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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
ABORIGINAL AFFAIRS

Alcohol problems of Aboriginals

Final Report

550 299/1977

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F O R E W O R D

In the Foreword to its Interim Report the Committee stated :

Alcohol is the greatest present threat to the Aboriginaals of the Northern Territory and unless strong immediate action is taken they could destroy themselves.

During visits to the mainland States it became apparent to the Committee that alcohol abuse is just as devastating in some areas in those States as in parts of the Northern Territory.

Of particular concern to the Committee is the devastation in some traditional communities where the whole Aboriginal community is vulnerable.

The Committee recognises that there is no immediate solution to alcohol problems of Aboriginaals. Lasting improvement and changed attitudes of both Aboriginaals and non-Aboriginaals will take some time to evolve.

A number of recommendations aimed at contributing to a reduction in the problems have been made by the Committee. It believes that the most effective methods of tackling the problems are preventive measures aimed at overcoming the causes of alcohol abuse.

The Committee is firmly of the opinion that unless there is a reduction in the effects of alcohol abuse among Aboriginaals many programs designed to assist Aboriginaals will be jeopardised.

Members of the Committee

Chairman .. Mr P.M. Ruddock M.P.

Deputy Chairman .. The Hon. L.R. Johnson M.P.

Members .. The Hon. K.E. Beazley M.P.*
The Hon. G.M. Bryant E.D., M.P.
Mr S.E. Calder D.F.C., M.P.
Mr P.H. Drummond M.P.
Mr R.M. McLean M.P.
The Hon. W.C. Wentworth M.P.

Clerk to the Committee .. Mr C.S. Boorman

* The Hon. K.E. Beazley M.P. was appointed on 10 March 1977
in place of Mr L.G. Wallis M.P.

C O N T E N T S

<u>Chapter</u>	<u>Paragraph</u>	<u>Page</u>
Foreword		iii
Recommendations		xi-xvi
1 INTRODUCTION	1 - 9	1
The Committee	1	
The Reference	2	
Interim Report	3 - 5	
Activities of the Committee	6 - 8	
Visits to Aboriginal communities	9	
2 IMPACT OF ALCOHOL ON ABORIGINAL COMMUNITIES	10 - 55	5
Extent of Aboriginal drinking	13 - 51	
Metropolitan	13 - 17	
Country Towns	18 - 24	
Aboriginal communities	25 - 40	
(a) Prohibition	27 - 28	
(b) Rationing	29 - 32	
(c) Beer canteens	33 - 37	
(d) No controls	38 - 40	
Comparison with general community	41 - 48	
Summary	49 - 51	
Major effects of alcohol	52 - 54	
Visibility of Aboriginal drinking	55	
3 CAUSES OF EXCESSIVE USE OF ALCOHOL	56 - 59	21
Psycho-social factors	57	
Environmental factors	57	

<u>Chapter</u>	<u>Paragraph</u>	<u>Page</u>	
4	INITIATIVES IN DEALING WITH ALCOHOL PROBLEMS	60 - 100	25
	Initiatives by Aboriginal communities	63 - 71	
	Outstations	63	
	Tribal punishment	64 - 67	
	Imposition of own discipline	68 - 69	
	Controls on alcohol	70	
	Beer canteens	71	
	Initiatives by non-Government organisations	72 - 87	
	Northern Territory	73 - 74	
	Western Australia	75	
	New South Wales	76 - 79	
	South Australia	80 - 84	
	Victoria	85 - 87	
	Initiatives by Governments	88 - 91	
	Treatment facilities	88	
	Community Development Employment Projects Scheme	89 - 91	
	Co-ordination of alcohol services	92 - 100	
	National level	92 - 95	
	State level	96 - 100	
5	ADEQUACY OF AUSTRALIAN LAW IN TRADITIONAL ABORIGINAL COMMUNITIES	101 - 103	35

<u>Chapter</u>		<u>Paragraph</u>	<u>Page</u>
6	OPERATION OF LAWS	104 - 130	37
	Liquor laws	106 - 117	
	Sale of alcohol to intoxicated or under-age persons	110 - 111	
	Disruption to the quiet and good order of neighbourhood near isolated liquor outlets	112 - 117	
	Other laws	118 - 127	
	Personal Liquor Permits - Northern Territory	118 - 119	
	Decriminalisation of drunkenness	120 - 121	
	Police Aides	122 - 124	
	Aboriginal Police	125 - 126	
	Aboriginal Courts	127	
	Police	128 - 130	
7	CONCLUSIONS AND RECOMMENDED PLAN OF ACTION	131 - 205	45
	Prevention	133 - 165	
	Psycho-social factors	135 - 136	
	Environmental factors	137 - 139	
	Movement to outstations	140 - 141	
	Community decisions relating to control of alcohol	142 - 155	
	Alcohol education	156 - 158	
	Social Security benefits	159 - 165	

<u>Chapter</u>	<u>Paragraph</u>	<u>Page</u>
7	CONCLUSIONS AND RECOMMENDED PLAN OF ACTION (CONTD.)	
	Treatment	166 - 185
	Treatment facilities	167 - 171
	Evaluation of programs	172 - 176
	Aboriginal involvement	177 - 180
	Aboriginal sobriety groups	181 - 182
	Alcoholics Anonymous	183 - 185
	Other measures	186 - 205
	Sale of alcohol to intoxicated or under-age persons	186
	Disruption to the quiet and good order of neighbourhood near isolated liquor outlets	187 - 190
	Decriminalisation of drunkenness	191 - 195
	Co-ordination of activities	196 - 197
	Need for statistics	198 - 200
	Genetic factors	201 - 202
	Anti-alcohol drugs	203
	Further suggestions made to the Committee	204 - 205
8	IMPLEMENTATION OF INTERIM REPORT	206 - 212
		67

