

**The supply of alcohol  
in remote Aboriginal  
communities: potential policy  
directions from Cape York**

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## Summary

This Discussion Paper aims to outline some of the key issues surrounding alcohol availability and consumption in remote Aboriginal communities, focusing on those in Cape York. The legislative and policy background to the contemporary alcohol situation is outlined. Sales data from the Council-run alcohol outlets are presented for four sample Aboriginal communities, which indicate extraordinarily high alcohol consumption levels. The data suggest that virtually *all* drinkers in these communities, on average, are drinking at extremely hazardous or harmful levels. Such drinking levels underlie the very poor health and morbidity statistics for Cape York's indigenous peoples.

The Paper examines various explanatory models in the literature for Aboriginal drinking, and suggests that the policies developed to deal with the issue tend to be dependent upon the theoretical model adopted. A syncretic model is proposed which has at its core the argument that Aboriginal drinking practices and understandings have to be seen as arising over time from the conjunction of factors located essentially in the dominant society, together with those whose origins lie basically within Aboriginal societies themselves. This suggests that actions at *both* levels are required—that of the institutions and structures of the wider society on the one hand, and that of the internal dynamics, values and practices of the particular Aboriginal group on the other. It is argued that this model provides a useful framework for the development of policies in the alcohol area, and four case studies are examined.

## Policy implications

The first case study involves the relationship between the supply of alcohol and demand for it. If supply can be seen as one of the 'structural' factors impacting on Aboriginal drinking practices, then the locus of demand lies essentially with Aboriginal society. Taxes and other imposts are commonly used as a means of influencing demand, but such policies are predicated upon a degree of elasticity in the relationship between demand and price. Detailed evidence from one Cape York community is presented, which suggests that the demand for alcohol is essentially independent of its price, in this community at least. One of the main reasons advanced by those supporting the establishment of canteens on remote communities is that it will reduce demand for illicit alcohol, as well as encourage more responsible drinking patterns. The data do not support either of these contentions. A further implication that if the present extremely high levels of alcohol consumption in these communities are to be lowered, the *supply* of alcohol has to be controlled in some way.

The second case study examines who should have the responsibility to develop policy in relation to Aboriginal drinking. This is a contentious arena, where it is commonly argued that Aboriginal people themselves must control policy development and implementation. However, there is a need for

complementary and interlinked policy and program development at *both* 'internal' and 'structural' levels. There appear to be no sustainable arguments that this latter area in particular should be the exclusive province of indigenous people.

A number of different legislative approaches to controlling Aboriginal drinking are analysed. Particular attention is given to the scheme recently introduced for Aurukun, which attempts to operate at both structural and internal levels, and provides specific mechanisms for linking them.

The last case study considers the operations of the Cape York community alcohol outlets, presently run by the Councils. It is argued that there are irresolvable conflicts of principle between various statutory roles of the Councils, most particularly those relating to law and order, community wellbeing, and operating the canteens on a commercial basis. Further, the highly problematic nexus between the internal Aboriginal politics of alcohol, the pressure for Councils to maximise their canteen profits, and the political and commercial imperatives of the brewing industry, militates against any clear policy development. A number of ways are examined in which this nexus could be broken.

Firstly, the dependence of Councils upon profits from canteens has to be reduced or eliminated. Secondly, any scheme to deal with drinking needs to build upon Aboriginal values and practices, including customary law where relevant or possible. Thirdly, mechanisms have to be developed which allow individuals and groups greater control over drinking practices in their own homes and other private spaces, as well as in public areas. Fourthly, their isolation leaves remote Aboriginal communities highly vulnerable to the complex of problems, which alcohol brings, and it is therefore necessary to develop a *regional* approach to alcohol issues. Lastly, policy options need to be examined for their potential impact at both structural and internal levels, recognising the necessary linkages between them.

It is suggested that one way to implement these principles would be to establish a regional 'Cape York Alcohol Trust' which would operate the community alcohol outlets, with specific mechanisms in place to ensure accountability to each local community while ensuring overall policies were implemented. The Trust's roles would include monitoring the impact of alcohol in each community, the employment, support and professional development of canteen staff, and funding of alcohol awareness, rehabilitation, and other such programs. Councils could be funded from consolidated revenue for a limited period with specific purpose grants equivalent to their current canteen profits, tied to community development and other beneficial purposes. Finally, schemes such as that being implemented in Aurukun should be instituted in each community, which enable more sophisticated controls over alcohol availability and drinking practices, establish Alcohol Law Councils separate from both community Councils and the bodies actually operating the canteens, and facilitate input from residents into control regimes.

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## Introduction

The Aboriginal peoples of Cape York still constitute a substantial proportion of the permanent residents of the region. The 1996 Census estimated the indigenous population to be just over 5,600 (Australian Bureau of Statistics (ABS) 1996), although for methodological reasons this is likely to be a major under-enumeration. Excluding the largely non-Aboriginal administrative and tourist centre of Cooktown on the east coast and the mining township of Weipa on the west, the data suggest that between 57 and 63 per cent of the Cape's population is indigenous (Martin 1997: 9). By far the greatest proportion of indigenous residents live in the Aboriginal 'community' townships in the coastal regions, which are controlled by elected quasi-local government Councils under specific legislation, and in most cases are situated within lands held either as a special purpose lease in the case of Aurukun, or as Deeds of Grant in Trust (DOGITs), a form of community freehold title vested in the community Councils (see discussion in Martin 1997).

Aboriginal people own just under 15 per cent of the lands in the region, with the likelihood of acquiring interests in additional lands through claims under the Commonwealth *Native Title Act 1993* and Queensland's *Aboriginal Land Act 1991*, and of owning or having important roles in the management of additional areas of major conservation value. At least in the Aboriginal communities themselves, Aboriginal people are nominally in control of major administrative organisations and some significant commercial enterprises. Yet, socioeconomic statistics paint a grim picture, particularly for the residents of the major Aboriginal communities, and there is considerable evidence of the implication of alcohol in profound, and often destructive, changes at the core of Aboriginal societies in the region.

This Discussion Paper aims to delineate some of the key issues surrounding alcohol availability and consumption for the Aboriginal residents of the major communities in Cape York. It examines various explanatory models for Aboriginal drinking, and suggests that the policies developed to deal with the issue tend to be dependent upon the theoretical model adopted. A syncretic model is proposed which has as its core the involvement of both wider structural factors and those more internal to the Aboriginal domain in the production and reproduction of Aboriginal societies. It is argued that this model provides a useful framework for the development of policies in the alcohol area, and in the final sections a number of resultant options are examined.

## Alcohol in the Cape York Aboriginal communities

There are numerous outlets where Aboriginal people can legitimately purchase alcohol in Cape York. There are not only the hotels in Weipa and the small townships of Laura and Coen, but also several roadhouses along the Peninsula

Development Highway situated to take advantage of the heavy dry season four wheel drive tourist traffic. Certain of these outlets provide relatively convenient sources of alcohol within a few hours travel of Aboriginal communities. Aurukun and Lockhart River people, for example, make significant purchases during the dry season from the roadhouse on the Archer River crossing, as do Pormpuraaw residents from that at Musgrave.<sup>1</sup> A number of Aboriginal communities have their own alcohol outlets, in the form of 'canteens', operated in all instances by their Councils. Outside of the Northern Peninsula Area, Lockhart River, Napranum, Aurukun,<sup>2</sup> Pormpuraaw and Kowanyama have canteens. While New Mapoon, Wujal Wujal and Hope Vale do not, their residents are able to purchase or order alcohol from nearby towns and return with it to their communities.

It is only in recent decades, however, that Aboriginal people of this region, as elsewhere in Queensland, have had legal access to alcohol. Restrictions on its consumption were enforced as part of systematic State control of indigenous people. Under the *Aboriginals Preservation and Protection Act 1939–46* and its predecessors (which had a direct lineage back to *The Protection of Aborigines and Prevention of the Sale of Opium Act 1897*), the Director of Native Affairs was designated Chief Protector. He was inter alia responsible for the management of Aboriginal settlements and for the supervision of the Superintendents of missions, including those in Cape York Peninsula. A regime of control of virtually every dimension of people's lives was established under the Act, with the Superintendents being responsible for the 'welfare and discipline' of the inhabitants of the reserves. The provision of alcohol to Aborigines was strictly prohibited and intoxication was an offence for Aborigines, as was the possession of alcohol.

The *Aborigines and Torres Strait Islanders Affairs Act 1965* removed many of the more draconian and discriminatory aspects of the 1939 legislation, although several of the changes were more cosmetic than actual; for example, access to liquor was allowed for Aboriginal people, but only off the reserves. The 1965 Act was, in turn, replaced by the *Aborigines Act 1971*, but under this legislation the Aboriginal residents of the reserves were still not able to regulate the sale of alcohol themselves. The Director had the power to grant permission for beer to be sold under restricted licensing conditions, and the Aboriginal Council was obliged to use the beer canteen profits for community welfare. Even so, as Kidd (1997: 302–3) notes, there is little doubt that the post-1971 availability of alcohol in the previously dry Aboriginal communities which now had canteens led to considerable turmoil, and that this was compounded by the illicit sale of alcohol including fortified wine and spirits—the so-called 'sly grog' running.

At one level a major break with past Queensland policies on indigenous affairs was instituted with the passage of the *Community Services (Aborigines) Act 1984* with Bob Katter junior as Minister.<sup>3</sup> This Act established Aboriginal Councils on each of the old major reserves with qualified local government powers, and the original reserve lands in each case were, over the next several years, vested in the relevant Councils as DOGITs).

The Community Services Act contains a number of provisions relating to law and order and community justice. The Aboriginal Councils can make by-laws which have the force of law, but which have to be approved by the Governor in Council. For instance, by-laws can be made for 'promoting, maintaining, regulating and controlling ... the peace, order, discipline, comfort, health, moral safety, convenience, food supply, housing and welfare of the area for which [the Council] is established'. Councils are given the power to appoint and employ Aboriginal police for their areas, whose function is to 'maintain peace and good order', and whose duties and powers are conferred under the Council's by-laws. Councils also have the power to constitute an Aboriginal Court for their areas, comprising two Aboriginal Justices of the Peace or Councillors, with jurisdiction, powers and authority conferred by the Community Services Act or the Council's own by-laws.

