

## CABINET COVER SHEET

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1. **TITLE:** City of Adelaide Dry Area – Options for consideration
  2. **MINISTER:** Hon Jay Weatherill **MP**  
Minister for Families and Communities
  3. **PURPOSE:** For Cabinet to consider the three options regarding the City of Adelaide dry area presented in this submission and approve one of them. The options are:
    1. lift the declaration
    2. extend the declaration for two years
    3. declare the dry area but suspend it for a trial period.
  4. **RELEVANT GOVERNMENT POLICY AND/OR STRATEGIC PLAN TARGET:** The proposal will contribute to the following strategic plan targets: T1.13 (tourism industry), T2.8 (crime rates), T6.1 (Aboriginal well-being), T6.4 (homelessness) and T6.5 (disability).
  5. **RESOURCES REQUIRED FOR IMPLEMENTATION:** Nil additional resources.
  6. **COMMUNITY AND ENVIRONMENTAL IMPACT:**

The initiatives described in this submission will help to improve public safety and amenity in the City of Adelaide by reducing the incidence of anti-social and criminal behaviour associated with drug and alcohol consumption. They will also help to engage itinerant and homeless individuals in the inner city with substance misuse problems and link them into support services.

Option 3 to extend the dry area but suspend it for a trial period should help to address criticism from the Indigenous community and other dry area critics.
  7. **RISKS:**

The service initiatives described in this submission are widely supported and no criticism is expected.

Supporting option 1 (lift the dry area) would be strongly criticised by the ACC, traders, residents and users of the city generally. Option 2 (continue the dry area for two years) would be criticised by the Indigenous community, the non-government service sector and the Human Rights and Equal Opportunity Commission. Option 3 (extend the dry area but suspend it for a trial period) may not be supported by the

Adelaide City Council, traders, residents and the general community.

**8. CONSULTATION:**

There has been extensive consultation with relevant government and non-government organisations about the service initiatives (see para. 3.116).

There has been no consultation about the proposal to declare but not proclaim the dry area.

Treasury has been consulted and agrees that there are no additional costs associated with this submission.

**9. COMMUNICATION STRATEGY:**

A communication strategy is being developed.

**10. URGENCY**

High – the current dry area expires on 29 October 2004.

**11. RECOMMENDATIONS**

It is recommended that Cabinet:

4.1 considers and approves one of the following options in relation to the City of Adelaide dry area:

4.1.1 lift the declaration

4.1.2 extend the declaration for two years

4.1.3 declare the dry area but suspend it for a trial period once the City Watch House treatment service is fully operational, which will be in the first half of 2005.

4.2 notes the findings of the City of Adelaide dry area monitoring report prepared by the Office of Crime Statistics and Research.

4.3 notes the progress to implement service initiatives to support those disadvantaged and vulnerable groups affected by the City of Adelaide dry area.

I declare that I have no actual or potential conflict of interest in relation to the proposals contained in this submission.

  
Hon Jay Weatherill MP  
MINISTER FOR FAMILIES AND COMMUNITIES

6/10/2004

TO: THE PREMIER FOR CABINET

RE: CITY OF ADELAIDE DRY AREA – OPTIONS FOR CONSIDERATION

## 1. PROPOSAL

It is proposed that Cabinet:

- 1.1. considers and approves one of the following options in relation to the City of Adelaide dry area:
  - 1.1.1. lift the declaration
  - 1.1.2. extend the declaration for two years
  - 1.1.3. declare the dry area but suspend it for a trial period once the City Watch House treatment service is fully operational.
- 1.2. notes the findings of the City of Adelaide dry area monitoring report prepared by the Office of Crime Statistics and Research.
- 1.3. notes the progress to implement service initiatives to support those disadvantaged and vulnerable groups affected by the City of Adelaide dry area.

## 2. BACKGROUND

- 2.1. The City of Adelaide dry area trial began on 29 October 2001 following the previous government's approval of an application by the Adelaide City Council (ACC) to declare a dry area covering all city public roads and squares but excluding the parklands.
- 2.2. The initial City of Adelaide dry area declaration was for 12 months. Since then Cabinet has approved two 12 month extensions. The current extension expires on 29 October 2004.
- 2.3. At the ACC meeting on 13 September 2004 the elected members agreed to seek a two year extension of the Adelaide dry area.
- 2.4. The service initiatives described in this submission will contribute towards a number of the State Strategic Plan's targets. These are T1.13 (tourism industry), T2.8 (crime rates), T6.1 (Aboriginal well-being), T6.4 (homelessness) and T6.5 (disability).
- 2.5. This submission needs to be read in conjunction with the submission from the Minister for Consumer Affairs seeking an extension of the dry area.

### 3. DISCUSSION

#### Administrative arrangements

- 3.1. The Premier asked that I, with support from Cabinet Office, oversee the dry area trial.
- 3.2. An over-arching Dry Area Steering Group, chaired by Cabinet Office, was established to identify and coordinate the delivery of service responses to tackle issues arising in relation to the dry area. The committee has had representation from the government and non-government sectors as well as the Aboriginal community.
- 3.3. The Government has worked closely with the Adelaide City Council on all aspects of the dry area trial. The:
  - ACC has senior representation on the steering committee and is represented on the committee that is monitoring the impact of the dry area
  - dry area is a standing item on the Capital City Committee agenda
  - Premier and I have had regular informal discussions with the Lord Mayor about dry area issues.
- 3.4. In recognition of the over-lap between dry area issues and the work of the Social Inclusion Board, especially with respect to homelessness and implementing the Drugs Summit recommendations, board chair Monsignor David Cappo, board member Mr Roger Thomas and Executive Director of the Social Inclusion Unit, Ms Madeleine Woolley, are members of the steering group.
- 3.5. When the dry area trial was established, it was recognised that its impact would be felt particularly by the Aboriginal community. To inform the steering group about these effects so that it could better target service responses, a consultation group of Aboriginal people representing the community and service providers was established. This group has been chaired by Mr Roger Thomas who, in addition to being a member of the Social Inclusion Board, is an Aboriginal person and head of Wilto Yerlo at the University of Adelaide.

