whole population for on-licence consumption within specific periods.
 - (b) strategies for reducing demand for alcohol; or
Note: Strategies for reducing demand for alcohol may include resources and measures for intervention, detoxification, and treatment of dependent drinkers as well as early intervention strategies and proactive and preventative measures such as dry concerts, Blue Light discos, sport and other youth diversion activities, health promotion and education (for example, on Foetal Alcohol Spectrum Disorder and the effects of alcohol abuse on children).
 - (c) strategies to reduce harm.
Note: Strategies to reduce harm may include community patrols, adequate responses to violence and unsafe driving, family support, women's shelters, and more support for people with alcohol abuse issues (for example, support groups and sobering-up facilities, and improved access to regional services and facilities).

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4. Monitoring, reporting and evaluation

- (1) An alcohol management plan must include measurable outcomes and benchmarks to inform evaluation.
- (2) An alcohol management plan must describe how the ongoing progress and effectiveness of the identified strategies will be monitored and reported to the government and community residents in a manner that is understandable to community residents indicated in Item 1(3) of Minimum standard 1.
- (3) An alcohol management plan must outline a process for ongoing review and amendment of the alcohol management plan.
- (4) An alcohol management plan must include a mechanism to deal with complaints and disputes.

Note: Government has a key role in providing support for evaluation of alcohol management plans including assisting communities with benchmarks and access to data.

5. Clear geographical boundaries

- (1) An alcohol management plan must show clearly all relevant geographical boundaries.
- (2) An alcohol management plan must explain how and why the geographical boundaries have been chosen.