**Table 1. Canteen beer sales and profits 1991/92–1996/97, four Cape York Peninsula Aboriginal Communities<sup>1</sup>**

CYP Community	Indig. Popn. <sup>2</sup>	Popn. 15 and over <sup>2</sup>	Financial year	Canteen sales \$	Total expenses \$	Net profit \$
A	458	301	1991/92	1,016,061	587,907	428,154
			1992/93	1,111,484	630,219	481,265
			1993/94	1,121,400	714,552	406,848
			1994/95	1,271,005	758,350	512,655
			1995/96	1,363,414	842,419	520,995
			1996/97	1,284,967	880,530	404,437
B	822	563	1991/92	1,991,841	1,301,684	690,157
			1992/93	1,919,454	1,463,322	456,132
			1993/94	1,845,686	1,189,261	656,425
			1994/95	2,256,147	1,232,062	1,024,085
			1995/96	2,407,041	1,305,623	1,101,418
			1996/97	2,387,533	1,359,804	1,027,729
C	466	360	1991/92	1,049,712	762,823	286,889
			1992/93	1,135,292	865,292	270,000
			1993/94	1,195,399	751,979	443,420
			1994/95	1,449,109	918,003	531,106
			1995/96	1,341,490	815,125	526,365
			1996/97	1,343,591	807,606	535,985
D	721	506	1991/92	1,158,853	900,431	258,422
			1992/93	1,044,811	848,316	196,495
			1993/94	1,124,679	947,092	177,587
			1994/95	1,324,427	1,166,516	157,911
			1995/96	1,174,473	1,079,891	94,582
			1996/97	1,206,385	1,102,316	104,069

Sources: 1. Queensland Department of Families, Youth and Community Care, Annual financial statements of selected Community Councils.

2. ABS 1996.

Councils may also make by-laws for the purpose of regulating and controlling the possession or consumption of alcohol in their areas and, under general Queensland liquor licensing legislation, they have a role in providing advice on licensing matters within their own DOGIT areas. At the same time, under the Community Services legislation the Councils have the power to operate any business enterprise which can be profitably or effectually undertaken. Businesses carried on by Community Councils in Cape York include stores and snack bars, laundromats, art and craft outlets, cattle enterprises, market gardens, guesthouses, and most significantly in terms of overall turnover, alcohol outlets. Table 1 shows the alcohol sales and net profits at four Aboriginal communities on Cape York. These are designated A, B, C, and D in order to preserve confidentiality.

As the figures in this table demonstrate, the Community Councils can make significant profits from the sale of alcohol. While the 1991 Regulations to the Community Services Act provided that any profits from enterprises had to be used for the conduct of Council business undertakings, more recent amendments mean that Councils now have considerable discretion over their application, and can use them for any purpose that accords with Council functions and powers. Canteen profits thus provide Councils with a potentially significant means of supplementing their income from other sources, such as the Commonwealth Grants Commission and the Queensland Government. At the very least, however, there are major contradictions between the commercial imperatives of running a liquor outlet, and the responsibilities of the Councils relating to welfare and to law and order. These are matters to which this paper will return.

## **Consumption figures**

Data on alcohol consumption in the Cape York region suggests that it is high by Queensland standards for both non-indigenous and indigenous residents. In data reported by the ABS (1990), the average daily alcohol intake of Queenslanders self-reported in the week prior to interview was equivalent to 5.6 litres of pure alcohol per year on an annualised basis. The estimate of Queensland's Alcohol and Drugs Branch for the Queensland population as a whole, on the other hand was 10.9 litres per year in 1992/93. This compares with the same agency's much higher estimate for the Cape York peninsula region of 16.3 litres per year, based on data from the Queensland Liquor Licensing Commission. It should be noted that this relates to the relevant Queensland Health administrative region, which includes Cairns and Torres Strait as well as the peninsula proper and has a population of some 193,000.

The available evidence suggests that consumption levels amongst the residents of the Cape York Aboriginal communities are much higher. For example, an analysis of expenditure in one community over 12 months in 1985–86 suggested that consumption levels were equivalent to around 20 litres of pure alcohol per year for the population aged 15 and over, including both alcohol

purchased from the Council's beer canteen and illicit alcohol or 'sly grog' (Martin 1993). More recently, the Tropical Public Health Unit of Queensland Health estimated from data supplied by the Community Council that the consumption of legally purchased alcohol in 1995 and 1996 in one particular Cape York community was equivalent to 23.6 litres per year per person aged 15 and over (Gladman et al. 1997). The sales data in Table 1, allowing for order-of-magnitude assumptions concerning the types of alcohol sold and the average selling price, suggest consumption rates across the four communities concerned were between 25 and 30 litres of pure alcohol per year per person aged 15 and over. While extremely high, this is of the same order as the estimate for the Cape York community of 23.6 litres per year discussed above. These different estimates are summarised in Table 2.

**Table 2. Comparative alcohol consumption levels**

Source	Period of survey	Location	Consumption level (litres / year) <sup>1</sup>
ABS 1990 (self reporting)	1989–90	Qld: males	8.9
		females	2.4
		Total	5.6 <sup>2</sup>
Martin (1993)	1985–86	Particular Cape York community	~ 20.0
Alcohol and Drugs Branch, Qld Health	1992–93	Queensland (all groups)	10.9 <sup>3</sup>
Alcohol and Drugs Branch, Qld Health	1992–93	Peninsula <sup>4</sup> (all groups)	16.3 <sup>3</sup>
Tropical Public Health Unit, Qld Health	1995–96	Particular Cape York community	23.6 <sup>5</sup>
NT Sessional Committee on Use and Abuse of Alcohol	1990	Darwin region (all groups)	19.3 <sup>6</sup>
Queensland Aboriginal Councils' financial statements	1996–97	Cape York (4 communities)	25–30 <sup>7</sup>

Notes: 1 Litres of pure alcohol per year per person aged 15 and over.

2. Figures calculated as yearly equivalent from average daily alcohol intake reported in week prior to interview.

3. Figures supplied by Queensland Health, and calculated from data on alcohol sales supplied by Queensland Liquor Commission.

4. The region here is the Peninsula and Torres Strait Island region of Queensland Health, which includes Cairns and Torres Strait as well as the peninsula proper (total population of region 193,000).

5. Gladman et al. 1997. Consumption level based on average legal alcohol sales over two year period for a particular Cape York Peninsula community canteen.

6. Legislative Assembly of the Northern Territory 1991: 103.

7. Estimated from total alcohol sales in the four community canteens, 1996/97.

It should be noted here that it is likely that the actual average consumption levels for Aboriginal drinkers in these communities are actually higher than these figures indicate, since it is widely reported that there is a significant proportion of the Aboriginal population who are non-drinkers (e.g. Harris et al. 1987; Hunter, Hall and Spargo 1991; Blignault and Ryder 1994; d'Abbs et al. 1994). The implications of this point will be discussed in the following section.

## Health and social consequences

It is not proposed in this paper to examine in any detail the social and health consequences of heavy levels of alcohol consumption. However, it is useful to place the consumption levels outlined above in the context of the broadly accepted relative health risks to individuals of various consumption levels. It must be noted in this context that the above data are estimates of average consumption levels for populations in which there will be considerable variation in individual drinking patterns, and that furthermore, individuals typically move through different drinking patterns at various stages of their lives. Table 3 provides recommendations by the National Health and Medical Research Council (NH&MRC) of relative risks to individuals at different alcohol consumption levels.

**Table 3. Indications of relative health risk of alcohol consumption levels**

Levels of consumption	Male (litres/year of pure alcohol)	Female (litres/year of pure alcohol)
Responsible, 'safe' drinking	< 14.6	< 7.3
Hazardous	14.6–21.8	7.3–14.6
Harmful	> 21.8	> 14.6

Source: NH&MRC (1992: 32–5). Figures in this table are converted from NH&MRC data, which are given in grams per week of pure alcohol.

Hazardous consumption is defined as the use of a drug that will probably lead to detrimental consequences or impaired psychological or social functioning for the user. Harmful consumption is at levels known to have caused tissue damage or mental illness. It is important to note in this context that these figures assume a regular daily consumption of alcohol at the particular level. However, 'binge' or very heavy episodic drinking is commonly reported amongst Aboriginal groups, and is certainly a feature of consumption patterns on the Cape York communities. Binge drinking results in acute intoxication and substantial alcohol related morbidity, and thus a nominally 'safe' annualised drinking consumption level that derives from relatively infrequent binge drinking may still be hazardous (NH&MRC 1992: 34).

In assessing the health implications of the consumption levels estimated in Table 2 from canteen sales, it is crucial to note that the data in Table 3 relate to *individual* consumption, whereas the data in Table 2 are *aggregates* for the whole

population aged 15 and over. In order to gain a better appreciation of the alcohol consumption patterns of drinkers, certain factors have to be taken into account. Firstly, allowance has to be made for the relatively significant proportion of Aboriginal people who at any given time are non-drinkers or rarely drink. Secondly, the fact that fewer women drink than do men, and that their drinking patterns are somewhat different as well, needs to be incorporated. Without detailed surveys, such matters are difficult to quantify, but there are relevant data which allow broad-level estimates to be made.

A 1987 study examined alcohol use in five Queensland ex-reserve communities as well as in an urban centre (Smithson et al. 1991). While there were substantial differences amongst the five communities, a general pattern emerged of heavy, regular alcohol use amongst both men and (to a lesser degree) women. Some 30 per cent of women were engaging in 'heavy regular' drinking (defined in the study as the equivalent of between 16.5 and 33 litres of pure alcohol per year), 'very heavy regular' drinking (more than 33 litres of pure alcohol per year), or heavy binge drinking. Almost two-thirds of men (62 per cent) were engaged in heavy regular, very heavy regular, or binge drinking on these communities. Harris et al. (1987) on the other hand, estimated that 31 per cent of males and 55 per cent of females in Bourke were non-drinkers, while Blignault and Ryder (1994) found that 34 per cent of females and 17 per cent of males in their sample of 377 Aboriginal people in Carnarvon did not drink. Martin (1993) estimated that around 10 per cent of men and 60 per cent of women over the age of 15 in one particular Cape York community, were abstainers in 1988.

For our purposes here, we will assume that between 10 and 20 per cent of men over the age of 15 and between 30 and 40 per cent of women over the age of 15 were abstainers on these communities. Consumption levels for actual drinkers can then be calculated straightforwardly, and are shown in Table 4.

**Table 4. Estimated consumption levels for drinking population, Cape York Aboriginal communities**

Male abstainers (per cent)	Female abstainers (per cent)	Estimated consumption levels litres pure alcohol / drinker / year		
0	0	20.0 <sup>1</sup>	25.0 <sup>2</sup>	30.0 <sup>3</sup>
10	30	25.0	31.2	37.5
20	40	28.6	35.5	42.9

Notes: 1. Martin (1993).

2. Intermediate estimate.

3. Estimated from Council beer sales, 1996/97 (Table 2).

It should be noted that the fact that the table combines men and women means male consumption is underestimated and female consumption overestimated. Nonetheless, these are quite extraordinary drinking levels, and

suggest that virtually *all* drinkers in these communities, on average, are consuming alcohol at extremely hazardous or harmful levels. Such consumption levels are likely to have major impacts on the health of individuals and on morbidity statistics. For example, in the report of a Working Group for the Royal Commission into Aboriginal Deaths in Custody, Alexander (1990: 16–18, 32) concluded that around 10 per cent of Aboriginal deaths recorded in a number of studies across Australia were alcohol related, more than three times that for the general Australian population. About a quarter of Aboriginal hospital admissions were alcohol related, compared with around one-fifth of non-Aboriginal admissions.

