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# **'DRY ZONES' AND CRIME IN WALGETT:**

**AN EVALUATION OF THE LOCAL  
GOVERNMENT (STREET DRINKING)  
AMENDMENT ACT 1990**

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## **PREFACE**

The *Local Government (Street Drinking) Amendment Act 1990* (NSW) was proclaimed in March 1991 with the stated objective of curtailing anti-social behaviour by drinkers on roads and footpaths. According to the second reading speech accompanying the legislation, it allows Local Councils to declare as alcohol-free, 'those roads and footpaths that are the habitual haunts of drinkers'. Once a warning has been given, police are empowered to confiscate alcohol from persons consuming it in an alcohol-free zone. Persons who fail to heed a police warning to cease drinking in such a zone may also be issued with an infringement notice rendering them liable to a \$20 fine. Non-payment of such a fine, however, cannot form the ground for subsequent imprisonment.

The introduction of the legislation was attended by a degree of controversy, concern being expressed by some groups that it would open the way for further discriminatory or oppressive treatment of Aboriginal people by police. Previous research both in Australia and overseas on the relationship between alcohol consumption and crime and on the effects of public drinking legislation provided no clear guide as to the likely effects of such legislation. In order to assist the Government in evaluating the impact of the legislation, therefore, the Bureau undertook a limited evaluation of the impact of the new legislation in a country town with a significant Aboriginal population. The present report provides the results of that evaluation.

The town selected for the evaluation was Walgett, situated in North-West New South Wales. The evaluation took the form of an analysis of trends in the recorded incidence of assault, malicious damage to property and offensive behaviour before and after the introduction of a 'dry zone'. The statistical analysis was supplemented with a series of unstructured interviews with a wide range of Walgett residents, including members of the Gingie and Namoi Aboriginal communities. The results of the statistical analysis indicate that the introduction of a 'dry zone' in Walgett had no discernible effect on the recorded rate of assault, malicious damage to property or offensive behaviour or on arrest rates. Interviews with Walgett residents suggest a reduction in street drinking occurred but anti-social behaviour by street drinkers remains a problem.

The results of the statistical analysis and the interview material suggest that there are a number of factors in Walgett which may limit the effectiveness of the new legislation as a means of controlling public drinking and anti-social behaviour. These include (a) the absence of any designated area where public drinking is allowed and (b) the relative ease with which the legal requirements in relation to public drinking may be flouted by drinkers with a determined desire to do so. Aboriginal women spoken to by the researchers also expressed a desire for initiatives to tackle problems such as family breakdown and alcoholism which, they maintain, underlie much of the chronic drinking which occurs and many of the social problems which flow from it.

Dr Don Weatherburn  
**Director**

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# 1. INTRODUCTION

When compared with other nations Australia ranks well above average in its level of alcohol consumption, and has the dubious honour of being the highest consumer of alcohol of all the English speaking nations (The Drug Offensive, 1990). At the individual level, 64 per cent of males and 42 per cent of females over 14 years of age have reported that they drink alcohol on one or more days per week and over 250,000 of these Australians can be classified as alcoholics (Mason and Wilson, 1989). It is not only individuals who suffer from alcohol-related problems. Society as a whole also feels the effects. This is particularly apparent when looking at the relationship between alcohol and crime.

## 1.1 THE RELATIONSHIP BETWEEN ALCOHOL AND CRIME

The existence of a relationship between alcohol and crime is well documented. Tomsen (1990) has categorised studies in this area into four main groups.

The first group includes studies of individuals and groups who have been under some form of surveillance, treatment, incarceration or punishment from State agencies. These include convicted juveniles, adult criminals, prisoners, alcoholics and problem drinkers. Results from these studies include the finding that between one-quarter and one-third of prisoners convicted of violent offences have a history of chronic alcohol abuse.

The second group of studies involves the analysis of violent incidents recorded by State agencies, including records of criminal assaults. Tomsen cites results from these studies as indicating the presence of alcohol in approximately 40 per cent of homicides and serious assaults.

The third group includes clinical studies of aggression and alcohol use conducted by psychologists, usually in an experimental university setting. In these studies drinking has been found to be associated with increased levels of aggression.

The fourth and last group involves studies of drinkers in natural settings. Results from this final group indicate that aspects of the drinking environment, such as a crowded and noisy atmosphere, increase the probability that violence will occur.

Overall there is considerable evidence that alcohol is associated with increased violent or aggressive behaviour. Although the existence of this relationship is widely accepted there is little agreement about the exact nature of the relationship. Some believe that there is a direct relationship between alcohol and crime. Others assume that the relationship between alcohol and crime is contingent on the presence of other external factors.

Pernanen (1982, cited in Murphy, 1983) describes four possible models which may account for the relationship between alcohol and crime. The first of these he calls the 'direct effect' model. In this model it is asserted that the consumption of alcohol reduces self-control, relaxes inhibitions and encourages aggression, thus increasing the probability that offending will occur. The second model of the relationship between

alcohol and crime is called the 'common cause' theory. In this model both drinking and offending are seen as behaviours arising from some underlying cause such as poverty. According to this model alcohol consumption and offending are associated but not causally related. The third model is called the 'interactive, conditional or conjunctive' model. The role assigned to alcohol in this model is more complex. Briefly, though, it is regarded as one of a number of factors which all work together to increase the probability that crime will occur. Finally, there is the 'spuriousness' explanation. This is really a variant of the second model whereby alcohol consumption and offending are argued to be associated but only in a strictly statistical sense. That is, the consumption of alcohol is incidental to the offence, rather than being directly or indirectly related to it.