#### Dry area **m**onitoring

- 3.6. At the request of Cabinet Office, the Office of Crime Statistics and Research (OCSAR) has prepared a monitoring report to help inform Cabinet's deliberations about the Adelaide dry area. The report analyses existing quantitative data to investigate the effects of the dry area and examines the implementation of dry area service initiatives to assist those vulnerable groups affected by the declaration. It also explores the capacity of existing data to provide on-going monitoring of the dry area and describes the work that has been done with

agencies to establish data collection and reporting procedures for the service initiatives.

- 3.7. A summary of the OCSAR findings regarding the impact of the dry area and the status of service initiatives is provided below. The full report is attached to this submission.
- 3.8. It must be stressed that the report is not an evaluation of the dry area. Two full scale evaluations have already been completed (Social Options in 2002 and Plexus Strategic Solutions in 2003) and it was considered that a third evaluation would offer little new information.
- 3.9. It is noted that along with its resolution to seek a two year extension of the dry area, the ACC is asking the Government to provide it with a comprehensive evaluation report by 1 September 2006. I do not support the preparation of yet another evaluation report. However, OCSAR will be asked to provide a monitoring report.
- 3.10. The quantitative data analysed by OCSAR were:
- Expiation Notice data: the number of notices issued for infringements of the dry area regulations
  - Police Computer Aided Dispatch (CAD) data: the number of police taskings involving persons designated as 'intoxicated/drugged'
  - Public Intoxication Act (PIA): the number of intoxicated persons apprehended by police
  - Ambulance call-out data: the number of patients transported by the Ambulance Service who were affected by alcohol
  - Offences recorded by police and apprehensions where alcohol was a factor.

*The incidence of public drinking in dry area locations*

- 3.11. An examination of the impact of the dry area declaration on the incidence of public drinking in the dry area found that:
- the number of expiation notices issued in North Adelaide has been very low throughout the trial dry area (just 17 notices issued), suggesting that public drinking is not a problem in this area.
  - Hindley Street and Rundle Mall have featured prominently as 'hot spots' locations, which reflects the large number of licensed premises and entertainment venues in these locations.
  - overall there has been a reduction in the frequency of alcohol related incidents in Adelaide following the introduction of the dry area, particularly in Victoria Square.
  - despite the introduction of the dry area, alcohol related offending continues to be an issue in the City of Adelaide.

*Impact of the dry area on the incidence of anti-social or criminal behaviour*

- 3.12. An analysis of trends over time in police despatches found evidence of a reduction in anti-social and criminal behaviours following the introduction of the dry area. These changes, however, were not immediate, suggesting that the dry area's impact was delayed.
- 3.13. The clearest indication of the impact of the dry area on offending and anti-social related to Victoria Square. The number of disturbances to which police were called in Victoria Square was considerably lower after the introduction of the dry area. In the 12 months leading up to the introduction of the trial there were 207 such call outs, but in the 12 months following the declaration there were only 94 call outs to disturbances in Victoria Square.
- 3.14. An examination of Police Incident Report data also highlighted the impact of the dry area on offending in Victoria Square. These data showed a downward trend in offences: from 80 offences in the first quarter of 2001 to less than 20 in the third quarter of 2002. These reductions occurred in the offence types considered to be most affected by dry area regulations, namely good order offences, assaults and property damage.

*Evidence of displacement*

- 3.15. The dry area declaration was found to have been associated with an increase in the number of offences recorded in the West Parklands. Prior to the dry area, the number of offences fluctuated between about 12 and 22 per quarter. After the dry area this number rose to the mid-30s.
- 3.16. This conclusion was supported by trends in recorded crime on West Terrace. Prior to the dry area the number of recorded offences ranged from 100-150 a quarter, however after the declaration this number rose to between 200 and 250 offences per quarter.
- 3.17. There was also an increase in offences on South Terrace, which OCSAR concluded may have been associated with the anecdotally reported displacement of drinkers to the adjacent parklands.

*Characteristics of persons impacted by the dry area*

- 3.18. OCSAR found that there were two distinct groups of people who received expiation notices following the introduction of the dry area.
- 3.19. One group of notice recipients were young people who lived in the suburbs but came into the city, especially Hindley Street and Rundle Mall, for entertainment. This group tended to receive notices for consuming alcohol as they moved between venues. The second group was characterised by older men who either lived in Adelaide or had no fixed place of residence. They tended to receive notices for possessing alcohol, with Whitmore Square identified as a 'hot spot'.

- 3.20. OCSAR examined the characteristics of people apprehended under Public Intoxication Act in the 12 months before and after the introduction of the dry area declaration. Overall there was no change in the profile of the people who were apprehended.
- 3.21. In both periods the majority of PIA apprehensions involved males aged about 40 years. Indigenous persons accounted for a relatively high proportion of the persons apprehended (just over a third in both 12 month periods) even though they comprised a small proportion of the total population.
- 3.22. The vast majority (about 80%) of persons who had PIA apprehensions in the 12 months either before or after the declaration were apprehended only once during either of these periods. There was, however, a small number that had multiple PIA apprehensions, which OCSAR concluded was evidence of a group of chronic drinkers who continued to be picked up for drunkenness after the dry area came into force.

#### Dry area service initiatives

- 3.23. In addition to analysing existing quantitative data to assess the impact of the dry area, OCSAR also examined the implementation of support services to assist those vulnerable people in the inner city likely to be affected by the dry area.
- 3.24. OCSAR found that a considerable amount of service development had occurred in the past few years. A key feature of it was a focus on engaging itinerant and homeless individuals with substance mis-use problems and linking them into support services so they can achieve safer, more sustainable living circumstances.
- 3.25. A list and description of inner city service initiatives is provided below. Not all are specifically dry area initiatives but are part of a broad package of inner city service responses for vulnerable and disadvantaged groups. They have been included here because they also tackle the issues that led to the introduction of the dry area declaration.

