**Alcohol Mandatory Treatment**

**A New Pathway for Homeless Alcoholics**

1. The Alcohol Mandatory Treatment Tribunal is a world first as a pathway to assist chronic alcoholics. Much maligned by the chattering classes, this therapeutic Tribunal deserves some better understanding of its work and its powers. This paper attempts to do that. When a person is taken into protective custody three times in two months, they come before the Tribunal. That is the only realistic pathway for assistance. Protective custody is a last resort for the police[[1]](#footnote-1).
2. The people coming before the Tribunal are the most vulnerable in our community. When they appear, the Tribunal appoints a legal advocate and an interpreter, if requested. Mostly aboriginal, chronic alcoholics, suffering severe, untreated medical conditions, often cognitive impairment, these are the people who we look the other way from as we step over them lying in the streets and public areas of the towns and cities in the Northern Territory. Many are homeless women who bash themselves with rocks outside our hospitals so they can get a safe bed for the night.
3. Moving between protective custody, prison and short term emergency ward treatment, they are unwelcome in our homeless shelters or banned from sobering up shelters because of their disruptive behaviours. They are nobody's responsibility. The Tribunal provides a pathway for treatment, training, housing and jobs.
4. We subdue our natural instinct to help and we feel shame as we look the other way. The people who are lining out gutters and lying unconscious in our parks are mostly first Australians, members of the oldest continuous civilisation in the world.
5. We have a moral obligation to look out for these people. Some we can prise from their addictions. Others, all we can do is make them comfortable, somehow minimise their miseries even for a short time. To suggest that these poor damaged individuals can decide themselves, to self determine, to seek treatment to get off the grog, is nonsense. In my opinion, such attitudes are a shameful abrogation of our responsibility to care for and assist the most vulnerable in our community. It is nothing more than a excuse to do nothing while hiding behind a false belief that these people have a capacity to make a decision in their own best interest.
6. Mary’s Case[[2]](#footnote-2)

**The Good Old Days**

1. Before this therapeutic tribunal came into existence, there was some bizarre belief that not intervening, or intervening minimally, to solve the immediate problem of chronic public alcoholism was somehow empowering human rights, some kind of whacky self determination. Nothing could be further from the truth.
2. When I came to Darwin 30 years ago, public drunkenness was virtually unknown. Certainly there were small groups of aboriginal people who camped on the beaches and the foreshores around Darwin. These people had often come to town for business, sporting events and the like or to visit sick relatives. They often could not afford motel accommodation, or were refused accommodation because of their skin colour, or simply chose to camp with people from their country. In those days at the first turn of the weather to the wet season, these camps disappeared and people returned to country.
3. For various reasons, including the policy of dry communities as a result of the intervention, a massive increase in the numbers of alcoholic aboriginal people in town occurred. Unable to drink in their communities, often troublemakers, they drifted to town and formed what are known as drinking families. These people spend all of their time seeking, consuming and recovering from the effects of alcohol. The public places of our cities and towns are littered with these sad, homeless, violent, ill people.
4. The response in the past has been to empower the police to take these people into protective custody, for their own protection or the protection of others. They are taken to the police cells and released back into the community 12 hours later to continue their dysfunctional life cycle.
5. If they have physical signs that they may die, they are taken to hospital, treated for the immediate problem, respiratory, seizure, unconscious, whatever, and released when the immediate medical crisis has been responded to. They are released back to the gutters and parks in our towns, to continue their slow chronic alcoholic suicide. They are often judged drunk, when in fact, they are suffering from a non alcohol related conditions. Head injuries, sepsis or hypoglycaemia (deficiency of glucose in the bloodstream) can present as drunkenness.
6. Anne’s Case[[3]](#footnote-3)
7. A right is described by some as a human right to continue to drink in conditions and circumstances that would be grounds for prosecution under our animal welfare legislation is preposterous.

**What the Tribunal does**

What the Tribunal can do with a mandatory three month treatment order:

ensure that the withdrawal from alcohol is managed in a medical environment;

ensure that the other presenting medical conditions are attended to;

ensure that if cognitive impairment is identified, the pathway to appointing a guardian is commenced;

ensures that housing on release is assisted;

ensures that skill training is commenced and follow up arranged on release;

provide a pathway to recovery on release with ongoing assistance;

reunites people with their families and country.

1. Not all people coming before the Tribunal are mandated into rehabilitation in Darwin or Alice Springs. What is mandated is that they are provided with a safe place to be, often with relatives who are not drinkers, return to country, medical assistance on country, rehabilitation assistance on country and skills assistance.
2. Joseph’s case[[4]](#footnote-4)
3. Other jurisdictions grappling with the same issues are coming up with some very creative solutions.[[5]](#footnote-5)

I hope this paper has informed you of the work of the Tribunal[[6]](#footnote-6) and why it is necessary to provide this assistance to those who need it. It is part of the minimum guarantee that we as a civilised society should provide to our citizens.

Sally M Gearin – Deputy President – Alcohol Mandatory Treatment Tribunal – July 2016

1. S 128 *Police Administration Act (Annexure A)* [↑](#footnote-ref-1)
2. Refer Annexure B [↑](#footnote-ref-2)
3. Refer Annexure C [↑](#footnote-ref-3)
4. Refer Annexure D [↑](#footnote-ref-4)
5. Treating Alcoholics With Wine Annexure E [↑](#footnote-ref-5)
6. *Alcohol Mandatory Treatment Act* & Regulations [↑](#footnote-ref-6)