The available evidence indicates clear links also between alcohol consumption and violence and injury, although the relationship is complex and not necessarily one of simple causality, as discussed later. With regard to the Cape York region, between November 1995 and October 1996 the Tropical Public Health Unit of Queensland Health, in conjunction with Apunipima Cape York Health Council and the Aboriginal Coordinating Council, conducted a comprehensive analysis of injuries in specific, although unidentified, Cape York Aboriginal communities (Gladman et al. 1997). The study utilised data from local community health services which, while presenting problems including under-reporting of injury and alcohol-related events, allowed for far more detailed assessments than those provided by the conventionally used hospital separation and mortality data. Additionally, qualitative data on such matters as the involvement of alcohol in injuries and assaults were collected from personal interviews and from focus groups.

The data collected over this 12-month period from one particular community with a canteen, provide a great deal of quantitative evidence on the relationship between alcohol and injuries. At the broad level, the data demonstrate that at least 50 per cent of all injuries, and 88 per cent of all assault injuries, were associated with alcohol. Furthermore, injury patterns were clearly related to the cycle of Community Development Employment Project (CDEP) and Social Security payments, with high rates on paydays and the day following, with a marked decline on Sunday when the canteen was closed (Gladman et al. 1997: 17). Daily clinic register data gathered from this community and one other in the region that did not have a canteen, suggested that specific injury rates for the former were double those for the community without a canteen (Gladman et al. 1997: 71).

The qualitative data on accident and injury events from five different Cape York communities collected during this project also serve to emphasise the pervasive links between alcohol and violence. They reveal that for men between 15 and 30 years old, alcohol was almost universally involved in such events. Similarly, event histories for women involving accidents and injuries demonstrate the pervasive involvement of alcohol in interpersonal violence, including as a common feature the intoxication of both perpetrators and victims (Gladman et al. 1997: 58,61).



The effects of high levels of alcohol consumption on individual health are well documented in the medical literature, and as suggested above it has a direct (if not necessarily causal) involvement in injuries and deaths through violence and accidents. Certainly, it appears to be associated with the very poor health status of the Cape York indigenous population, albeit through complex mechanisms. The ratio of mortality in the Cape York indigenous population has risen from 3.2 to 4.7 times that of the general Queensland population between 1976–82 and 1989–94. Death rates attributed to alcohol are over 21 times that of the general Queensland rate, and for homicide and violence (much of it alcohol related) 18 times higher (Apunipima Cape York Health Council 1996: 9). It is noteworthy that this period is one of increasing availability of alcohol. This occurred firstly through the lifting of the *de facto* restrictions at alcohol outlets in the region from the early 1970s and the establishment of canteens on many of the community townships a decade or so later, and secondly through the access of Aboriginal people to the welfare-based cash economy with the direct payment of unemployment benefits, also in the mid 1970s.

Heavy drinking also has a major impact on Aboriginal social and familial life. As Martin (1993) demonstrates with relation to one western Cape York community, obtaining alcohol, its consumption, and dealing with its consequences, have increasingly become core activities around which much of Aboriginal economic, social and political life revolves. For this particular township, over a 12-month sample period almost a quarter of total cash income was devoted to expenditure on alcohol, both legal and illicit. Dealing with the consequences of alcohol consumption, even for those who were themselves non-drinkers, demanded a massive investment in time and emotional and physical energy. Protecting drinking kin from harming themselves, trying to remove them from fights or indeed supporting them when they did get involved, supplying food to drunken kin when they demanded it, caring for the children of those who were drinking, and perhaps more basically coping with chronic disorder, conflict and fighting with few avenues of escape, placed considerable stress on the Aboriginal residents of this township (Martin 1993: 190; see also Alexander 1990: 20–25).

## **A framework for policy development**

This section briefly outlines various ways in which Aboriginal drinking has been characterised in the literature, and suggests that the nature of the model adopted influences the policies developed to deal with the issue. It then proposes a means to integrate certain of these explanatory models, and examines some potentially useful policy implications that emerge from this syncretic approach.

## **The characterisation of Aboriginal drinking**

There is quite an extensive and diverse literature on theories and models of Aboriginal drinking in Australia, and this in turn forms but one element of the

wider international literature on indigenous drinking, and ultimately on alcohol consumption world-wide. In a literature review of alcohol-related violence in Australian indigenous communities, d'Abbs et al. (1994) provide useful summaries of studies and accounts of Aboriginal drinking, of theories of the relationship between drinking and violence in Australian indigenous societies, and of responses to alcohol-related violence.

Following Pernanen (1991), they suggest that there are three broad paradigms within which the relationship between alcohol consumption and violence has been analysed in the literature. In 'biomedical' models, behaviour associated with drinking is explained primarily in terms of the pharmacological properties of alcohol itself, and their effects on human cognition and behaviour. In 'socio-cultural' explanations, such as those of many social anthropologists, the forms that drinking patterns and drunken behaviour take for a particular group are seen as manifestations of core socially and culturally derived values and expectations. In 'structuralist' models on the other hand, heavy alcohol use and associated violence is attributed primarily to the cumulative effects of poverty, unemployment, poor education and so forth, and the historical processes of dispossession through which these characteristics of contemporary Aboriginal societies have been created (d'Abbs et al. 1994: 65–89).

It is not the aim of this Discussion Paper to provide a detailed account of the strengths and weaknesses of each of these approaches. It is important to note, however, that the theoretical approach taken on Aboriginal drinking and associated behaviours, whether implicit or explicit, is usually linked to the type of policies proposed to address the issue. Thus, d'Abbs et al. (1994: 87) suggest that 'disease models' based on a biomedical framework typically lead to demands for residential treatment for problem drinkers or programs such as those offered through Alcoholics Anonymous, which tend to focus on the individual drinker rather than on the wider group and social environment within which the drinker and his or her actions are located.

On the other hand, they suggest that 'social learning' models, derived from sociocultural perspectives, tend to be associated with more preventative programs such as education and other practical interventions (d'Abbs et al. 1994: 87). However, sociocultural theorists, particularly anthropologists, have typically avoided proposing policies to address the issues that their research has identified. If, for example, heavy drinking amongst some indigenous groups has become the norm, deeply embedded within systems of meaning and social relations (e.g. Douglas 1987; Brady 1988; Martin 1993) and a means of defying the values and practices of the dominant white society (e.g. Beckett 1965; Sackett 1988), then how are such values and practices to be changed, and indeed, should they be?

'Structural' models on the other hand frequently portray high levels of alcohol consumption and associated violence and other problematic behaviours as resulting from the cumulative effects of European colonisation on Aboriginal people. These models typically portray drinkers as victims, and tend to emphasise

the necessity for wider systemic political changes to address the problem, including land rights, equity in employment, and access to core services such as education and health care. Such approaches tend to assume a direct causality between these structural factors and drinking behaviour, at both the individual and the group level. In fact, Brady (Brady 1991: 186, summarised in d'Abbs et al. 1994: 68), suggests that in Australia there are now two quite different explanatory models of Aboriginal and non-Aboriginal drinking and drug use. Whereas for non-Aboriginal people, interpersonal factors such as the influence of family and peers are seen as significant factors in an individual's drinking and drug-taking behaviours, for Aboriginal people the experience of dispossession and exclusion, disadvantage, and discriminatory government policies are emphasised. Such explanations are particularly prevalent amongst Aboriginal people and organisations themselves.

More recently, there have been a number of more syncretic approaches to understanding Aboriginal drinking, which have sought to draw from a range of theoretical models. Langton (1992), for example, in a paper based on a report prepared for the Royal Commission into Aboriginal Deaths in Custody, attributes contemporary Aboriginal drinking practices to three, inter-related factors—the addictive effects of alcohol itself, the absence of internal social rules for alcohol consumption and behaviour in Aboriginal societies, and a lack of scope for meaningful activities in either the contemporary or traditional realms. As another instance, Hunter (1993) has drawn upon social, historical and psychiatric perspectives in a major study in an attempt to explain contemporary drinking patterns and associated problems in the Kimberley region. Kunitz (1990: 21–3) accounts for quite different patterns of violence and alcohol consumption between Hopi and Navaho peoples in northern Arizona, in terms of both the disruptive effects of Anglo-American domination and its interaction with the particular culture and social organisation of each tribe.

Given the complexity of the issues surrounding Aboriginal drinking and associated behaviours, approaches drawing on a variety of theoretical perspectives would seem to offer the most productive path to developing strategies to respond adequately to these issues. While not pretending to provide yet another theory of Aboriginal drinking, this Discussion Paper does propose the outline of a syncretic approach that attempts to integrate 'structural' and 'sociocultural' levels of explanation, and then examines some potentially fruitful policy implications of this approach.

### **A syncretic approach**

As explanatory models, 'structural' paradigms in essence assume a directly causal set of relationships between harmful alcohol consumption levels and associated behaviours on the one hand, and particular historical and contemporary factors on the other. These include political marginality, poverty, unemployment, substandard infrastructure and housing, poor education standards, and other features of many contemporary Aboriginal societies, and the

broader historical factors of institutionalised racism and dispossession from land and culture, through which these contemporary features have been created.

Despite their superficial attractiveness, there are criticisms to be made of such explanations. For one thing, they tend to suggest that the dispossession and disadvantage of Aboriginal people as a *group* leads to alienation and lack of self-esteem for Aboriginal people as *individuals*, without adequately defining the link between these two levels of explanation. For another, as noted by Brady (1991) and Martin (1993) amongst others, they fail to adequately account for the typically far lower rates of alcohol use by Aboriginal women than for Aboriginal men.<sup>4</sup> Nor do they account for the fact that while the average per capita alcohol consumption rate for Aboriginal people is higher than that for Australians as a whole, most studies report a higher percentage of Aboriginal abstainers.<sup>5</sup> Arguably, Aboriginal abstainers and women have both been broadly subject to the same historical and discriminatory factors as drinkers. Furthermore, social anthropological studies, such as those already mentioned, have shown that Aboriginal drinking and other drug-taking behaviours need to be understood as 'meaningful' practices rather than simply aberrant, in the sense that they are attributed meaning by the individuals and groups concerned. Their significance derives from the cultural 'repertoire' of the group, and the assumption that these practices are solely the result of colonisation, and the resultant dispossession, oppression, and alienation can be challenged.