#### *Stabilisation facility (Warrondi)*

- 3.26. Building work on the Warrondi stabilisation facility was completed in late August 2003 and the centre became fully operational in October 2003.
- 3.27. The 22 bed unit is run by the Salvation Army and is located adjacent to the Sobering Up Unit in Whitmore Square.
- 3.28. Warrondi provides a treatment environment for homeless men and women over 18 years of age with complex needs arising from alcohol and/or drug misuse. Potential clients must express a commitment to change their situation and be free of intoxicating substances on admission. The facility provides a 6 – 7 week treatment program comprising intensive case management, support and

counselling. Individual case plans are developed for clients which aim to provide them with the ability and resources to live in independent accommodation.

- 3.29. Currently Warrondi has a manager and employs 4 counsellors, 6 support workers, 1 administrative/financial officer and some casual workers. Since opening it has had approximately 150 admissions.
- 3.30. A new manager was appointed in July 2004 and has implemented procedural changes to increase the likelihood of clients staying longer and completing the treatment program. A more intensive assessment process has been introduced to better assess client commitment and to provide more information to the panel that decides whether or not to accept a client.

*Indigenous substance mis-use facility*

- 3.31. An inter-agency project governance group chaired by the Department of Aboriginal Affairs and Reconciliation (DAARE) has overseen the preparation of a business case for a 24-hour, 7-day a week substance misuse service in metropolitan Adelaide for Indigenous people and their families. Drugs Summit funding of \$100,000 was provided for the business case.
- 3.32. The business case was prepared by Integrated Community Solutions (ICS), which was selected following a public tender.
- 3.33. It is planned that the service will have the following components:
- community based case management
  - a 24/7 residential facility for approximately 12 clients, including a detoxification and sobering up unit
  - a rehabilitation and treatment service for approximately 12 clients.
- 3.34. Implementation would be staged over a 3 year period:
- Year 1: community based case management  
Year 2: rehabilitation service  
Year 3: 24/7 service including detoxification unit.
- 3.35. The Chief Executives' Coordinating Committee on Drugs and the Inter-Ministerial Committee on Drugs have both considered the business case and provided in principle support for the service.
- 3.36. Issues currently being worked through are auspicing arrangements, governance models (particularly in relation to the non-government sector), costings, the identification of suitable properties/locations, and the availability of grant funding from the Alcohol, Education and Rehabilitation Fund to assist with the capital cost of establishing the service.
- 3.37. It is planned that a joint Cabinet submission from the Minister for Health and the Minister for Aboriginal Affairs and Reconciliation seeking endorsement of the



proposed service and governance models will go to Cabinet in November 2004. Funding will be sought through the normal 2005-06 budget process.

*Visiting health service*

- 3.38. The dry area declaration has highlighted gaps in the delivery of health services for homeless and marginalised groups in the inner city.
- 3.39. This issue has been examined by a multi-agency working group chaired by Cabinet Office, which has developed a primary health care model to build the capacity of existing inner city health services and provide a broader range of health services. The State Government has allocated funding of \$250,000 to implement the model. The funding will be used to provide a full-time primary health care nurse for the City Homeless Assistance Support Team (CHAST), an additional primary health care nurse for the RDNS, a full-time Aboriginal health worker for the Aboriginal Sobriety Group and a 0.2 FTE medical officer who will be employed by Nunkuwarnin Yunti but be based at CHAST.
- 3.40. The Department of Health has also obtained Commonwealth funding through the Aboriginal Primary Health Care Access Program (APHCAP) for a full-time medical officer who will be based at Nunkuwarnin Yunti and for four Aboriginal health workers who will work out of the Adelaide Central Community Health Service.
- 3.41. The roll out of these services will commence in November 2004.
- 3.42. The Department of General Practice at the University of Adelaide has been engaged by the Department of Health to develop a model for a comprehensive, integrated out-reach health service in the inner city for homeless people. The Department of General Practice's work will include a prospective financial model so that Commonwealth funding can be obtained to employ general practitioners to specifically service homeless people in the city. To further increase the supply of GPs in the inner city, the Department will also increase its direct involvement in the provision of primary health care services to the homeless through its clinic in O'Brien Street in the south west corner of the city. Medical students and registrars will be able to provide sessions at the clinic and these sessions will count towards the completion of their courses.

*Drug and alcohol treatment service annexed to the City Watch House*

- 3.43. A key recommendation of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) was the abolition of the offence of public drunkenness (RCIADIC rec. 79). Linked to this were recommendations that facilities should be established for the care and treatment of intoxicated people and that intoxicated people should not be detained in police cells (RCIADIC recs 80 and 81).
- 3.44. The sobering up centre currently operating in the City of Adelaide, which is run by the non-government sector, will not admit or detain intoxicated people with behavioural problems. It has a 'ban list' of people whom it will not accept because of their violent and disruptive behaviours. As a result, intoxicated people are being held in the City Watch House, which is in contravention of the RCIADIC.

- 3.45. SAPOL believes it is inappropriate for it to manage intoxicated people in police cells without on-site medical support. In particular, SAPOL is concerned about the increased risk that an intoxicated person has of dying in custody.
- 3.46. In response to this issue, Cabinet has recently provided funding for the provision of a 24/7 support service within the City Watch House for the secure detention and treatment of people arrested pursuant to the PIA. The service model builds on the current and very successful trial of the Drug and Alcohol Arrest Referral Service, which has been funded by the Social Inclusion Unit until December 2004.
- 3.47. The expanded service will be staffed by a Registered Nurse and supported by a community-based team who will provide both an in-reach service to the Watch House and follow-up and assertive case management when detainees are released back into the community.
- 3.48. It is anticipated the service will commence full operation in the first half of 2005.