Research findings are currently emerging which provide evidence for the 'interactive, conditional or conjunctive' model in that they suggest that the relationship between alcohol and crime often depends on the environment in which alcohol is consumed. For example, Tomsen, Homel and Thommeny (1991) looked at why violence occurs more readily in some hotels than others. Using an observational study they found that levels of drinking and the likelihood of violent incidents both rose during periods of high social interaction. This finding is consistent with other research that has demonstrated that assaults often occur in and around hotels and clubs or in the street and most often on weekends, particularly at hotel closing times when large numbers of young men who have previously consumed alcohol congregate (Tomsen, Homel & Thommeny, 1991; Bonney, 1989; Robb, 1988; Victorian Community Council Against Violence, 1989). Offences against public order (such as offensive conduct and language) have also been found to follow this pattern, with the street and the locale surrounding licensed premises being where most arrests for these types of offences take place (Bonney, 1989).

Similar findings have emerged from overseas studies on alcohol-related violence. A recent British report (Hope, 1985) examined patterns of alcohol consumption and public disorder in a North-Eastern English city. In this study public disorder incidents were defined as disturbances at licensed premises to which police were called, arrests for drunkenness or assault, or incidents of rowdiness or criminal damage in the street or other public place. Using this definition, disorderly incidents comprised nearly one-third of all incidents in which police were involved on Friday and Saturday nights, the peak times for social interaction. One-third of these disorderly incidents occurred inside or in the immediate vicinity of licensed premises. The fact that much of the disorder occurred in the streets outside and around hotels was interpreted by Hope as due to the fact that the street environment provides an opportunity for crowds to gather in a very 'public' domain where no-one, apart from the local governing body and the police, appears to have ownership or jurisdiction over conduct.

## **1.2 LEGISLATIVE SOLUTIONS**

Despite the large body of literature devoted to documenting and explaining the relationship between alcohol and crime there is little agreement on how to deal with it. Although opinions vary, one strategy gaining increasing support involves the introduction of legislation directed at reducing the amount of alcohol consumed in particular areas or zones where alcohol-related problems arise.



This type of legislation has been implemented both overseas and in Australia. In Britain, a recent Home Office study assessed the impact of by-laws aimed at stopping people from drinking alcohol in designated public places (Ramsay, 1990). The object of these prohibitions was to effect a decrease in levels of criminal victimisation and associated fear suffered by the general public in these areas. The prohibitions were applied to public areas such as streets and parks.

Assessment of the effects of the by-laws was conducted through interviews with the general population in the town of Coventry immediately before the introduction of the by-laws and then again one year later. The overall finding was a substantial drop in the proportion of people who perceived public drinking in the city centre as a problem. In addition, fewer people reported having been insulted by strangers and there was a reduction in the fear of crime as perceived by the public. However, this change was not reflected in official figures. Rates of criminal victimisation remained essentially unchanged following the introduction of the by-laws.

Legislation aimed at deterring public drunkenness has also been enacted within Australia. For example, the *Summary Offences Act 1983* in the Northern Territory contains a provision which makes it illegal to drink in a public place within two kilometres of licensed premises, or to do so on unoccupied private land without the owner's permission. This is commonly referred to as the 'two kilometre law'.

Claims about the effects of the 'two kilometre law' have been varied. One reviewer found the number of people drinking in public places to have decreased since the Act was introduced (Northern Territory Department of Health, 1984, cited in D'Abbs, 1990). Others have suggested that the overall effect of this legislation has been to displace alcohol-related violence to other areas, such as dwellings, where previously this had not been a problem (O'Connor, 1984, cited in D'Abbs, 1990).

O'Connor (1984, cited in D'Abbs, 1990) argues that the displacement of alcohol-related violence has particular relevance for Aboriginal communities. He suggests that by clearing the streets of Aboriginal drinkers, the level of violence in some Aboriginal communities has increased. O'Connor himself was resident in a town camp at the time the 'two kilometre law' came into effect and reported 'an unprecedented period of violence' following the implementation of the statute (O'Connor, 1983, cited in Lyon, 1990). Others have argued that the movement of drinkers into town camps may lead to more serious domestic violence injuries. This is because, in the main, Aboriginal communities tend to be located some distance from medical help and it is in this situation that serious injuries and death are more likely to occur (Brady, 1988).

Mark and Hennessy (1991) argue that it is not only the displacement of alcohol-related violence into previously unaffected areas that is of concern. They maintain that such legislative solutions could also lead to an increasing over-representation of Aborigines within the criminal justice system. As evidence for this proposition they note that the arrest rate for Aboriginal people in the first year following the introduction of the 'two kilometre law' was four times higher than in the previous year, despite the fact that police did not have the powers to arrest anyone for drinking within the two kilometre zone. These authors speculate that the increased police presence used to enforce the law may have provided the opportunity for arrest on other grounds (e.g. offensive conduct).