Nonetheless, it must be accepted that such historical and political 'structural' factors are indeed implicated in the development of contemporary beliefs and practices, including those surrounding drinking. The issue here is whether it is useful to see a directly causal link between them, or whether there are more complex relationships between wider, external or 'structural' factors within which Aboriginal societies are situated, and ones which are internal to them. It is crucial in this context to understand societies or cultures, not as static entities insulated from those around them, but as dynamic, with beliefs, practices structures and institutions constantly changing in an ongoing process of interaction with those of the wider society.

This is not to deny that there are distinctive Aboriginal beliefs and practices, including those surrounding alcohol consumption. However, it is to say that these are not produced and reproduced in isolation, but through processes whereby the structures, institutions, values and practices of the wider Australian society both enable and constrain those of Aboriginal societies. Thus, to give an instance, ready access to alcohol for fringe dwellers in towns like Alice Springs and Mt Isa is determined by a conjunction between the availability of cash through the welfare system, the commercial interests of breweries and opportunistic liquor outlets, and liquor licensing laws. At the same time, there are constraints placed on Aboriginal drinking behaviour by local by-laws, such as those relating to consumption in public places. The availability of alcohol, the commercial and political power of the liquor industry, and the nature of legislative controls on alcohol consumption both produce and are the product of, the culture of alcohol in the dominant society.

Over time, a conjunction develops between these 'structural' features and others more related to internal values and practices of Aboriginal groups. Heavy alcohol consumption and associated behaviours become normative for many in the fringe dwelling group, deeply embedded in the everyday life of the group, and reproduced through the generations (Martin 1993: 196–99). That is, the development of particular Aboriginal drinking practices and values is but one instance of the wider production and reproduction through time of contemporary Aboriginal societies, whereby the structures and forms of the wider system variously constrain, enable, and are incorporated into Aboriginal people's own social and cultural forms.

To approach the development of particular Aboriginal drinking practices from this perspective then, is to necessarily reject the view that Aboriginal people can only ever be seen as victims of history, passively accepting the dictates of the wider society, acted upon but never acting, empty cultural vessels into which the dominant culture and its alcohol is poured. The logical extension of such a position is that if people are essentially portrayed as victims, then responsibility for both causes and solutions lies solely within the dominant Australian society. Only if the mainstream institutions change, the argument runs, can Aboriginal drinking patterns change.

Rather, the recognition that the 'culture' of Aboriginal drinking has developed through the conjunction of both internal factors and wider structural ones suggests that actions at *both* levels are required—that of the institutions and structures of the wider society on the one hand, and that of the internal dynamics, values and practices of the particular Aboriginal group on the other. This may seem to be a truism, but there are useful policy frameworks and directions that emerge from such an analysis.

## **Policy options**

This is where separating out, at the conceptual level at least, the relevant 'structural' and 'internal' factors through which a group and its beliefs and practices is reproduced through time, and then examining the linkages between them, should prove useful in a policy context. This Discussion Paper will now turn to some policy-related areas where this kind of analysis suggests potentially fruitful directions.

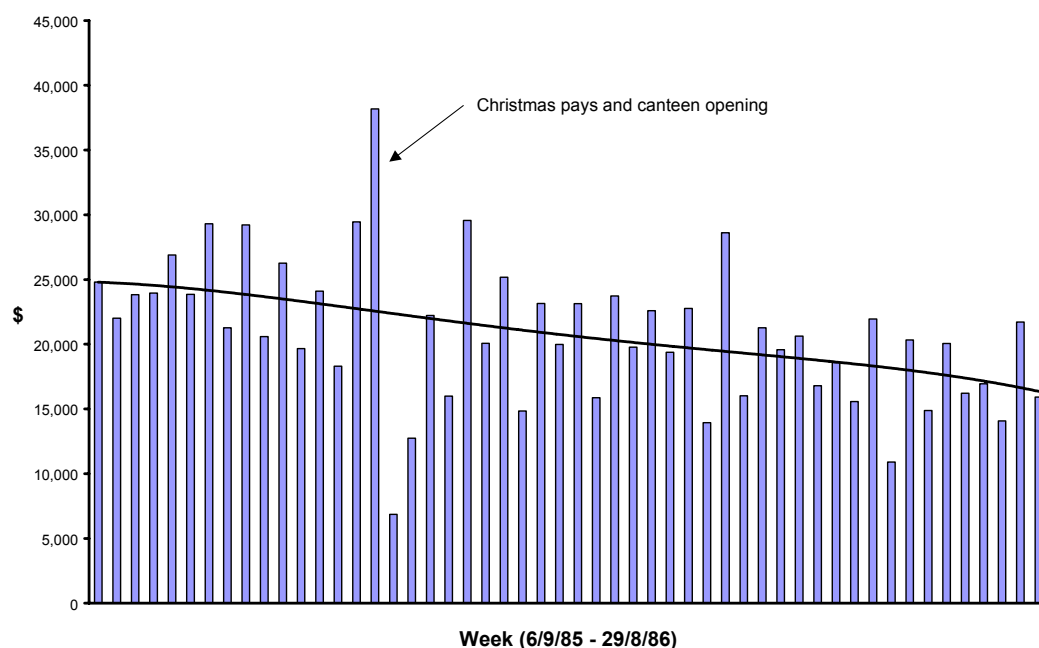
## **Supply of alcohol and its demand**

First, I will examine some suggestive data on alcohol consumption patterns on one particular western Cape York Aboriginal township, focusing on one aspect, that of the supply of, and demand for, alcohol. If supply can be seen as one of what has been termed the 'structural' factors whose locus lies essentially in the dominant society, that of demand lies within the particular Aboriginal group. Clearly though, following the above argument, demand itself will, over the course

of time, be related to 'structural' factors, including supply. For example, as children grow in an environment where heavy binge drinking has become a part of normative everyday behaviour then, arguably, their own collective understandings and practices in adulthood will be formed accordingly.

A common tool of government is to use taxes and other imposts as a means of influencing demand for a given item as well, of course, in order to raise general revenue. Taxes on leaded petrol are one example, and those on tobacco products and on alcohol are others. Studies on the effects of price on alcohol consumption, mostly in western countries, have consistently demonstrated that when other factors remain unchanged, rises in price have generally led to a drop in consumption (Edwards et al. 1995: 111). However, such policies are predicated upon a degree of elasticity in the relationship between demand and price. Detailed evidence from one Cape York township at least is that the relationship between the price of alcohol and demand for it is highly inelastic for this group; put another way, demand for alcohol is essentially independent of its price, at least within broad limits.

**Figure 1. Sales of food and basic goods, September 1985–August 1986**

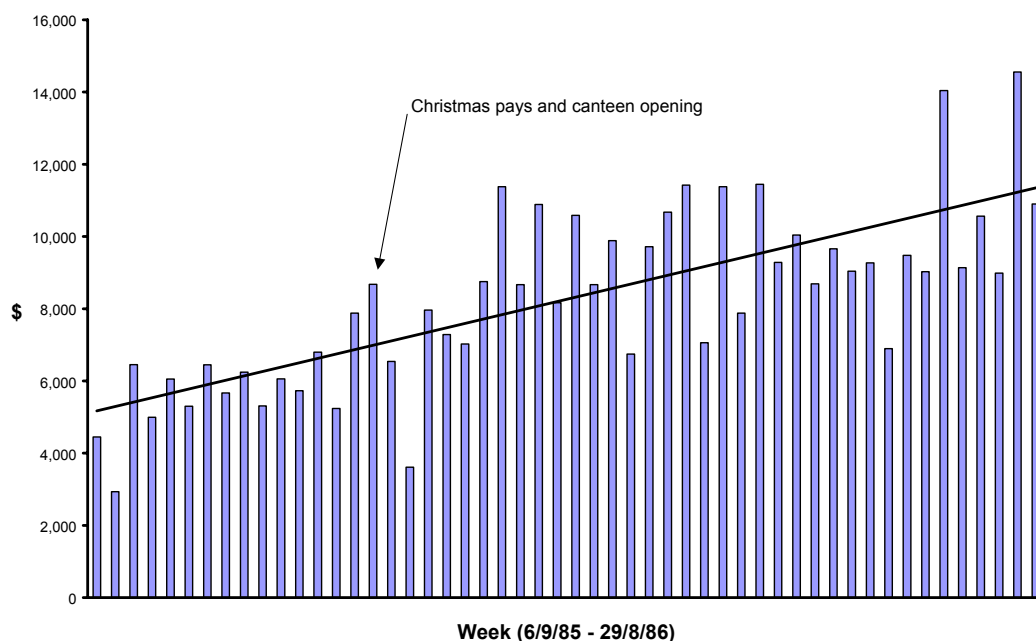


As part of doctoral research, Martin (1993) collected extensive income and expenditure data over 52 weeks between September 1985 and August 1986 for the 900 or so Aboriginal residents of a remote Cape York community. Because of the relatively closed nature of the cash economy of this township, with few sources of income outside of CDEP and welfare payments, and a limited number

of locations in which money could be spent, it was possible to accurately quantify virtually all expenditures on a weekly aggregated basis. Some 13 weeks into the survey period the Council opened a canteen, which allowed a comparison to be made of expenditure patterns prior to and subsequent to its establishment. Data were detailed enough that the expenditure on illicit alcohol could also be quite accurately estimated each week, both before and after the opening of the canteen.

In comparison with those in the broader Australian community with a similar per capita income and dependent on welfare incomes, Aboriginal people in this township spent on average twice as much per capita on food over the total survey period. This was a reflection of the extremely high price of basic commodities in this remote location. However, up to nine times as much of their income, 23 per cent, was used in the purchase of alcohol (Martin 1993: 110). The establishment of the canteen was clearly implicated in a major shift in expenditure patterns. There was, for instance, a significant reduction in expenditure on basic foodstuffs and other items from the store, as can be seen from Figure 1. This shift in expenditure away from basic sustenance to alcohol for this community has been mirrored elsewhere in Cape York, when canteens moved from restricted hours to 10am to 10pm trading.