#### *Mobile legal service*

- 3.49. A mobile (or outreach) legal service has been established to provide homeless and itinerant people in the inner city with better access to legal assistance. The service has an Indigenous focus but services non-Indigenous individuals as well. The services provided include:
- general legal advice and advocacy
  - referrals to ALRM, Women's Legal Service and the Legal Services Commission
  - assistance and advocacy in relation to fines and warrants
  - information about court procedures and links to court services.
- 3.50. A pilot scheme operated from May to December 2003. The Justice Strategy Division (JSD) in the Attorney-General's Department has now provided on-going funding to enable the service to be re-established.
- 3.51. It is provided by the Aboriginal Legal Rights Movement (ALRM) and the Courts Administration Authority's (CAA) Aboriginal Justice Officers. ALRM has also agreed to take day to day administrative responsibility for the service. A steering group chaired by JSD and including ALRM, CAA and Cabinet Office has been set up to oversee the service.

#### *Exceptional needs group*

- 3.52. The Exceptional Needs Unit (ENU) in the Department for Families and Communities is working with a group of approximately 12 long term homeless individuals in the inner city who have high and complex needs and frequent involvement with the criminal justice system. This client group is characterised by mental health problems, intellectual disability, chronic and acute health problems and chronic and acute drug and alcohol misuse. They are the group that inner city services find most difficult to service and are frequently banned from receiving services altogether due to their challenging behaviour and aggression.

- 3.53. A senior social worker funded by the Social Inclusion Initiative and based at the ENU is actively case managing seven of the people from this group, five of whom are Indigenous. This includes mapping out pathways for these individuals to access existing services with some additional supports. She has made contact with the five remaining individuals and is liaising with Aboriginal agencies and the Sobering Up Unit about how to engage them so that case management plans can be developed.
- 3.54. The Department of Families and Communities has allocated \$800k funding to establish two houses to provide supported accommodation for six individuals from this group. The Aboriginal Housing Authority (AHA) has made available a property at Thebarton for the first house. As little refurbishment is required it should be up and running in October 2004. It will be staffed and run by the Intellectual Disability Services Council's (IDSC) Accommodation Services, which has considerable experience operating community based supported accommodation.
- 3.55. As no other suitable properties owned by the SA Housing Trust or the AHA have been identified, it is probable that a property will have to be purchased to establish the second house. It is intended that this will also be in the Thebarton area and near the first house.

#### *Transitional accommodation*

- 3.56. As part of discussions about the impact of the dry area, the ACC asked Cabinet Office to explore strategies to address the numbers of homeless and transient Indigenous people in the inner city. One of the strategies identified was to establish a transitional accommodation service. In addition to providing somewhere to live, this would intensively case manage clients and link them into support services that address their long term needs.
- 3.57. The Aboriginal Housing Authority is preparing a scoping report to examine this proposal in more detail. The report includes:
- an examination of existing accommodation options in the inner city for people who are mobile and transient
  - identifying the level of demand and characteristics of the people likely to use a transitional service
  - strategies to actively case manage clients and engage them with services
  - investigating preferred sites for the service
  - developing a service model
  - determining start up and recurrent funding requirements
  - identifying flow-on impacts to other service providers.
- 3.58. The report is expected to be completed by the end of 2004.

#### *Aboriginal Community Constables*

- 3.59. One of the initiatives of the SA Drugs Summit was funding for an inner city-based Aboriginal Community Constable. This position, which was funded until the end of 2004, has been based with the Adelaide Local Service Area's (LSA) Drug Action Team. Its role has included:

- working with the government and non-government sectors to set up an Indigenous Drug Action Team to tackle alcohol and drug problems affecting Aboriginal people in the inner city
  - engaging and building rapport with the inner city Aboriginal community, particularly in and around the parklands, the terraces and the River Torrens
  - membership of interagency forums (including the Dry Area Aboriginal Consultative Committee) to help provide a more coordinated approach to dealing with inner city issues
  - working with agencies to link Aboriginal people in to services and programs
  - liaising with licensed premises to ensure they are complying with the Liquor Licensing Act and not engaging in unsafe alcohol selling practices.
- 3.60. In response to the very positive feedback from the Indigenous and non-Indigenous communities about the effectiveness of this position, Cabinet has recently provided on-going funding for two Aboriginal Community Constables for the Adelaide LSA.

*Increased inclusiveness of public space*

- 3.61. It is recognised that Indigenous people do not use the city's public space to the same extent as the non-Indigenous community.
- 3.62. To help tackle this issue a project has been established to increase the inclusiveness of the city's public spaces, public events and public places for Indigenous people.
- 3.63. Two events have been held to date and planning for a third is underway. The events are described below.
- 3.64. The first public space project was an Indigenous ANZAC event held on 23 April 2004 at the State Library to recognise the contributions of South Australian Indigenous veterans and service people. It was co-sponsored by the State Government and the Adelaide City Council. As a direct result of the event, the RSL is investigating recording the experiences of South Australian Indigenous veterans. The ABC's George Negus Tonight program filmed the event and a segment about it was screened nationally in July during NAIDOC Week.
- 3.65. The second public space project was held in July and involved beanie making workshops for schools with a high number of Indigenous students. It was co-sponsored by the Adelaide City Council and the Government and run in collaboration with the Department of Education and Children's Services.
- 3.66. The event was based on a similar and very successful festival that is held each year in Alice Springs. As part of the process of developing the South Australian event, Cabinet Office undertook extensive consultations with the Indigenous community and met with the Adelaide City Council's reconciliation officer, marketing staff and Councillor Judith Brine. The event was strongly endorsed by Reconciliation SA, which has made it this year's theme for Reconciliation Week. There was also consultation with the organisers of the Alice Springs festival, who

endorsed the event being run in South Australia and provided advice about running workshops in schools and with community groups.

- 3.67. Two hundred and twenty four children participated in the workshops and of those, one hundred and six were Indigenous.
- 3.68. Work has commenced on the final public space event for 2004, which will be a joint government and ACC event in Victoria Square in December. The event details are still being finalised.
- 3.69. To build on the momentum that has been established, it is proposed to get wider government agency involvement in the development and auspicing of public space events. This proposal will be brought to the Reconciliation Committee that is chaired by DAARE.