Legislation restricting public drinking in the form of the *Local Government (Street Drinking) Amendment Act 1990* No. 105 was proclaimed in New South Wales in March 1991. The second reading speech for the legislation states that the object of the Bill is:

to enable local councils to zone as alcohol-free, those roads and footpaths that are the habitual haunts of drinkers. Consumption of alcohol will be prohibited in alcohol-free zones and the Police will have various low grade or sensitive enforcement powers.

The Second Reading Speech also notes that the Bill is:

a clear statement to irresponsible drinkers that their anti-social behaviour on roads and footpaths will no longer be tolerated. The rights of the citizens of this State to use public thoroughfares in safety and without interference will not be compromised.

The Anti-Discrimination Board must be advised of all applications by councils for alcohol-free zoning. By 17 June 1992 the Anti-Discrimination Board had received 74 applications by councils for the introduction of alcohol-free zones within their boundaries.

### **1.3 THE PRESENT STUDY**

As discussed above there has been little empirical research undertaken to assess the potential effects of legislation restricting public drinking. To date there has been no evaluation of the impact of the legislation enacted in NSW. Research on the links between alcohol and crime suggest that the effects of legislation restricting public drinking on crime are likely to be seen primarily in the number, location and pattern of offences such as assault, malicious damage and offensive conduct. The exact nature and magnitude of the effects to be expected from the creation of such restrictions, however, are far from clear.

Because of the increasing usage of alcohol-free zones by councils and the fact that the existing literature does not enable one to resolve the effects of this type of legislation, the Bureau undertook to carry out an evaluation of the impact of the *Local Government (Street Drinking) Amendment Act 1990*. It would have been difficult if not impossible to carry out a comprehensive evaluation of the legislation. Particular concern has been expressed on a number of occasions, however, about the possible impact of this type of legislation on Aboriginal communities. For this reason a limited evaluation of the effect of the legislation in a town with a high Aboriginal population seemed warranted. At the time the study was being contemplated, Walgett Shire in North-West New South Wales, a shire with a high Aboriginal population, lodged an application with the Anti-Discrimination Board for the introduction of an alcohol-free zone. Following discussions with the Walgett police and officers of the Walgett Shire Council, Walgett was selected as a suitable site to conduct a study of the impact of the new legislation.

The claims made about alcohol-free zones suggested a number of issues were deserving of consideration in the research. Of primary interest was the impact on local area crime rates of declaring an area an alcohol-free zone. These crime rates might be expected to fall if the effect of such a declaration was to reduce the overall level of alcohol consumption and if one accepts the proposition that there is a relationship between levels of alcohol consumption and rates of malicious damage to property, offensive behaviour and assault (see, for example, Jeffs and Saunders, 1983; Mason and Wilson,

1989; Hope, 1985). They might also be expected to fall if the effect of declaring a public area an alcohol-free zone were simply to reduce the amount of confrontation between drinkers and the police. On the other hand, the introduction of an alcohol-free zone might be expected to increase crime rates if it led to greater friction between police and drinkers or if it led to increased resentment against those seen as responsible for restricting the rights and freedoms of drinkers. Yet a third effect worthy of examination is the possibility of displacement. There may be no change in the rate of assaultive behaviour after the introduction of an alcohol-free zone, for example, but such behaviour may be displaced to other areas, such as the home, or toward other persons, such as the spouse.

In order to be able to address these issues the present study set out to examine the impact of declaring an area of Walgett an alcohol-free zone, on (1) reported rates of assault, malicious damage to property and offensive behaviour, (2) incident characteristics for each of these offences (e.g. location, whether or not alcohol-related) and (3) victim and offender characteristics for each of these offences. Details about each of these measures and the source of information used to obtain them are dealt with in the next section of the report.

## **2. METHOD**

### **2.1 DESCRIPTION OF WALGETT SHIRE AND TOWN LAYOUT**

Walgett Shire covers an area of approximately 22,000 square kilometres in the North-West region of New South Wales. The town of Walgett itself lies at the junction of the Barwon and Namoi rivers and takes its name from its position, Walgett being an Aboriginal word for 'meeting of the waters'. The population of Walgett Shire is 7,300, approximately one-third of whom are people of Aboriginal descent mostly belonging to the Namoi or Gingie communities.

The central shopping area of Walgett lies around the intersection of the two main streets, Fox Street and Wee Waa Street. The police station is near this intersection in Wee Waa Street and lies across the road from one of the two major hotels, the Imperial Hotel. Several doors along from the Imperial Hotel lies the Oasis Hotel. Both of these hotels cater to a largely Aboriginal clientele. Directly across the road from the Oasis Hotel lies the local Payless store which also sells liquor. Further up Fox Street are the RSL and the Sports Club, both of which sell alcohol and have a primarily Caucasian clientele.