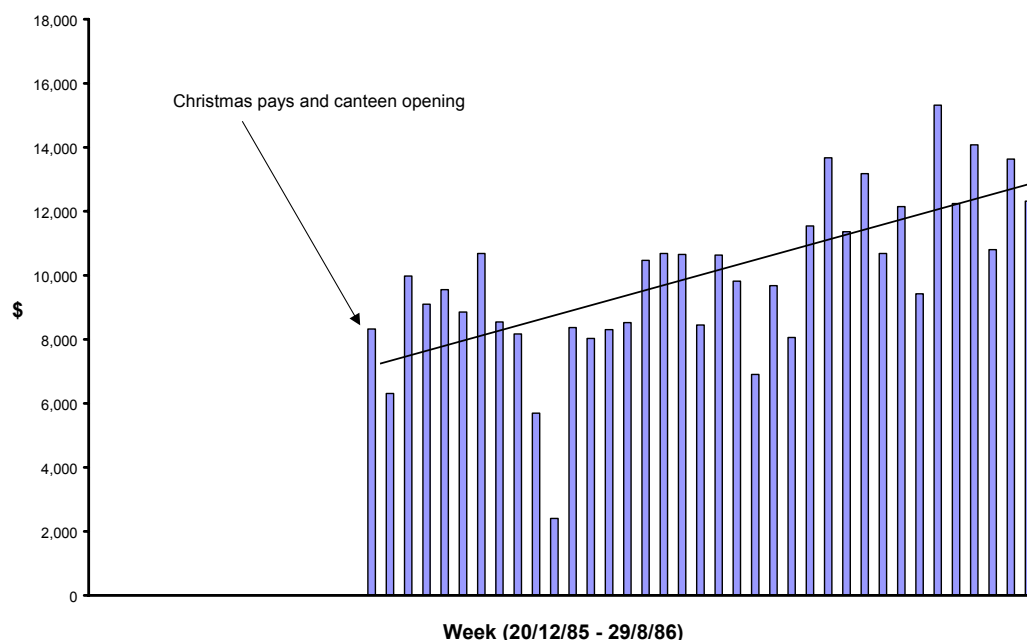
**Figure 2. Takeaway food sales, September 1985–August 1986**



At the same time, as demonstrated in Figure 2, relatively more was spent on convenience foods and other items from takeaway outlets than had previously been the case; that is, fewer foods requiring preparation were being purchased.

Children in particular were increasingly given cash to buy takeaway foods, rather than having food prepared for them. Sales of alcohol from the canteen continued to trend upwards (Figure 3), in part because of removal of the initial limits to the quantity of alcohol that individuals could purchase, and also because of price increases set by the Council.

**Figure 3. Canteen alcohol sales, September 1985–August 1986**



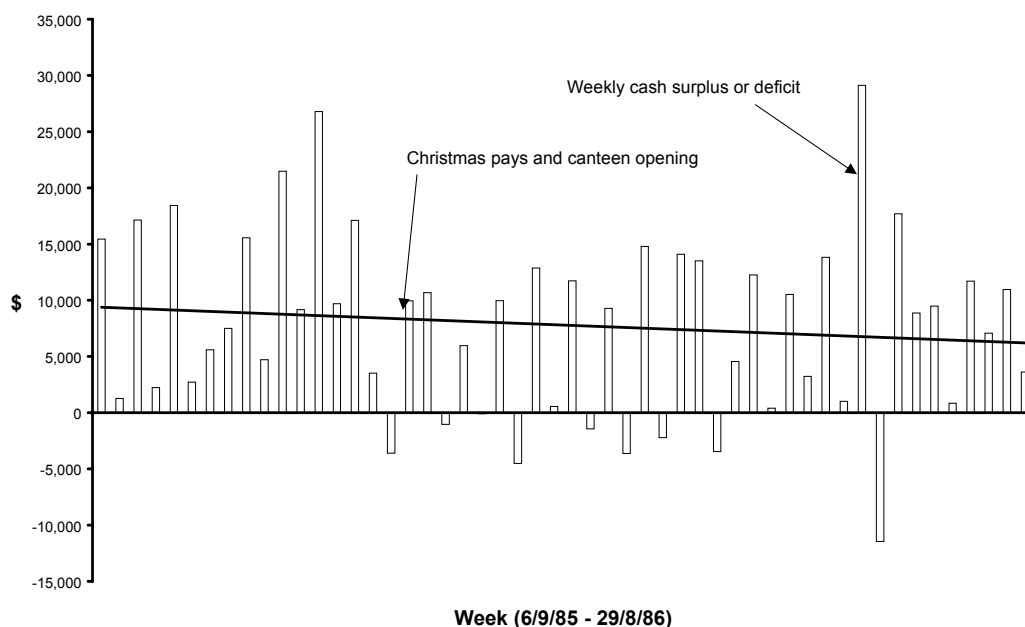
One of the main reasons advanced by those supporting the establishment of a canteen in this township was that it would reduce the expenditure on illicit alcohol, as well as encourage more responsible drinking patterns. There is no evidence to support either of these contentions. Large quantities of illicit alcohol continued to flow into the township. The data in Figure 4 show clearly that expenditure on illicit alcohol—on average between \$7,000 and \$10,000 per week—was only marginally affected by the availability of alcohol in the canteen.<sup>6</sup>

Neither did drinking become more 'responsible'. Arrest rates and criminal offences escalated dramatically from the time the canteen was established, even though there had been a significant amount of alcohol, both licit and illicit, available prior to this (Martin 1993: 175). The above data underscore a distinctive feature of drinking amongst the Aboriginal people of this township; most who were not abstainers, particularly men, drank to the limit of available alcohol. Within the canteen, this meant that those who had the cash purchased the two or three of the litre jugs that had been decreed the limit while this was still enforced, or organised for non-drinking partners or relations to purchase extra beer on



their behalf to circumvent the limit. This was not, however, sufficient for many committed drinkers; men in particular stated that they 'drank for satisfy', that is until they were completely inebriated. Drinkers would often get 'charged up' before the canteen opened, and after closing time, would seek out the illicit alcohol sellers or 'sly groggers' to purchase beer, cask wine or spirits at hugely inflated prices (Martin 1993: 190-1).

**Figure 4. Estimated expenditure on illicit alcohol, September 1985–August 1986**



During this time, very large profits were made by those illicitly reselling alcohol ('sly groggers'). Cartons of beer, comprising two dozen 375ml cans, which sold in the regional town for around \$25 at this time, had a standard price of \$240 on the illicit town market. Poor quality cask wine sold for between \$100 and \$150, and spirits fetched \$150 per bottle. These prices were relatively fixed and did not, in fact, reduce for some years. While the extent of the illicit alcohol trade was accentuated in this township by particular historical, geographical and social factors, it is a significant feature of most Cape York Aboriginal communities. It exists because there is a demand for alcohol that is essentially not price related, and because there are individuals who are prepared to make the large profits despite the (fairly minimal) risks of prosecution and the major social dislocation which results from their trade.

One conclusion which can be reached is that just as the locus of Aboriginal drinking practices lies in the particular group, and not solely in the individual

(Martin 1993: 198), so too in the policy context the locus of demand must be seen to lie within the group, rather than just in the aberrant individual. A further implication of these data is that if the present extremely high levels of alcohol consumption are to be lowered, the *supply* of alcohol has to be controlled in some way.

This is because, following the arguments above, restricting supply must be seen as one change at the 'structural' level through which, ultimately, Aboriginal people's own understandings and practices surrounding drinking, and thus demand, can change. Such a view is entirely in accordance with best-practice international research. Edwards et al. (1995) state that the weight of empirical evidence supports the argument that limiting the availability of alcohol can be an effective part of a public health approach to reduce alcohol consumption (Edwards et al. 1995: 143). They further suggest that:

Ö one can build up persuasive evidence to support the contention that generally control of physical access is likely significantly and differentially to influence the consumption of heavy drinkers (Edwards et al. 1995: 141).

There are complex legal and political issues raised here of course. There are arguments that restrictions on access to alcohol infringe upon individuals' rights, and such arguments have very forceful proponents amongst Aboriginal people themselves. Nonetheless, in the Northern Territory in particular, many non-urban Aboriginal communities have sought to limit the availability of alcohol to their residents, as will be discussed later. Furthermore, the Royal Commission into Aboriginal Deaths in Custody, recognising the profound and deleterious effects of heavy and widespread alcohol consumption on Aboriginal societies, proposed in Recommendations 274–8 that a number of statutory measures be introduced to reduce access to alcohol (Commonwealth of Australia 1991). Finally, the argument in this Discussion Paper is that reducing the supply of alcohol should not simply be seen as restricting access for existing Aboriginal drinkers, but as one aspect of wider structural changes which are essential to long-term generational, and indeed sociocultural, change.

### **Whose responsibility is it to develop and implement alcohol policy?**

Aboriginal drinking constitutes a highly contested and contentious arena of representations (see, for example, Rowse 1994 and d'Abbs et al. 1994: 17–19). In the wider society, as Langton (1993) amongst others has noted, images in the mass media of the drinking, brawling Aborigine can form dominant motifs around which political and social relations are constructed. Drinking is also a matter of great contention within Aboriginal societies, including in the Cape York communities, where there are often strong differences of opinion between drinkers and non-drinkers.

Certainly there is no broad consensus amongst Aboriginal people of the Cape as to how to deal with the issue of alcohol, and indeed whether it is an issue

which concerns anyone but themselves. Neither should one be expected; there is an equally diverse range of opinion in the wider society. Nonetheless, there are particular common features in Aboriginal views on this question that go to the heart of the historical relationship between Aboriginal societies and the dominant one. For example, there is a widespread view amongst western Cape York people that alcohol has been introduced to them by Whites, that it is part of White culture rather than theirs, and that it is therefore Whites who are to blame for resultant problems—and, implicitly, are responsible for their solution.

There is also a pervasive ideology constructed around the right to drink, which links it explicitly with the citizenship rights historically denied Aboriginal people. This view is reinforced by the past government policies discussed earlier in this Paper through which Aboriginal people were denied access to alcohol, and by the practices of local publicans common in many remote areas until the 1970s and even later, through which Aboriginal people were denied full access to hotels. Under this construction, the 1967 referendum, which in fact merely enabled the Federal Parliament to legislate concerning Aboriginal people and incorporated them into the census, has been recast as the watershed of Aboriginal rights. The right to drink, in this view, was part of the wider granting of citizenship rights that followed the referendum.

There are, therefore, directly competing representations of the alcohol issue here. On the one hand is a pervasive Aboriginal view that the right to drink is an issue of rights both for the individual as an autonomous actor within Aboriginal society, and for Aboriginal people collectively as an assertion of their basic entitlements as Australian citizens. On the other hand there is the position taken in this Discussion Paper which also situates Aboriginal drinking historically, but which links the escalating contemporary problems in remote communities, in part at least, to a number of structural factors. These include the systematic attempts to break down Aboriginal values and institutions, the collapse of Aboriginal employment in the cattle industry from the late 1960s, the introduction of the welfare-based cash economy from the mid 1970s, and a range of commercial and political pressures including those from the alcohol industry.

Thus, Aboriginal drinking is situated in a highly political domain with a range of often competing interest groups and representations, including commercial interests such as the breweries and local liquor outlets, the media, various government agencies, health professionals, Aboriginal community organisations, Aboriginal drinkers and non-drinkers, and the general public. Bureaucracies are typically ill equipped to deal with such issues at the conceptual, policy, or program delivery levels. It is a field of immense controversy whose complexity paradoxically allows for quick fix and facile 'solutions' to gain wide currency, and for bureaucratic resources, including funding, to be easily captured by particularly forcefully articulated positions.