*Improved integration of services for homeless people with multiple and complex needs*

- 3.70. A project is being established at Catherine House to improve the integration of mental health, housing and drug and alcohol services for homeless people in the inner city with multiple and complex needs. Government funding has been provided to Catherine House to employ a worker to coordinate this initiative. The recruitment process is underway and it is anticipated the position will be filled shortly.
- 3.71. The Hutt Street Day Centre has received funding of \$100k to employ a worker to improve the service responses by day centres to clients with complex needs. Although based at Hutt Street, this position will work with the other day centres in the inner city to improve their case management practices and ensure better service coordination across the sector.
- 3.72. The City Homeless Assessment Support Team (CHAST) has received additional goods and services funding of \$202k, which has been used to up-grade its IT infrastructure. CHAST now has faster and more direct communication links with government agencies (e.g., mental health, housing, disability services), which means it is better able to access support services for its clients.

*Implementation of a Service Excellence Framework in the homeless service sector*

- 3.73. The Hutt Street Day Centre has been provided with funding to auspice a project officer to work with the inner city homeless service sector to develop the policies and structures necessary to implement the Service Excellence Framework.
- 3.74. The framework covers financial management, planning, record management, staff training and development, and service delivery. A service agreement has been signed and recruitment is about to commence.

*Improved accommodation and services for homeless people*

- 3.75. Funding of \$925k has been provided to the Hutt Street Day Centre to up-grade its facilities. Improvements will be made to the dining areas, laundry and kitchen.

Interview rooms will be constructed for the outreach service and new office accommodation for the Centre's Frail Aged Homeless Program.

- 3.76. The WestCare Day Centre will also receive \$140k to improve client services to meet the growth in demand for its services.

*Parkland response project*

- 3.77. The Government has provided funding of almost \$50k to employ a project officer to investigate strategies to better engage homeless and vulnerable people in the parklands. The focus of this project will be the delivery of anti-poverty programs. Recruitment for the position has commenced.

*Community liaison positions*

- 3.78. The Government has funded two community liaison officers to work with traders, residents and service providers regarding complaints about homeless and transient people in the inner city. The liaison officers provide a conduit between these three groups and help to link homeless people into support services. A third position is funded by the Adelaide City Council.

*Inner City Indigenous Services Network Project*

- 3.79. A network of Inner City Indigenous Services has been established to provide a forum to discuss issues around Indigenous service provision in the inner city and to improve collaboration between and coordination of Indigenous services. The Government has provided \$15k in administrative support funding for the Network.

*Transfer Liaison Officer*

- 3.80. A Transfer Liaison Officer has been established at the Emergency Department of the Royal Adelaide Hospital. The position has been funded by the Social Inclusion Initiative and is provided through the Multi-Agency Community Housing Association.

- 3.81. The role of the position is to identify homeless people and to help them find accommodation and link them into support services when they are discharged from hospital. Previously, homeless people were discharged back on to the street with no assistance to find accommodation or links to support services.

*Youth initiatives*

Operation Care

- 3.82. The Operation Care youth initiative was introduced by SAPOL in September 2003 for a 6-week period. SAPOL officers assisted vulnerable young people in the city late at night by arranging their transportation home or to a safe place, most usually through liaison with youth services.

- 3.83. It was found to be a particularly effective way of reducing the large number of at risk young people on the street in the inner city at that time. SAPOL is continuing

to monitor the numbers of vulnerable young people in the inner city and will consider reinstating the program as the need arises.

- 3.84. SAPOL also has a memorandum of understanding with the Kumangka Youth Service and other inner city youth agencies. When a young person comes to the attention of police, youth services are advised and attend to provide SAPOL with assistance in dealing with the incident.

#### Kumangka Youth Service

- 3.85. Kumangka Youth Service was founded in 1995 to provide street work, outreach, case management and structured programs to at risk Indigenous young people in the inner city.
- 3.86. In January this year Kumangka received additional funding from the Department for Families and Communities (DFC) to trial extended operating hours of its outreach street work program.
- 3.87. The trial involved two youth workers working from 7 pm until 2 am on Friday and Saturday nights and going to those locations where young people were known to congregate and assisting those identified as being at risk. The most usual assistance provided was transport home or to a safe place.
- 3.88. Kumangka considered the pilot to be very successful and are seeking further funding from DFC to reinstate the program.

#### Inner City Youth Service

- 3.89. ICYS has received funding from the Department for Families and Communities to provide two new outreach youth services: the WRAPS (Tools for Life) Outreach Program and the Bicycle Based Street Work Program.
- 3.90. The WRAPS program is a flexible outreach support program helping young people with multiple and complex needs to move on to a more stable life. It aims to provide life skills training and mentoring to assist young people to obtain and maintain safe and stable accommodation.
- 3.91. The Bicycle Outreach Program is an extension of the foot based Street Work program. It aims to engage young people at risk who frequent the Adelaide parklands and surrounding areas in order to provide information, assistance and access to services to reduce their level of risk and involvement in crime.
- 3.92. Specifically, workers will cycle through the parklands early in the morning to locate young people sleeping out and go to the Day Centres, where they go for breakfast.

#### Dry area options

- 3.93. As noted above, this submission needs to be considered in conjunction with a submission from the Minister for Consumer Affairs for this Cabinet meeting, which

is recommending a two year extension of the Adelaide dry area, as requested by the ACC.

3.94. The Government has three dry area options available to it:

- Lift the declaration
- Extend the dry area for a further two years
- Declare the dry zone but suspend it for a trial period once the City Watch House drug and alcohol service is fully operational.

3.95. Each of these options is discussed below.

*Option 1: Lift the dry area*

3.96. Lifting the dry area would be strongly supported by the Indigenous community and the inner city non-government service sector, which have always regarded the declaration as a racist policy that was put in place specifically to tackle public nuisance behaviour by Indigenous people in Victoria Square and environs. It would also be supported by Monsignor David Cappo, Chair of the Social Inclusion Board and a vocal opponent of the dry area.