The significance of the central town layout is that everything is located around and visible from the intersection of the two main streets. The police station is in the centre of town and hence the police often attend incidents which they witness, such as alcohol-related disputes occurring in and around the hotels. Both the Namoi and Gingie communities lie some distance from the town centre (approximately 10 minutes drive) and are in opposite directions from each other. The distance between these communities and the town centre means that, in the main, police only become aware of offences in these communities when called. As a result, recorded rates of offending in the area may not reflect the true incidence of these offences.

An alcohol-free zone was established in Walgett on 14 August 1991. The designated zone encompasses the centre of the town. It runs down Fox and Wee Waa Streets and extends into other residential streets which lie parallel to Fox Street in the main part of town. For the first month of its operation police were advised to take no action on street drinking issues except for advising any persons drinking in these areas that it was now an offence to do so. Strict enforcement of the Act commenced on 14 September 1991. In the period from 14 September 1991 to 31 January 1992, cautions were administered in Walgett on 36 occasions to a total of 98 people (62 males and 36 females). Up until 31 January 1992 only one Infringement Notice was given out.

### **2.2 HYPOTHESES**

The hypotheses to be tested are that, following the introduction of the alcohol-free zone there would be a change in:

- (1) the total number of assault, malicious damage and offensive conduct incidents recorded by police;

- (2) the total number of arrests;
- (3) the characteristics of assault, malicious damage and offensive conduct incidents i.e. whether they were alcohol-related and their location;
- (4) the characteristics of the victims and offenders in assault, malicious damage and offensive conduct incidents i.e. their gender and racial appearance.

In addition, community attitudes to the operation of the legislation were considered.

### **2.3 DEPENDENT VARIABLES**

In order to test the above hypotheses, data were collected from two main sources: police records and hospital records. The police records were obtained from Walgett police station and the hospital records from Walgett District Hospital. Each data source will be considered in turn.

Police data were collected to establish what effect the implementation of the legislation had on the number and nature of criminal incidents. This was accomplished by examining police data for comparable 4-month periods before and after the introduction of the legislation. In most cases, when a criminal incident occurs and is reported to the police a Criminal Incident Report (CIR) is completed. If there is more than one suspect for the offence a Continuation Sheet is also completed. CIRs include suspect and victim information such as gender and racial appearance. They also include a brief narrative describing the incident. In order to get a profile of the number and type of criminal offences occurring in the relevant time periods copies of all available CIRs and Continuation Sheets were obtained from Walgett police station. Police data were obtained for the 4-month period from October 1991 to January 1992 immediately following the introduction of the alcohol-free zone and for the corresponding 4-month period of the year prior to its introduction (October 1990 to January 1991). In addition, to assess the general levels of variability in numbers of recorded offences between consecutive years, data for the period October 1989 to January 1990 were collected.

Police data do not, on their own, provide a reliable record of all assaults (Australian Bureau of Statistics, 1990). Many incidents of assault go unreported, especially if they are not serious or occur between individuals who are known to each other. However, if assaults are serious enough, victims usually seek medical attention even if they do not contact police. Therefore, in addition to police data on the number of incidents of assault, information was collected from the hospital on the number and type of hospital admissions for suspected assault-related injuries.

Records from the outpatients register of Walgett District Hospital were obtained for the periods October 1990 to January 1991, and October 1991 to January 1992 (before and after the introduction of the alcohol-free zone respectively). Unfortunately, hospital recording practices changed in mid 1990 so it was not possible to obtain comparable data for the corresponding 4-month period in 1989/90 to check for year to year variation in admission rates. The outpatients' register records all outpatients seen by Walgett District Hospital and keeps records on details such as age, gender and diagnosis. Hospital staff do not routinely indicate if patients are admitted for assault-related injuries. Patients' diagnoses were, however, used to indicate whether they were admitted

for injuries which would be consistent with having been involved in an assault. For example, patients whose diagnoses included injuries such as fractured jaws and lacerations were coded as being suspected of having been involved in an assault. Although the names of all outpatients seen at the hospital are recorded in the outpatients' register, for the purposes of confidentiality these names were not included in our database.

Finally, police and hospital data were supplemented by interviews with members of the community who were asked their opinions about the legislation. Individuals interviewed were as follows:

- members of the Gingie and Namoi communities,
- members of the Barwon Aboriginal Council,
- town councillors,
- members of the Police Service,
- medical personnel (including ambulance personnel and doctors),
- shopkeepers,
- school teachers,
- publicans,
- employees of the Commonwealth Employment Service.

### 3. RESULTS

The results are presented in two sections below. The first section deals with the question of whether there has been any change in the number of incidents or arrests in any of the offence categories of interest. The second section examines the possibility of changes in (a) the pattern of offending within each category of offence and (b) the characteristics of victim and offender.

#### 3.1 CHANGES IN INCIDENT AND ARREST RATES

From Table 3.1 it can be seen that there is no clear pattern in the number of incidents of either malicious damage or offensive conduct or assault which could be attributed to the introduction of the alcohol-free zone. More incidents occurred in 1990/91 immediately prior to the introduction of the alcohol-free zone than in 1991/92 following its introduction. At the same time the numbers of incidents in both 1990/91 and 1991/92 were generally considerably higher than in 1989/90. In other words there appears to be considerable year to year variability in the number of incidents recorded. Due to the magnitude of the year to year changes it is not possible discern any effect attributable to the alcohol-free zone.