This raises a basic question: In this fraught and politically contentious arena, how are policies and interventions to be made, and who has the right to make them? In relation to the former, if it is accepted that a fundamental issue

confronting all Aboriginal groups is how to deal with the ongoing encroachment of the institutions of the wider society, then all interventions have to be seen as at least potentially problematic, no matter how well-meaning. Thus, policy options being canvassed—including the option of maintaining the status quo—arguably should be subjected to a form of social and cultural impact assessment, in the sense that proposed mechanisms and outcomes should be evaluated against the long-term viability and sustainability of Aboriginal societies. Such assessments should take into account the complex interaction between wider 'structural' factors and those more within the internal Aboriginal domain.

In relation to *who* should be involved in the Aboriginal alcohol policy arena, it is commonly argued that it is essential for indigenous people themselves to control policy development and implementation. A common manifestation of this view is the establishment of separate units within mainstream bureaucracies, for example Health Departments, which have principally indigenous staff and which have the primary responsibility for policy development for indigenous communities. This Discussion Paper in no way argues against the establishment of these units. They can be a source of crucial inputs to policy development and implementation on general strategic direction, as well as specific matters such as appropriate communication strategies, protocols to be followed, and the implications of relevant historical factors, indigenous social mores and cultural values. Equally, it is of fundamental importance to involve indigenous individuals, groups, and communities in developing approaches to deal with alcohol issues.

However, a core argument of this Paper is that Aboriginal drinking practices and understandings have to be seen as arising over time from the conjunction of factors whose origins lie basically within Aboriginal societies themselves, together with those located essentially in the dominant society. This perspective then does not lend support to policy development in this arena being the exclusive province of either indigenous units within bureaucracies or indigenous individuals and organisations. Rather, it suggests the need for complementary and interlinked policy and program development concerning drinking, firstly within the Aboriginal domain in relation to Aboriginal people's own practices and understandings, and secondly in relation to the broader 'structural' factors which variously constrain and enable these internal dynamics.

Finally, if there are good arguments for indigenous involvement in, and direction of, matters relating primarily to the internal indigenous domain, there are also compelling ones for informed and sophisticated inputs from *all* sectors into wider 'structural' areas, such as legislation, liquor licensing policies, and a range of control mechanisms directed at the supply of alcohol.

## **Legislative approaches**

Despite the divergence of views about drinking, there are many areas where Aboriginal people themselves have utilised statutory mechanisms to limit or entirely restrict the availability of alcohol to their communities, in the full

recognition of its long-term destructive effects (e.g. Brady 1990: 207–10). This is most common in the Northern Territory, where many communities have made use of the provisions of Section VIII of the Northern Territory Liquor Act to be declared either completely or partially alcohol free. There are also many instances of pressure being brought to bear by Aboriginal groups to using liquor licensing conditions to restrict the availability of alcohol. For example, after an evaluation of a six month trial of different alcohol sales regimes in Tennant Creek, the Northern Territory Liquor Licensing Commission decided on a series of restrictions. These included the closure of hotel public bars and the banning of takeaway sales on Thursdays (pay days), banning the sale of 4 and 5 litre wine casks altogether, restricting the sale of 2 litre wine casks to one per person per day, and restricting the sale of full strength beer to lounge bars in the morning.

In Wiluna in Western Australia, the only hotel banned the sale of takeaway alcohol to local Aboriginal people before 2pm and after 7pm on weekdays for a one year trial period, under an agreement between local Aboriginal community leaders, the police, the hotel, and the Human Rights and Equal Opportunity Commission (HREOC). In Carnarvon, Western Australia, a six month trial was conducted which banned the sale of large 750ml bottled beer and takeaways before 10am. This was negotiated between the Gascoyne Public Health Unit, local licensees, and the Western Australian Liquor Licensing Authority. In Derby, the outcome of a hearing by the Liquor Licensing Authority, which had been initiated by the Derby Alcohol Action Group, was a six month trial from January 1997 of a ban on takeaway sales on Thursdays and before 12 noon on other days, and a ban on the sale of 4 litre wine casks. Exceptions to the restrictions on takeaway sales were made for those purchasing alcohol with other goods to be taken to a location more than 20 kilometres from Derby.

The capacity for Aboriginal communities to have areas declared dry or restricted under the Northern Territory legislation, or to restrict in some way sales from liquor outlets, clearly impacts on the supply side of the supply-demand equation discussed above. For those living in dry areas that wish to drink, the only option is to move, either temporarily or permanently, to a location where alcohol is available. This is one major reason why these provisions are seen as problematic by some observers, and perhaps for good reason, since arguably they merely shift the location of Aboriginal drinking and consequent problems away from the remote communities, to towns such as Alice Springs.<sup>7</sup>

However, there are other, longer-term potential benefits that need to be factored in to any assessment of the efficacy of the restricted areas provisions, following the arguments advanced in this Paper. If we are looking at factors enhancing the long-term social and cultural viability of Aboriginal groups, then changing such a significant 'structural' factor has to be seen as highly significant, for example the implications for children being socialised in an environment without large-scale chronic alcohol abuse.

The question of whether specific measures to restrict the sales of alcohol to Aboriginal people are racially discriminatory is a question of some contention,

and the case of the Curtin Springs Roadhouse in the Northern Territory provides an interesting case study (HREOC 1995). Concerns about the impact of alcohol sales led to approaches to the roadhouse licensee by the local Aboriginal community, with a leading role being taken by the Ngaanyatjarra Pitjantjatjara and Yankunytjatjara (NPY) Women's Council. Initial negotiations were not successful, in part because of concerns by the licensee that restrictions on sales to Aboriginal people could be challenged on the grounds that they were racially discriminatory. HREOC took the view that such restrictions would not necessarily be racially discriminatory where the Aboriginal community concerned had initiated and clearly supported this course of action, since it could be construed as a 'Special Measure' under the *Racial Discrimination Act 1975*.

In the case of Curtin Springs, HREOC gave approval to twelve trial months of restrictions, agreed to by the community and the licensee, involving six months with takeaway service, and six months where alcohol could only be consumed on the premises. This was followed by an assessment process involving both the Aboriginal community and the licensee. Negotiations finally resulted in an agreement that the licensee would not serve Aboriginal people from the member communities of the NPY Women's Council; that is prohibition. HREOC has issued a Special Measures Certificate to indicate that this arrangement does not appear to be racially discriminatory, and the Northern Territory Liquor Licensing Commission incorporated the terms of the agreement into the conditions of the liquor licence, thus making them enforceable against the licensee.

Such Special Measures Certificates are issued only where the Race Discrimination Commissioner is satisfied that a local agreement is not discriminatory. They are not legally binding, and should a complaint arise, HREOC would hear it on its merits. The prevailing view suggests, however, that the Curtin Springs prohibition would be construed as a Special Measure under the *Racial Discrimination Act*.<sup>8</sup> It is important to note that while such arrangements can be an important part of overall strategies for remote communities to limit access to alcohol, they merely prohibit or restrict the sale of alcohol from one particular location, but do not address wider issues.

Amendments enacted in 1995 to the *Local Government (Aboriginal Lands) Act 1978* by which Aurukun was established as a local government shire, provide an interesting example of legislation that seeks to operate at both structural and internal levels. Crucially, these amendments were initiated through an extended process of community consultations and negotiations which themselves formed a part of a wider community development exercise that had raised alcohol as an issue of fundamental concern to Aurukun people. A broad consensus was developed amongst both drinkers and non-drinkers as to the principles by which alcohol supply and consumption should be regulated in Aurukun (Adams, Castelain and Martin 1994). The details of the amending legislation were then negotiated with relevant State officers. This process ensured the broad support for the measures which is essential to their successful implementation. Moreover, the process by which this legislation was developed itself provides one instance of

how the wider structural dimensions and those lying within the Aboriginal domain can be linked.

The stated objects of the new Part 6 of the Act include providing mechanisms to control alcohol being brought into the Shire, deterring the illegal sale of alcohol, and minimising alcohol related disturbances. This Part of the Act attempts to link the operations of Aboriginal custom and tradition together with those of the mainstream legal system through a number of specific mechanisms.

Part 6 of the Act establishes an 'Aurukun Alcohol Law Council' as an advisory and decision-making body recognised under Aboriginal tradition and, as far as appropriate, operating in accordance with it. Mechanisms are provided for the Law Council to declare both 'public places' and 'private places' either 'controlled' or 'dry'. Alcohol can not be consumed or brought into dry places at all, while there can be limitations declared by the Law Council for a controlled place on the type or quantity of alcohol consumed, possessed, or carried in a vehicle, aircraft or boat. Public places are defined as roads, places occupied or under the control of the Shire Council or of the State, such as the barge landing, the airport, and the school. Private places are those occupied by individuals, groups, or entities other than the State or Shire Council, or places over which a person or group have the authority to control access under Aboriginal tradition. Private places then would include individual dwellings, or outstation areas.

The Law Council can declare public places to be dry or controlled on its own initiative, or on written application from the Shire Council or a State agency. However, declarations over private places can only be made by the Law Council following written or personal application from the occupier (as in a dwelling) or from those with authority under Aboriginal tradition (as for an outstation or traditional land area within the Shire). The Law Council can, however, be proactive over a particular private place by inviting the relevant people to make an application to have it declared dry or controlled. It must provide assistance to those who may wish to make a written application.

Before the Law Council can decide whether a place should be dry or controlled however, whether it is private or public, it has to display written notices with information on the proposal inviting both written objections and supporting submissions. As well as issuing written notices, the Law Council can consult with the Aurukun community in any way it considers appropriate, for example through public meetings or discussions with relevant individuals. Any person who considers their interests are affected by a proposed declaration over a public area can make objections or supporting submissions. However, declarations over private places can only be objected to or supported by those who occupy or use it or neighbouring areas, or by those who have the right under Aboriginal tradition to control access over it or neighbouring places. The operations of this Part of the Act are shown schematically in Figure 5.

As indicated previously, the Law Council can operate in any way it considers appropriate, including by following Aboriginal tradition. This can apply to such matters as the conduct of meetings and its decision-making processes.

However, Aboriginal tradition and custom is also incorporated in other and rather more complex ways in this part of the Act. For instance, rather than prescribing the basis upon which representation is to be established for the Law Council, the Act provides for a process whereby the relevant Minister is advised of pertinent broad traditional groupings of the region, and then formally declares them as 'recognised traditional groups' for the purposes of the Act.<sup>9</sup> Each group nominates at least one 'elder' to represent it on the Law Council, and can withdraw nominations or nominate others from the group; the Minister formally ratifies such nominations and changes by gazette notice.

**Figure 5. 'Dry' and 'controlled' places, Aurukun legislation**

	Dry places	Controlled places	Declarations by Law Council	Support and objections
Public places			Law Council, agencies, or Shire Council initiate declarations	From those whose interests are affected
Private places			Occupiers or those with traditional authority initiate declarations	From occupiers of, or those with traditional authority for, these or adjacent places
	No alcohol	Restrictions on type, quantity etc.		