3.97. Removing the declaration would address the strong criticism of it by John von Doussa QC, President of the Human Rights and Equal Opportunity Commission (HREOC). In a letter to the Premier and the Lord Mayor on 3 September 2004, the HREOC President said that the dry area was 'impact[ing] disproportionately on Indigenous people, and [is] causing serious deprivation of fundamental human rights'.

3.98. Lifting the dry area is not the ACC's preferred option at this time. Based on the findings of the 2003 dry area evaluation by Plexus Strategic Solutions, it would also not be supported by the majority of traders, Adelaide residents or the community more broadly. Interviews conducted by Plexus found strong support amongst these groups for a continuation of the declaration, with respondents saying it had improved public safety and community amenity in Adelaide.

3.99. Although, as noted in the OCSAR monitoring report, considerable progress has been made in implementing support services for those vulnerable groups most likely to be affected by the dry area, it is not clear yet whether the services have been in place long enough to enable the declaration to be lifted.

3.100. If the declaration were lifted and it was subsequently found that it should be reinstated, there would be a delay of some months before it could be reintroduced owing to the administrative and consultative processes that are required.

*Option 2: Agree to a two year extension*

3.101. The option preferred by the ACC is that the Government agree to extend the dry area for two years and then assess the need for its continuation.



- 3.102. This will be strongly opposed by the Indigenous community and other anti-dry area community groups, especially in the non-government service sector, who are likely to perceive it as a permanent declaration by stealth.
- 3.103. A two year extension will also be strongly (and probably publicly) criticised by the President of HREOC who, in his firmly worded letter of 3 September, urged the Government to 'not extend the present operation of the regulation'.
- 3.104. According to information from the ACC and the results of the Plexus evaluation, there is, however, strong trader, resident and community support for the dry area to continue.
- 3.105. An extension would also provide time for all the service initiatives to be implemented and be fully operational. Although new support services have been established there are a number that have yet to be rolled out. There could also be on-going monitoring of the dry area during the two year extension, with these findings being used to inform the ACC's and Cabinet's deliberations about the future of the declaration.

*Option 3: Declare the dry zone but do not proclaim it*

- 3.106. In recognition of the disquiet of some groups to the dry area, a third option is for Cabinet to agree to extend the dry area for a further two years but to suspend its operation for a trial period. This is my preferred option.
- 3.107. Under this option, the Indigenous community, service agencies, SAPOL and the ACC would be given the opportunity to work together to see whether the current, positive outcomes of the declaration (e.g., public safety and community amenity) can be achieved without a dry area being in force.
- 3.108. It would also provide an assessment of the extent to which the support services that have been put in place are addressing the problems that led to the declaration.
- 3.109. I suggest that the dry area be declared for the full two year period as requested by the ACC but that negotiations commence with the Aboriginal community, SAPOL, the ACC and other key stakeholders to develop management protocols in preparation for a trial suspension of the dry area to begin once the City Watch House initiative (described above) is fully operational. Under this approach, if it is subsequently found that the dry area needs to be reinstated, this can be done very quickly and simply.
- 3.110. I believe this approach would be supported by the Indigenous community and non-government services, and would allay HREOC's criticisms. It provides an opportunity for the Government, the ACC and the Aboriginal community to work in partnership to achieve a safe city environment without the need for a dry area.

### **Economic, financial and budgetary implications**

3.111. This submission is not seeking any additional funding. Funding for initiatives described above has either been obtained already or will be sought through the normal budget process.

#### **a. Required resources**

3.111.1. Nil additional resources are being sought.

#### **b. Staffing implications**

3.111.2. Nil.

### **Impact on the community and the environment**

3.112. The initiatives described in this submission will help to improve public safety and amenity in the City of Adelaide by reducing the incidence of anti-social and criminal behaviour associated with drug and alcohol consumption. They will also help to engage itinerant and homeless individuals in the inner city with substance mis-use problems and link them into support services.

3.113. Option 3 to extend the dry area but suspend it for a trial period should help to address criticism from the Indigenous community and other dry area critics, including HREOC.

### **Risk management strategy**

3.114. Should option 3 be supported by Cabinet, negotiations to develop management protocols will take place with the Aboriginal community, SAPOL, the ACC and other key stakeholders prior to the implementation of the trial suspension.

3.115. Regardless of the option selected, a media management strategy will be developed.

### **Consultation**

3.116. Through the Dry Area Steering Committee and its subordinate committees there has been extensive consultation about the dry area service initiatives. Groups and individuals consulted include:

- Chair of the Social Inclusion Board
- Premier's Office
- Justice Strategy Unit, Attorney-General's Department
- Liquor and Gaming Commissioner
- SAPOL Operations Manager, Adelaide Local Service Area
- Director, Capital City Project Team
- Department of Aboriginal Affairs and Reconciliation
- Department of Human Services
- Adelaide City Council
- Aboriginal Sobriety Group

- Otherway Centre
- Aboriginal Legal Rights Movement
- Salvation Army
- Aboriginal Housing Authority
- Kumangka Youth
- Aboriginal community representatives
- City Homeless Assessment Support Team
- Commonwealth Department of Health and Ageing.

3.116.1. There has been not been broad consultation about the option of continuing the dry area for a further two years but suspending it for a trial period.

3.116.2. The Department of Treasury and Finance has been consulted and agrees that there are *no additional costs* associated with this submission.

#### **Implementation plan**

3.117. The Dry Area Steering Committee will continue to oversee activities in relation to the City of Adelaide dry area. There will also *be* continued monitoring of the impact of the dry area and its related service initiatives.

3.118. If option 3 is approved, consultation with the ACC, SAPOL, the Aboriginal community and other relevant key stakeholders will commence immediately.

#### **Communication strategy**

3.119. There have, and will continue to be, public announcements about dry area-related service initiatives as they are implemented.

3.120. An announcement will be made shortly after Cabinet makes its decision about the continuation of the dry area.

#### **Executive Council**

3.121. Extension of the dry area will require Her Excellency the Governor making a regulation under section 131 of the Liquor Licensing Act (*refer to dry area Cabinet submission from the Minister for Consumer Affairs that is to be read in conjunction with this submission*).