**Table 3.1: Number of criminal incidents recorded by police, October to January, 1989/90, 1990/91, 1991/92**

<i>Offence</i>	<i>1989/90</i>	<i>1990/91</i>	<i>1991/92</i>
Assault	75	92	74
Malicious damage	18	51	31
Offensive conduct	14	88	77
Other offences	109	199	163
Total	216	430	345

Figures on the number of incidents of each type do not necessarily reflect the number of people arrested for these offences. Several people may be arrested for a single incident. It may be the case, for example, that since the introduction of the alcohol-free zone the police are arresting more people for a smaller number of incidents. This type of situation might arise because of the heightened police presence in the alcohol-free zone. That is, with more police in the area, the likelihood increases that they will be able to apprehend more of those involved in any incidents which take place. As a result there may be more arrests made per incident. The pertinence of this consideration is reinforced by the fact that (a) the alcohol-free zone encompasses the main part of town, including

the streets surrounding all the hotels in the area and (b) the fact that many of the offences occurring in this area are street offences such as offensive conduct (for example, street fighting) which commonly involve multiple offenders.

Comparison of Tables 3.1 and 3.2, however, shows that the arrest rate per incident has not increased. The trend in arrests shown in Table 3.2 directly reflects the trend in the overall numbers of recorded offences. That is, the number of arrests was higher in 1990/91, immediately prior to the introduction of the alcohol-free zone, than in 1991/92, following its introduction. At the same time, the number of arrests in both 1990/91 and 1991/92 was higher than in 1989/90. It is, therefore, unlikely that the decrease from 1990/91 to 1991/92 can be attributed to the introduction of the alcohol-free zone.

**Table 3.2: Number of arrests recorded by police, October to January, 1989/90, 1990/91, 1991/92**

<i>Arrests</i>	<i>1989/90</i>	<i>1990/91</i>	<i>1991/92</i>
Assault	69	77	63
Malicious damage	6	17	20
Offensive conduct	11	111	78
Other offences	53	93	78
Total	139	298	239

We now turn to specific comparisons for each of the offences of assault, malicious damage and offensive conduct. For each offence, we deal firstly with characteristics of the incident, such as whether it was alcohol-related and its location, secondly, with characteristics of the victim and, thirdly, with characteristics of the suspect.

### **3.2 CHANGES IN THE PATTERN OF OFFENDING AND IN VICTIM AND OFFENDER CHARACTERISTICS**

#### **3.2.1 Assault**

As noted in the preceding section of this report, hospital record keeping practices changed in mid 1990 and, as a result, it was not appropriate to make any comparisons between 1989/90 and the years immediately before and after the introduction of the alcohol-free zone (1990/91 and 1991/92 respectively) so the overall year to year variability in the number of admissions could not be assessed. Comparison of the years immediately before and after the alcohol-free zone shows, nonetheless, that the number of suspected assault-related injuries decreased slightly from 220 in 1990/91 to 201 in 1991/92.

As can be seen from Table 3.3 police data showed that there was no change in the proportion of assaults which were recorded as being alcohol-related following the



introduction of the alcohol-free zone ( $X^2 = 0.66$ ;  $df = 1$ ;  $p > 0.05$ ). In both periods over 70 per cent of assault incidents were recorded as being alcohol-related.

**Table 3.3: Number of alcohol-related assault incidents, October to January, 1990/91 and 1991/92**

<i>Alcohol-related</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Yes	64	72.7	51	78.5
Not stated	24	27.3	14	21.5
Total	88	100	65	100

Table 3.4 shows the location of assault incidents in each period. As can be seen from the table there have been no changes in the location of assault incidents following the introduction of the alcohol-free zone ( $X^2 = 1.82$ ;  $df = 3$ ;  $p > 0.05$ ). In particular, there is no evidence that proportionally more assault incidents occurred in dwellings after the implementation of the legislation. Assault incidents occurred with equal frequency in dwellings, in or around licensed premises and in the street.

**Table 3.4: Location of assault incidents, October to January, 1990/91 and 1991/92**

<i>Location</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Dwelling	31	35.2	22	33.8
In/around hotel	30	34.1	17	26.2
Street	22	25.0	22	33.8
Other	5	5.7	4	6.2
Total	88	100	65	100

The location of those assaults which were alcohol-related is shown in Table 3.5. As with assaults overall, there has been no change in the location of alcohol-related assaults following the introduction of the alcohol-free zone ( $X^2 = 4.30$ ;  $df = 3$ ;  $p > 0.05$ ). It should be noted, in particular, that the proportion of alcohol-related assaults which occurred in dwellings did not change.