Part 6 of the Act acknowledges important processes in indigenous political life as well as the literacy problems of many Aboriginal residents of the region, by enabling the Law Council to call meetings about proposed declarations, as well as receive direct personal applications both opposing and supporting proposed declarations in addition to written ones. Furthermore, crucial principles in Aboriginal traditions of this region are recognised in the way in which 'private places' are defined, and in the mechanisms by which the Law Council can make declarations over them.

Firstly, the definition of private place encompasses both the situation within the township itself, in which indigenous mechanisms for controlling access to places are severely compromised, and the lands around it within the shire, where there is a vibrant indigenous system relating groups to defined sites and areas and broadly establishing those with the authority to control access to these places. Secondly, the requirement for declarations over both categories of private place to be formally initiated by occupiers or those with traditional authority as the case may be, incorporates fundamental Aboriginal principles relating to personal autonomy and the right to speak for traditional lands.



Once the due processes have been undertaken, declarations of places as dry or controlled have the force of law. Infringements can be investigated by the State police or Aboriginal police officers, and penalties for possessing or consuming alcohol in contravention of a declaration are set out in the Act and can be instituted by the courts. This means that the Law Council, importantly, is removed from dealing with particular instances of infringement, which can place individual members in situations of conflict with kin. However, early experience with the operations of the Alcohol Law Council demonstrates that without effective support mechanisms including proactive and committed staff working with the body, the potential of such a legislative scheme will not be realised.

Part 6 of the amended *Local Government (Aboriginal Lands) Act 1978* thus provides a more sophisticated set of mechanisms for controlling the consumption of alcohol than are provided for in most other legislative schemes.<sup>10</sup> Its outcome could theoretically be a mosaic of dry, controlled and otherwise unrestricted places across the Aurukun shire lands. It operates at both structural and internal levels, providing mechanisms for linking indigenous processes with those of the wider legal system. It allows for more adequately dealing with the illicit alcohol trade into the community, since access roads, the barge landing, and the airport have been declared controlled areas with limits placed on alcohol carried by any particular vehicle, boat or plane. This potentially allows for more effective policing of the types and quantities of alcohol being brought in. The Act also allows individuals to have a higher degree of control over what happens in their own houses or outstations or on their own traditional lands, while preserving the rights of drinkers to have access to alcohol. Finally, it was designed to be portable, and there appear to be no particular reasons why a similar scheme could not be instituted in other Aboriginal communities, perhaps through amendments to the *Community Services (Aborigines) Act 1984*.

### **Policy implications: Who should run the Cape York community canteens?**

As previously discussed the Community Services (Aborigines) Act establishes a number of inter-related roles for the Community Councils that directly impact on alcohol issues. Firstly, the Act gives the Councils responsibility for the general peace, welfare and health of community residents. They also have the power to make by-laws concerning public order and well being, including those relating to the consumption of liquor, as well as a role in providing advice to the relevant statutory authorities on liquor licensing in their areas. Councils are further given the responsibility to enforce these by-laws, through the Aboriginal Police and Aboriginal Courts. Lastly, Councils are empowered to establish business enterprises, such as alcohol outlets, so long as they are profitable with quite considerable discretion in the use of those profits.

At the very least, it can be said that there are clear and irresolvable conflicts of principle between these statutorily imposed roles for the Councils concerning alcohol. The one body in each area is responsible for the general well being of

residents and for making and enforcing local by-laws relating to alcohol consumption, while at the same time deriving a considerable proportion of its discretionary income from the sale of alcohol. Additionally, while general Queensland liquor licensing provisions supposedly apply, such as those relating to the sale of alcohol to already inebriated individuals, for these isolated communities the actual conditions under which alcohol is sold appear highly negotiable and subject to a range of pressures and interest groups. Marsden suggests that while the Queensland *Liquor Act 1992* appears to uphold the human rights of indigenous people, a lack of adequate resources impedes its implementation and results in an apparent abuse of human rights at the operational level of the Act (Marsden n.d.: 12–13).

The quite extraordinary scenes common in these community canteens, with large numbers of highly intoxicated patrons and frequent arguments and brawls, suggest practices are directed more towards the maximisation of sales rather than the 'responsible hospitality' which the Queensland liquor industry stresses. Additionally, sales within most canteens themselves are supplemented by 'takeaway' sales of six-packs or cartons of beer. When these are added to the alcohol legitimately ordered or purchased from external outlets or bought on the sly grog market, the result can be a veritable sea of alcohol through the community, particularly on pay or pension days. The consequent disputation, violence and general social and familial dislocation often become impossible to contain, whether through traditional Aboriginal social control mechanisms, or by State or community police. More insidiously, heavy alcohol consumption permeates through both private and public spaces and becomes a fundamental constitutive element of virtually every aspect of social life, with major implications for the values and practices reproduced through the generations.

An impetus to policy changes in this area may arise through the Courts. There have already been cases in Australian jurisdictions where alcohol providers have been held liable for injuries caused by their intoxicated patrons (Solomon and Payne 1996: 38–41). These cases however were decided on the principles of occupier's liability, and the Australian Courts have not yet clearly addressed whether a licensee can be held liable in its capacity of an alcohol provider. However, they argue that provider liability should be seen as just one application of the existing duty to control principles, such as those governing teachers or prison officers. Alternatively, they suggest there is the potential for alcohol liability to be considered to be a new duty of care, noting the mounting empirical evidence that serving patrons past the point of intoxication and tolerating their presence creates foreseeable risk of injury (Solomon and Payne 1996: 13, 29). They suggest that Australian Courts may well be poised to expand the scope of alcohol-related liability, as occurred in Canada in the early 1980s. The sales practices of the Council-run canteens in the Cape York communities would appear to be vulnerable to legal action based on such principles, particularly given the explicit duty of Councils to promote the wellbeing of their residents.

As has been discussed, issues surrounding alcohol are highly contentious within the Aboriginal domain, and while there are typically sizable proportions of

non-drinkers in these communities, there are also large numbers of highly committed drinkers. While some of the latter may well hold positions of power on Community Councils, there is considerable pressure from drinking kin on all Councillors, whether drinkers or not, to maximise the availability of alcohol (see Martin 1993: 185ñ6). The data in Table 1 show that the four Cape York Councils examined make sizeable profits from their canteens. Profits made from alcohol sales in fact are in some cases orders of magnitude higher than those from other community enterprises. They provide by far the largest source of untied funding for these Councils who, furthermore, have considerable flexibility in how their profits are used. In such circumstances, the fact that canteen profits are nominally directed to beneficial 'community' purposes can be used by both Councillors and advisors to legitimate canteen operating practices which, from a wider perspective, are arguably highly damaging both to individuals and the long-term viability of the community.

Furthermore, while the canteens may be important sources of funds for their operators, they are also very significant regional outlets for the breweries themselves, and the brewing industry conducts active promotion programs in the Cape York Aboriginal communities, as it does in the wider one. There is thus a highly problematic nexus between the internal Aboriginal politics of alcohol in these communities, the pressure for Councils to maximise their canteen profits as a relatively independent source of income, the personal financial benefits that can accrue to canteen managers and other Council staff which are tied to profits, and the political and commercial imperatives of the brewing industry. This nexus militates against any clear policy development, whether at State, regional, or community levels, and it would seem to be a logical focus for policy development to examine ways in which it could be broken.

One obvious way in which the conflict between the various current roles of Councils in the sale and control of alcohol in these communities could be minimised, would be to separate the responsibility for developing and implementing the local policies and by-laws which control the supply and consumption of alcohol, from that for its actual sale. Thus, for example, while the community Councils would still develop relevant by-laws and other measures, the canteens could be run by separate bodies, such as the social clubs to be found in some communities in the Northern Territory, or perhaps Aboriginal corporations whose members or shareholders would be drawn from the relevant community. However, this would, arguably, not lead to any significant change for a number of reasons, most particularly in the absence of effective local-level control over drinking and with the commercial imperative to maximise sales still existing. Furthermore, such a move would be likely to be strenuously resisted by Councils who would forego significant income as a result.

The arguments presented here suggest that far more fundamental changes are needed in the supply and control of alcohol in these communities, and that a multifaceted approach will be required. A number of principles would need to form the basis of policy development. Firstly, the dependence of Councils upon profits from canteens needs to be reduced or eliminated, to remove a critical area

of pressure from drinkers and other interest groups. In fact, consideration needs to be given more generally as to how the pressure to maximise profits from the sale of alcohol can be removed as far as possible from the political and economic nexus within which it is currently embedded. Secondly, while it is probably appropriate that Councils keep their existing capacity to make by-laws on general 'law and order' matters, any scheme to deal with drinking needs to build upon the values and practices of Aboriginal residents of these communities, including customary law where relevant. It is quite unrealistic to expect the Councils, already under stress and dealing with considerable administrative complexity, to also have the competence and legitimacy to deal with the wide range of policy issues raised by alcohol in their communities.

Thirdly, while the rights of drinkers certainly have to be respected in an arena of such contention within Aboriginal communities, mechanisms also have to be developed which allow individuals and groups greater control over drinking practices in their own homes and on their traditional lands, as well as in public spaces. Fourthly, while each of the Cape York communities has its own distinctive history, identity, social composition and issues, their geographic, political and economic isolation leaves them highly vulnerable to the complex of problems which alcohol brings. It would therefore be necessary to develop a regional approach to alcohol issues, in which individual, local group and community autonomy are balanced against the need for policy development and implementation to take place on a regional basis. Lastly, following the arguments put forward in this Discussion Paper, policy options need to be examined for their potential impact at both structural and internal levels, recognising the necessary linkages between them. The various constraints placed on drinking and its facilitation through wider political and economic factors, as well as canteen opening hours, local sales practices and the general ambience of canteens, general licensing laws and local by-laws for example, provide important dimensions of the 'structural' factors within which Aboriginal values and practices associated with alcohol are produced and reproduced. That is, in these communities where massive alcohol consumption has virtually become the norm rather than aberrant behaviour, the policy focus should be on facilitating long-term generational and cultural change, rather than just on modifying the practices of individual drinkers. Such change can not be viewed in isolation, but needs to be addressed as part of wider community development.

### **Possible implementation strategies**

There are no doubt several means through which the general principles outlined above could be implemented. In terms of appropriate structures to actually run the canteens, if these were to be separate from the Councils, they would need to be removed as far as possible from both internal community pressures and wider commercial and economic ones. The most appropriate means of achieving this could be through a regionally-based organisation, for example a 'Cape York Regional Alcohol Trust', set up so that any profits made would be used for purposes such as alcohol education programs, support of local

initiatives like those of the Alcohol Law Council in Aurukun, and more broadly resourcing community development initiatives. Having a regional body rather than a series of separate ones in each community would be essential to remove the canteens from the complex internal political domain in which they are currently mired. It would be important to ensure that such a body had a specific ongoing role of monitoring the social and economic costs of alcohol sales in the communities, and that its constitution required it to take such matters into consideration in establishing sales policies, including pricing.