4. RECOMMENDATIONS

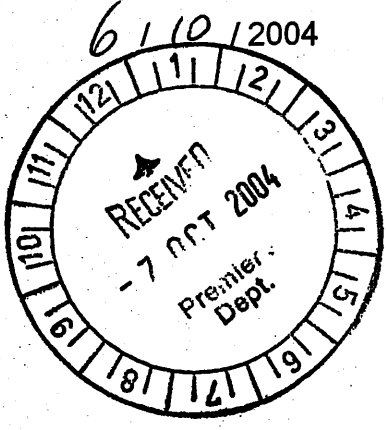
It is recommended that Cabinet:

- 4.1. considers and approves one of the following options in relation to the City of Adelaide dry area:
  - 4.1.1. lift the declaration
  - 4.1.2. extend the declaration for two years
  - 4.1.3. declare the dry area but suspend it for a trial period once the City Watch House treatment service is fully operational, which will be in the first half of 2005.
- 4.2. notes the findings of the City of Adelaide dry area monitoring report prepared by the Office of Crime Statistics and Research.
- 4.3. notes the progress to implement service initiatives to support those disadvantaged and vulnerable groups affected by the City of Adelaide dry area.

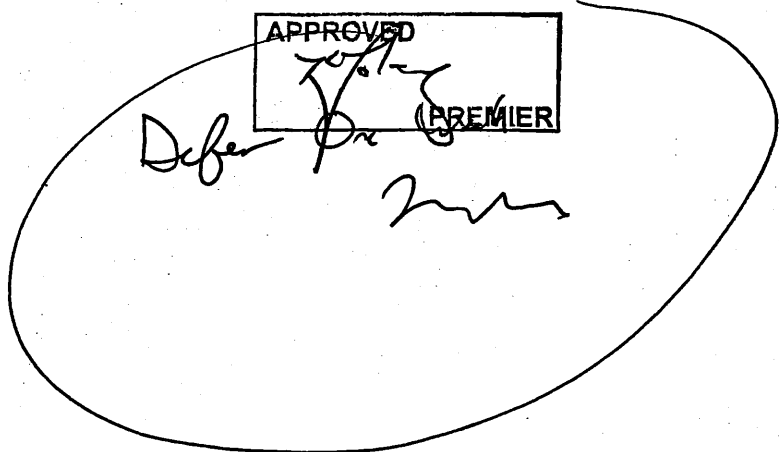
Hon Jay Weatherill MP  
MINISTER FOR FAMILIES AND COMMUNITIES

Approve option 4.1.2  
2 year extension

**In Cabinet**



18 OCT 2004



**Human Rights and  
Equal Opportunity Commission**



**President**

**The Hon. John von Doussa, QC**

3 September 2004

The Hon Michael Rann MP  
Premier of South Australia  
Parliament House  
ADELAIDE SA 5000

The Rt Hon Michael Harbison  
The Lord Mayor of Adelaide  
Town Hall  
King William Street  
ADELAIDE SA 5000

Rec'd .....	13/9/04
Reg No .....	04906632
File No .....	
Action Officer .....	A. Duigan
Response Due By .....	27/9/04

C. P. Chataway  
CABOF  
N Alexandrides  
MAAR

Dear Premier and Lord Mayor,

Re: Adelaide City Dry Area

The Human Rights and Equal Opportunity Commission has in the past expressed concern both to the Government of South Australia and to the Adelaide City Council about the impact of the City Dry Area on Indigenous people. I write again to express the Commission's ongoing concerns as I understand that consideration is being given to extending the operation of the City Dry Area when the present regulation expires in October this year.

In recent months I have been conducting consultations in several States and the Northern Territory about the impact of laws that regulate the use of urban public space on Indigenous people. This Commission had been receiving reports that these laws, including the Adelaide City Dry Area regulation, impact disproportionately on Indigenous people, and are causing serious deprivation of fundamental human rights. The purpose of the consultations has been to gain an understanding of the operation of these laws to assess whether they, or action taken under them, contravene the *Racial Discrimination Act 1975 (Cth)* (the RDA). I have not at this stage completed my consideration of these issues, but in relation to the City Dry Area matters of serious import have been identified.

I have received credible reports that the City Dry Area is indeed having a disparate affect on Indigenous people and their equal enjoyment of human rights. It is at the least strongly arguable that the regulation is itself in contravention of section 10(1) of the RDA as it is having the effect of limiting Indigenous peoples' rights to assemble and associate with other members of



**Human Rights and Equal Opportunity Commission**

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their community for social purposes in public places (including parks) to a greater extent than non-Indigenous people. If this is the case the regulation is invalid under section 109 of the Constitution.

I have also received anecdotal reports of numerous acts of direct discrimination against Indigenous people in the way in which the regulation is enforced. If these reports are correct the regulation is leading to serious breaches of section 9 of the RDA.

Aside altogether from the legal issues that arise under the RDA there are also other reasons which cause me to urge you to not renew the regulation in so far as it applies to public parks in the City, but to implement and strengthen the commendable service initiatives that are envisaged by strategies being coordinated by the South Australian Department of Premier and Cabinet.

It is acknowledged that safety and the community amenity are important considerations, and at times there have been problems in public areas arising from substance abuse. However, the other laws directed to controlling antisocial street behaviour and the powers under section 7 of the *Public Intoxication Act 1984* (SA) would, of course, still be available to deal with inappropriate conduct in public places.

Laws like the City Dry Area regulation do not address the underlying causes of the antisocial drinking and other behaviour said to be their justification. It is a tragic fact that many of the Indigenous people who have been directly affected by the regulation are victims of mental illness, other disability, homelessness, family violence or poverty. As a result of the City Dry Area many Indigenous people who experience alcohol dependence and other problems are reported to have relocated to more remote areas and parklands in Adelaide. A number of service providers consider that this relocation has made it more difficult to access and support this group. Concerns have also been raised that this group is exposed to higher risks of violence in these more isolated locations, and I have received accounts of serious assaults having occurred.