**Table 3.5: Location of alcohol-related assault incidents, October to January, 1990/91 and 1991/92**

<i>Location</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Dwelling	18	28.1	14	27.5
In/around hotel	26	40.6	13	25.5
Street	13	20.3	18	35.3
Other	7	10.9	6	11.8
Total	64	100	51	100

We turn now to the question of whether there have been any changes in the gender and racial characteristics of either persons charged with or victims of assault. As shown in Table 3.6, police data provide no evidence that the introduction of the alcohol-free zone has resulted in an increase in the proportion of victims who are female. Approximately 64 per cent of victims were female both before and after the introduction of the alcohol-free zone ( $X^2 = 0.03$ ;  $df = 2$ ;  $p > 0.05$ ).

**Table 3.6: Gender of the victim in assault incidents, October to January, 1990/91 and 1991/92**

<i>Gender</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Male	25	28.4	19	29.2
Female	57	64.8	42	64.6
Unknown	6	6.8	4	6.2
Total	88	100	65	100

This finding is not, however, confirmed by hospital data which, although they also show no change in the proportions of men and women admitted with assault-related injuries following the introduction of the alcohol-free zone, nonetheless show that the majority of people admitted with assault-related injuries were *male* ( $X^2 = 0.69$ ;  $df = 2$ ;  $p > 0.05$ ; see Table 3.7). One possible explanation for this result is the fact that the hospital records include assault suspects as well as assault victims (as detailed below, the majority of suspects are male). In addition, it is possible that the classification of 'assault-related injuries' adopted here inadvertently captures some cases other than those in which assaults actually occurred.

**Table 3.7: Gender of patients with suspected assault-related injuries, October to January, 1990/91 and 1991/92**

<i>Gender</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Male	133	60.5	127	63.2
Female	80	36.4	66	32.8
Unknown	7	3.2	8	4.0
Total	220	100	201	100

As can be seen from Table 3.8, there was no change in the proportion of suspects of each gender ( $X^2 = 1.24$ ;  $df = 2$ ;  $p > 0.05$ ). The majority of suspects were male in both periods.

**Table 3.8: Gender of the suspect in assault incidents, October to January, 1990/91 and 1991/92**

<i>Gender</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Male	73	83.0	50	76.9
Female	13	14.8	14	21.5
Unknown	2	2.3	1	1.5
Total	88	100	65	100

**Table 3.9: Gender of the victim by gender of the suspect in assault incidents, October to January, 1990/91 and 1991/92**

<i>Gender</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Male suspect / male victim	15	17.0	11	16.9
Female suspect / male victim	9	10.2	8	12.3
Male suspect / female victim	52	59.1	37	56.9
Female suspect / female victim	4	4.5	4	6.2
Unknown	8	9.1	5	7.7
Total	88	100	65	100

**Table 3.10: Racial appearance of the suspect in assault incidents, October to January, 1990/91 and 1991/92**

<i>Racial appearance</i>	1990/91		1991/92	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Aboriginal	48	54.5	42	64.6
Caucasian	11	12.5	2	3.1
Unknown	29	33.0	21	32.3
Total	88	100	65	100

Finally, as seen from Table 3.9 there was no significant change in the gender of victims and suspects within an incident. Both before and after the alcohol-free zone was introduced the majority of incidents involved a female victim and a male suspect ( $X^2 = 0.45$ ;  $df = 4$ ;  $p > 0.05$ ).

Table 3.10 shows the racial appearance of suspects in assault incidents. There was no difference in the proportions of Aboriginal suspects before and after the introduction of the alcohol-free zone ( $X^2 = 4.56$ ;  $df = 2$ ;  $p > 0.05$ ). There are, however, two issues that should be kept in mind when interpreting these data. Firstly, race is a subjective variable open to interpretation by those completing the records. Secondly, for approximately one-third of cases there was no information recorded on racial appearance. This is a large proportion and means that any generalisations made about the suspects for which there was no information recorded on this variable should be made with caution.

**Table 3.11: Racial appearance of patients with suspected assault-related injuries, October to January, 1990/91 and 1991/92**

<i>Racial appearance</i>	1990/91		1991/92	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Aboriginal	125	56.8	120	59.7
Caucasian	90	40.9	72	35.8
Other	2	0.9	4	2.0
Unknown	3	1.4	5	2.5
Total	220	100	201	100

Police records do not include information on the racial appearance of assault victims. The hospital data, however, provide information on the racial appearance of patients admitted with suspected assault-related injuries. As noted above, it is not possible to

distinguish between victim and suspect in these data. From Table 3.11 it can be seen that the proportions of patients of different racial appearance have also remained the same, with most patients being of Aboriginal appearance ( $X^2 = 2.42$ ;  $df = 3$ ;  $p > 0.05$ ).

**Table 3.12: Number of malicious damage incidents which were alcohol-related, October to January, 1990/91 and 1991/92**

<i>Alcohol-related</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Yes	10	21.3	9	33.3
Not stated	37	78.7	18	66.7
Total	47	100	27	100

### 3.2.2 Malicious damage

Before presenting the findings for malicious damage it should be noted that the number of offences is small and therefore any interpretations should be made with caution.

From Table 3.12 it can be seen that in most cases, both before and after the introduction of the alcohol-free zone it was unknown if alcohol was involved in the malicious damage incident. One reason for this is because it is only possible to gauge if alcohol is involved in an incident if the offender is known and details are collected. In the case of malicious damage, only approximately 50 per cent of cases involved known offenders. As a result it was not possible to draw any firm conclusions about the relative levels of alcohol involvement in these incidents before and after the legislation came into effect.