Such a regionalised body would help to reduce the capacity of the liquor industry to wittingly or otherwise intervene at the level of individual communities. It would employ the staff in the community canteens, and ensure they had access to effective support, professional development and training, including in liquor licensing provisions. Specific mechanisms would need to be put in place in order to ensure that the operations of each canteen were accountable to its local community, while still ensuring the overall policies were adhered to. For instance, the regional body would need to have representation on its Board from each community, and local reference bodies could be established to facilitate the flow of information and concerns (see Martin and Finlayson 1996).

A significant impediment to the establishment of such a body would be opposition from the Councils who run the existing canteens. A number of issues would cause concern, including the loss of perceived community autonomy and of the funds which the canteens currently generate. With regard to the former, the manner in which any regional body was set up would need to be carefully negotiated so that local level concerns and issues could be incorporated into its operations. Ultimately however, there are compelling arguments that running an alcohol outlet has little to do with self determination at the community level, and in fact profoundly inhibits it (Marsden n.d.: 5).

In relation to the more difficult question of forfeited Council income, however, what could be termed the 'opium growers option' could be considered. In dealing with the international heroin trade, a number of strategies are adopted, one being to pay the peasant farmers whose livelihoods are dependent upon the opium poppies they harvest to grow some other crop.

Under a similar scheme, the State Government could provide the relevant community Councils with specific purpose grants which equate to their current canteen profits for a limited term, say a three to five year period. Such grants should be tied to general community development purposes or other such clearly beneficial and defined outcomes, rather than being factored into general Council grant revenues. Such a strategy would obviously place additional costs on Treasury in the first instance, and its effects upon the current high costs of delivering services such as health care, policing, and the justice system in these communities would need to be monitored. Nonetheless, they would arguably be offset by reduced costs in the areas of health, justice, and so forth (see for example Legislative Assembly of the Northern Territory 1991 for an estimate of costs of alcohol abuse in the Northern Territory). It would also be crucial that the

Licensing Commission play a far more proactive role than it appears to at present in these communities.

The scheme developed for the control of alcohol in Aurukun under the *Local Government (Aboriginal Lands) Act 1978 (1995)* should be examined for its suitability for the other Cape York communities under the *Community Services (Aborigines) Act 1984*. As discussed, it was designed to be portable, and there do not appear to be any major legal impediments to a similar scheme being implemented elsewhere. Its advantages lie in a number of areas. It sets up a body separate from the Council but nonetheless under the same legislation and with a number of formal links to it. It does not have any control over the canteen, nor over its profits, nor does it establish general community by-laws regarding law and order. Rather, through its capacity to declare private areas either dry or controlled with input from affected individuals and groups, it empowers community residents, whether drinkers or not, to have a degree of control over alcohol consumption in their own homes and lands. It also enables the Council to initiate declarations over public areas such as parks, roads and airports as part of a wider program of controlling the supply of alcohol through the sly grog trade, and limiting the areas where alcohol can legally be consumed in the townships. Furthermore, it incorporates and thus supports the operations of Aboriginal customary law through a number of mechanisms.

However, the somewhat problematic experience in Aurukun in implementing this scheme demonstrates that it requires ongoing informed and proactive support at all levels in order to operate effectively. In particular, a capable community development officer working with the Alcohol Law Council is arguably essential. It could be a core role for a regional body such as the Trust proposed above to engage, monitor and resource such an officer for each Alcohol Law Council.

The support of all levels of government, particularly Queensland, would be required to implement these strategies. However, the conflicts of interest discussed in relation to the community Councils mirrors those at the state and national levels, albeit it in a more accentuated and direct fashion. Governments too both set policies relating to alcohol sales, and at the same time derive considerable income from them. There is a real risk that, despite the pressing need for institutional change in the area of alcohol policy in the Queensland Aboriginal communities, governments will be unwilling to support change, and would legitimate this position through the language of 'self determination', placing responsibility back on to the Councils and other Aboriginal organisations.

Finally, it must be stressed that such a complex phenomenon as Aboriginal drinking in these communities can not be addressed through any single, cure-all means. Certainly, issues of indigenous rights including those involved in land rights, and equity of access to improved housing, health services, education and employment opportunities, must be addressed. There is an important place, too, for interventions aimed at the individual drinker, like those offered in residential treatment centres, and for community education programs, although their

ultimate efficacy remains the subject of debate. Nonetheless, while the extremely high alcohol consumption levels, which are such a feature of the Cape York Aboriginal communities, continue there is little realistic possibility that the many other areas requiring change can be addressed.

## Notes

1. This is another instance of the pressures on Aboriginal people in such regions from tourist development. The social impacts of such outlets seem rarely to be considered. At the same time as tourism can be used as legitimization for increased numbers of liquor outlets and relaxed drinking laws, it can also be used to justify increasing controls over Aboriginal drinking and drunkenness.
2. The Aurukun Shire Council recently (1997) built and opened a new canteen. The original one had been closed in 1991 by a Council dominated by non-drinking women.
3. Separate but virtually identical legislation was enacted for the Torres Strait, including the two Islander communities of Bamaga and Seisia on the tip of Cape York.
4. The differential between the proportions of Aboriginal men and women drinking is widely reported; for example, Smithson et al. (1991), from a survey of five Aboriginal communities in Queensland which had been former reserves, found that 62 per cent of male respondents were regular heavy or binge drinkers, compared with 30 per cent of female respondents.
5. For example, Hunter, Hall and Spargo (1991); d'Abbs et al. (1994).
6. Figure 4 actually shows the net surplus or deficit of cash each week, calculated from the difference between total cash incomes and total identified expenditures. As argued in Martin (1993), because the closed nature of the economy of this remote township allowed accurate identification and monitoring of virtually all expenditures, the net average cash excess could be assumed to be flowing out on 'sly grog'.
7. Much of the opposition to the restricted areas provisions arises from a pervasive view that committed drinkers move from the remote dry communities to fringe camps round towns such as Alice Springs. This is however a contested view. d'Abbs for example, found that the presence of licensed outlets on nearby communities did not reduce the prevalence of drinking in towns (d'Abbs 1987). Nonetheless, particular concerns such as 'law and order' are advanced by tourism and other such commercial interests, as well as by non-Aboriginal town residents. At the same time, there are far better facilities and resources to deal with alcohol problems in these larger regional towns than would be the case in the remote Aboriginal communities from which the drinkers have moved.
8. A similar process was instituted in Wiluna, Western Australia, although this involved restrictions on selling alcohol, rather than prohibition.
9. Like many such Aboriginal townships, Aurukun has a highly complex social structure. Aboriginal people living there are almost all from the 'Wik' regional bloc, but there is a complex web of relationships through kinship and marriage, as well as cross-cutting

ties through such factors as affiliations to traditional estates, languages, and ritual cults. Consultations ultimately identified the five major ritual cults of the region as forming the appropriate basis from which representation to the Law Council should be drawn.

10. Wynter and Hill propose a somewhat similar scheme for private 'no grog' zones for Lockhart community on eastern Cape York (Wynter and Hill 1995: 124–6). However, under their scheme householders, residents, outstation groups or organisations would apply to the Community Council to have their areas declared dry, rather than to a separate body as with the Aurukun legislation. As it stands, the proposal would simply compound the conflicts of interest which the Councils have in alcohol matters.

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- 161/1998** *Educational 'failure' and educational 'success' in an Aboriginal community*, R.G. Schwab.
- 162/1998** *The supply of alcohol in remote Aboriginal communities: potential policy directions from Cape York*, D.F. Martin.

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## Notes

<sup>1</sup> This is another instance of the pressures on Aboriginal people in such regions from tourist development. The social impacts of such outlets seem rarely to be considered. At the same time as tourism can be used as legitimization for increased numbers of liquor outlets and relaxed drinking laws, it can also be used to justify increasing controls over Aboriginal drinking and drunkenness.

<sup>2</sup> The Aurukun Shire Council recently (1997) built and opened a new canteen. The original one had been closed in 1991 by a Council dominated by non-drinking women.

<sup>3</sup> Separate but virtually identical legislation was enacted for the Torres Strait, including the two Islander communities of Bamaga and Seisia on the tip of Cape York.

<sup>4</sup> The differential between the proportions of Aboriginal men and women drinking is widely reported; for example, Smithson et al. (1991), from a survey of five Aboriginal communities in Queensland which had been former reserves, found that 62 per cent of male respondents were regular heavy or binge drinkers, compared with 30 per cent of female respondents.

<sup>5</sup> For example, Hunter, Hall and Spargo (1991); d'Abbs et al. (1994)

<sup>6</sup> Figure 4 actually shows the net surplus or deficit of cash each week, calculated from the difference between total cash incomes and total identified expenditures. As argued in Martin (1993), because the closed nature of the economy of this remote township allowed accurate identification and monitoring of virtually all expenditures, the net average cash excess could be assumed to be flowing out on 'sly grog'.

<sup>7</sup> Much of the opposition to the restricted areas provisions arises from a pervasive view that committed drinkers move from the remote dry communities to fringe camps round towns such as Alice Springs. This is however a contested view. d'Abbs for example, found that the presence of licensed outlets on nearby communities did not reduce the prevalence of drinking in towns (d'Abbs 1987). Nonetheless, particular concerns such as 'law and order' are advanced by tourism and other such commercial interests, as well as by non-Aboriginal town residents. At the same time, there are far better facilities and resources to deal with alcohol problems in these larger regional towns than would be the case in the remote Aboriginal communities from which the drinkers have moved.

<sup>8</sup> A similar process was instituted in Wiluna, Western Australia, although this involved restrictions on selling alcohol, rather than prohibition.

<sup>9</sup> Like many such Aboriginal townships, Aurukun has a highly complex social structure. Aboriginal people living there are almost all from the 'Wik'

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regional bloc, but there is a complex web of relationships through kinship and marriage, as well as cross-cutting ties through such factors as affiliations to traditional estates, languages, and ritual cults. Consultations ultimately identified the five major ritual cults of the region as forming the appropriate basis from which representation to the Law Council should be drawn.

<sup>10</sup> Wynter and Hill propose a somewhat similar scheme for private *ëno grogi* zones for Lockhart community on eastern Cape York (Wynter and Hill 1995: 124-6). However, under their scheme householders, residents, outstation groups or organisations would apply to the Community Council to have their areas declared dry, rather than to a separate body as with the Aurukun legislation. As it stands, the proposal would simply compound the conflicts of interest which the Councils have in alcohol matters.