Concerns have also been raised that the City Dry Area is leading to unnecessary and inappropriate Indigenous contact with the criminal justice system. The potential for contact with the criminal justice system is exacerbated by the regrettable reality that when a person is being dealt with under the City Dry Area provisions that person is likely to be charged with other offences said to be committed while being apprehended. The Royal Commission into Aboriginal Deaths in Custody examined in detail the relationship between alcohol related sanctions, the disproportionate representation of Indigenous people in custody and the disturbing incidence of deaths in custody. The South Australian Government supported the findings of that Commission and endorsed the implementation of its recommendations. The City Dry Area regulation and its implementation runs counter to that commitment.

The City Dry Area also seems contrary to steps taken to decriminalise public drunkenness in South Australia by virtue of section 7 of the *Public Intoxication Act 1984* (SA).

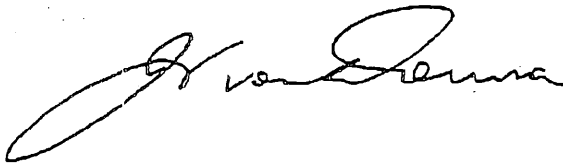
As criminal and other penalties do not address the underlying causes of public order issues to which the regulation is addressed, experience indicates that dry zone laws are ultimately worthless as a means of controlling alcohol abuse.

There exists a perception on the part of some people and groups that the City Dry Area is racially targeted and is intended to move Indigenous people out of sight. I draw no conclusions about the accuracy of this perception, but the fact that it is widely held is a matter of concern. It is, unfortunately, a big obstacle to Indigenous reconciliation.

Whilst the service initiatives to which I have referred are commendable, in my consultations I received criticism that many of the strategies are yet to be implemented, or fully implemented. This is of concern given that the City Dry Area is in its third year of operation. However, if there is now a commitment to ensure the full and prompt implementation of these broad strategies there would seem to be no justification for extending the operation of the regulation in public parks in the City.

I urge you to act on the concerns I have raised in this letter, and not extend the present operation of the regulation.

Yours sincerely



John von Doussa QC  
President:

cc:  
Mr WA Pryor  
Liquor and Gambling Commissioner  
GPO Box 2169  
ADELAIDE SA 5001

The Hon Jay Weatherill MP  
Minister for Families and Communities  
Minister for Housing  
Minister for Ageing  
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DX 56301 Adelaide

The Hon. John von Doussa QC  
President  
Human Rights and Equal Opportunity Commission  
GPO Box 5218  
SYDNEY NSW 2001

Dear President

Re: City of Adelaide Dry Area

Thank you for your letter dated 3 September 2004 in which you state your concerns about the Adelaide dry area and urge the Government not to extend the declaration.

The Government has made a decision to extend the dry area, after careful consideration of your letter.

I would now like to respond to some of the specific issues that you raise.

In your letter you state that '[i]t is at least strongly arguable that the [dry area] regulation is itself in contravention of section 18(1) of the Racial Discrimination Act ...'. The Government has differing advice from the Crown Solicitor about the legality of the City of Adelaide dry area.

The Government takes its responsibilities in relation to the dry area very seriously. That is why in 2003 we, in conjunction with the Adelaide City Council, commissioned an independent researcher to carry out a thorough assessment of the effects of the dry area. The evaluation, carried out by Plexus Strategic Solutions, found that the introduction of the dry area had resulted in a reduction in anti-social and criminal behaviour in the designated dry area locations. Respondents interviewed by Plexus said that since the declaration they had observed a reduction in public drunkenness, begging, fighting and disruptive behaviour generally. Plexus also found that the dry area had increased people's feelings of safety in the city, particularly in Victoria Square and environs.

You state in your letter that there is a perception that the dry area is racially targeted and is intended to move Indigenous people out of sight. Let me state unequivocally that it has never been the intention of this Government to use the declaration as an instrument to remove Indigenous people from the city. We want Indigenous people, like all members of South Australia to freely use the city's public spaces. We particularly recognise the significance of Victoria Square as a meeting place for Indigenous people and acknowledge that one of the unfortunate consequences of the declaration has been a reduction in the numbers of Indigenous people who now meet there. To address this, the Government has established an on-going project to increase the inclusiveness of the city's public spaces. This project aims to not only encourage greater use of these spaces



by Indigenous people but also by other under-represented groups (e.g., people from diverse cultural and linguistic backgrounds, people with disabilities and unemployed people). The 2004 program of activities include a public event in Victoria Square, which is being co-sponsored by the Adelaide City Council.

We appreciate however that motive is not of itself determinative of the question of unlawful discrimination. We believe that there is an overriding public interest in discouraging public drinking in our city squares.

The Government acknowledges that dry areas do not in themselves address the underlying causes of anti-social drinking and its attendant behaviours. That is why we have been putting significant effort into establishing support services that do tackle the underlying problems. For example, this includes:

- establishing a stabilisation facility for homeless people with drug and alcohol problems
- preparing a business case for an Indigenous substance mis-use service
- funding for a visiting health service to increase the capacity of existing inner city health services for disadvantaged and vulnerable groups
- funding to expand and make permanent a drug and alcohol treatment service based at the City Watch House for people with behavioural problems who are apprehended by police pursuant to the Public Intoxication Act
- establishment of a mobile legal service to provide homeless and itinerant people in the inner city with better access to legal assistance
- provision of intensive case management and supported accommodation for a group of homeless individuals in the inner city with high and complex needs
- funding for two permanent Aboriginal Community Constables for the inner city.

The roll out of these initiatives is progressing well. I can understand the frustration expressed by some people that not all the strategies are in place yet.

Thank you again for your letter. We remain willing to supplement this information to assist you to understand the reasons for our decision.

Yours sincerely

**DRAFT**

Hon Jay Weatherill MP  
**MINISTER FOR FAMILIES AND COMMUNITIES**  
**MINISTER FOR HOUSING**  
**MINISTER FOR AGEING**  
**MINISTER FOR DISABILITY**

/ / 2004