**Table 3.13: Location of malicious damage incidents, October to January, 1990/91 and 1991/92**

<i>Location</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
In/around hotel	6	12.8	4	14.8
Dwelling	5	10.6	10	37.0
Car	18	38.3	5	18.5
Shops	8	17.0	7	25.9
Other	10	21.3	1	3.7
Total	47	100	27	100

Table 3.13 shows the location of malicious damage incidents before and after the introduction of the alcohol-free zone. It can be seen that proportionally more incidents occurred in dwellings or in shops following the introduction of the alcohol-free zone. On the other hand, proportionally fewer incidents involved cars after the introduction of the alcohol-free zone ( $X^2 = 12.34$ ;  $df = 4$ ;  $p < 0.025$ ).

As shown in Table 3.14 the cost of the damage for the largest proportion of incidents was between \$100 and \$500 for both time periods ( $X^2 = 1.27$ ;  $df = 3$ ;  $p > 0.05$ ).

**Table 3.14: Cost of the malicious damage, October to January, 1990/91 and 1991/92**

<i>Cost of damage</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Less than \$100	13	27.7	9	33.3
\$101 to \$500	19	40.4	10	37.0
\$501 to \$10,000	7	14.9	2	7.4
Unknown	8	17.0	6	22.2
Total	47	100	27	100

### 3.2.3 *Offensive conduct*

The last set of results deals with the offence of offensive conduct (which includes offensive conduct and language). There was no change in the proportion of incidents which were classified as being alcohol-related following the introduction of the alcohol-free zone ( $X^2 = 0.32$ ;  $df = 2$ ;  $p > 0.05$ ; see Table 3.15). Overall, about 80 per cent of offensive conduct incidents were recorded as being alcohol-related both before and after the new legislation.

**Table 3.15: Number of offensive conduct incidents which were alcohol-related, October to January, 1990/91 and 1991/92**

<i>Alcohol-related</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Yes	68	81.9	53	76.8
Unknown	15	18.1	16	23.2
Total	83	100	69	100

Similarly, Table 3.16 indicates that, overall, the location of offensive conduct incidents has remained unchanged following the introduction of the alcohol-free zone ( $X^2 = 2.43$ ;  $df = 3$ ;  $p > 0.05$ ). The majority of offensive conduct incidents occurred in the street or in or around licensed premises.

**Table 3.16: Location of offensive conduct incidents, October to January, 1990/91 and 1991/92**

<i>Location</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Dwelling	4	4.8	2	2.9
In/around hotel	21	25.3	24	34.8
Street	48	57.8	38	55.1
Other	10	12.0	5	7.2
Total	83	100	69	100

As can be seen from Table 3.17 this is also true when just those offensive conduct incidents which were alcohol-related are considered ( $X^2 = 0.70$ ;  $df = 3$ ;  $p > 0.05$ ).

**Table 3.17: Location of alcohol-related offensive conduct incidents, October to January, 1990/91 and 1991/92**

<i>Location</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Dwelling	3	4.4	2	3.8
In/around hotel	17	25.0	15	28.3
Street	40	58.8	32	60.4
Other	8	11.8	4	7.5
Total	68	100	53	100

For offensive conduct incidents such as street fighting, there is rarely an identified victim. As a result, only suspect details are presented here. Table 3.18 indicates that there were proportionally fewer male suspects in offensive conduct incidents after the introduction of the alcohol-free zone than before its introduction and a concomitant increase in suspects who were female ( $X^2 = 8.0$ ;  $df = 2$ ;  $p < 0.025$ ).

**Table 3.18: Gender of the suspect in offensive conduct incidents, October to January, 1990/91 and 1991/92**

<i>Gender</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Male	54	65.1	32	46.4
Female	27	32.5	37	53.6
Unknown	2	2.4	0	0.0
Total	83	100	69	100

On the other hand, it can be seen from Table 3.19 that there was no change in the proportion of suspects in offensive conduct incidents who were of Aboriginal appearance following the introduction of the alcohol-free zone ( $X^2=2.35$ ;  $df=2$   $p > 0.05$ ).

**Table 3.19: Racial appearance of the suspect in offensive conduct incidents, October to January, 1990/91 and 1991/92**

<i>Racial appearance</i>	<i>1990/91</i>		<i>1991/92</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Aboriginal	49	59.0	34	49.3
Caucasian	2	2.4	1	1.4
Unknown	32	38.6	34	49.3
Total	83	100	69	100



## 4. DISCUSSION

The stated purpose of alcohol-free zones is to reduce anti-social behaviour by irresponsible drinkers on roads and footpaths. A consideration of previous research concerning the links between alcohol and crime and the effects of tighter controls on drinking in public areas suggests that, whatever the intended effects of such zones, the possible incidental effects include a rise or fall in some forms of offending and/or a displacement of crime into other areas. The existing research evidence, limited though it is, also suggests that, within Aboriginal communities, the establishment of dry zones may bring about an increase in arrests and a deterioration in police-Aboriginal relations. The present research was carried out to see whether any of these effects eventuated in Walgett.

The data reviewed here provide no indication of any change in the recorded rates of assault, malicious damage to property or offensive behaviour as a consequence of declaring an area of Walgett an alcohol-free zone. Nor do they provide any indication of either a displacement of offences such as assault to the domestic environment or an increase in the rate of arrest. Fewer malicious damage incidents involved cars and more involved dwellings and shops following the introduction of the legislation. There were also more female suspects in offensive conduct incidents after the alcohol-free zone was introduced. There is no obvious reason, however, why these two changes would have resulted from the introduction of the alcohol-free zone. In the circumstances it is perhaps best to regard them as random changes in incident characteristics over time.

To some extent police records of offences such as malicious damage to property, assault and offensive behaviour must be regarded as relatively crude indicators of the incidence of anti-social behaviour, if only because so much behaviour necessarily passes unreported. Much of the malicious damage to property in Walgett, for example, is associated with the practice of bottle and glass smashing, few cases of which are ever reported to and recorded by police as offences. In many instances offensive behaviour is tolerated or ignored rather than reported to police. The only other source of information about the prevalence of anti-social conduct, however, is that obtained in interviews with members of the Walgett community conducted during the course of the research. This material was not gathered through a sample survey and the responses obtained in such interviews cannot necessarily be regarded as representative. They are nonetheless worthy of consideration.

Opinions about the impact of the alcohol-free zone appear fairly mixed. Most managers of commercial premises in the immediate vicinity of the alcohol-free zone appear to believe the incidence of glass breaking and what they regard as offensive behaviour by drinkers has declined but differ in their opinion about the size of the change and the scope for further improvement. Some said the situation had improved greatly. Others said that public drinking had simply become more covert. Several expressed concern about the flouting of the new laws by older drinkers and the alleged failure or inability of the police to take a tougher approach to such flouting. Nearly all of those spoken to expressed concern about the continuing need for steel mesh grills on shop front windows.

For their part the police obviously have to steer a fairly careful course between enforcing

the new laws and avoiding action which might appear unduly oppressive or result in a deterioration in their relations with members of the Aboriginal community, especially as it appears that these relations have improved considerably over the last couple of years. Whether and/or how much this consideration has affected the enforcement process itself cannot be determined objectively. Most of the enforcement activity at present appears to take the form of warnings to drinkers rather than the issuing of infringement notices. Concern was expressed by police, however, that the legislative requirements concerning the issue of warnings to drinkers in alcohol-free zones made enforcement of the zones rather difficult. It is commonly maintained that, once warned, drinkers often resort to the expedient of passing the bottle or can from which they are drinking to a companion who can then wait for a warning and repeat the process all over again.

Members of the Gingie and Namoi Aboriginal communities spoken to by the researchers expressed the view that public drunkenness was not socially acceptable conduct and that measures should be put into place to control it. Many advanced the opinion, however, that because the consumption of alcohol by Aboriginal drinkers traditionally occurs largely in the open-air and in group settings, a safe area should be put aside for those who wished to consume alcohol. Such an area, it was felt, should contain features such as street lighting, seats and bins for bottles, so that the opportunity for injury is minimised. A facility of this sort has been established in Brewarrina, a nearby town which also has a significant Aboriginal population. There appears to be some resistance among sections of the Walgett community, however, to the adoption of such a proposal there.

Strong concern was also expressed by some Aboriginal women that the legislation did not address the problems underlying public drunkenness, especially where it involves younger members of the community. It was felt that this type of conduct should be seen as arising from factors such as the breakdown of the family unit. The assault data discussed earlier to some extent bear out these concerns. The majority of assaults reported to police in the NSW population involve male victims and offenders who are either acquaintances or unknown to each other. By contrast, Table 3.9 indicates that in Walgett most assaults involve male offenders and female victims. A high proportion if not all of these assaults are likely to be domestic in origin and this fact might reasonably be viewed as indicative of a high level of stress and frustration among many Aboriginal families.

Overall, while the establishment of a dry zone in Walgett may have reduced the incidence of public drinking in areas within the zone, the evidence at best suggests it has been only moderately successful in fulfilling the aim of reducing anti-social behaviour by drinkers. It must be said that if the social benefits which have accompanied the introduction of the zone have not been spectacular, neither have they been accompanied by the problems which ostensibly accompanied the introduction of the so-called 'two kilometre law' in the Northern Territory. Considering the history of police-Aboriginal relations in Walgett (and other Western and North-Western New South Wales towns) this must be regarded as a positive dimension to the new legislation or, at least, to the method of its implementation.

A removal of the warning requirements in relation to public drinking in alcohol-free zones might provide an avenue for more effective enforcement of the legislation. Any such move, however, would have to be considered in terms of its probable effects across

the State as a whole. Within Walgett it would also have to be weighed against the relatively trouble free implementation of an alcohol-free zone to date. In the final analysis judgements about the future of its alcohol-free zone and the legal requirements accompanying its enforcement need to take into account not only the interests of those evincing particular concern about anti-social behaviour by drinkers but also the social and cultural factors underpinning such behaviour.

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