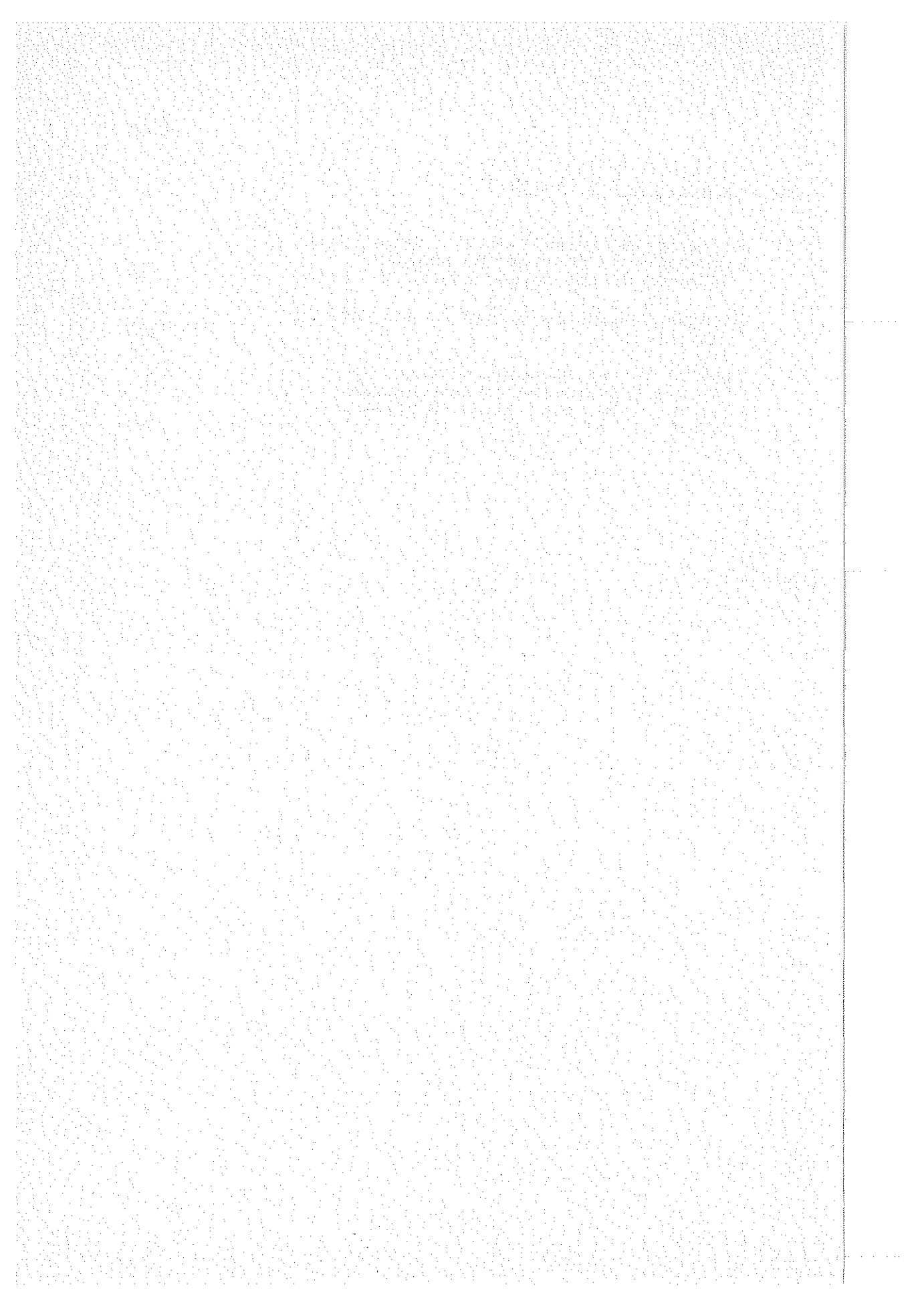
A P P E N D I X E S

1	Copy of letter from the Minister for Aboriginal Affairs to the Chairman of the Committee, dated 14 April 1976.	71
2	List of Witnesses.	75
3	Communities visited by the Committee.	93

Page

A P P E N D I X E S (CONTD.)

4	Attempts by the Aboriginal Community at Oenpelli to prevent the sale of alcohol at the Border Store.	95
5	Recommendations contained in the Interim Report.	103
6	Copy of letter from the Minister for Aboriginal Affairs to the Chairman of the Committee, dated 18 October 1977.	107



R E C O M M E N D A T I O N S

The Committee recommends that :

- 1 when the Government is developing programs aimed at reducing alcohol problems of Aborigines, emphasis be given to preventive measures.
(paragraph 132)

- 2 Commonwealth and State officers who deal with Aboriginal people undertake training aimed at improving relations between the Aboriginal and non-Aboriginal communities.
(paragraph 135)

- 3 there be adequate consultations with Aborigines and that they participate fully in all matters affecting them.
(paragraph 136)

- 4 the Government continue to improve the environmental conditions of Aborigines.
(paragraph 139)

- 5 the movement to outstations be supported where such movement is a considered decision by the community concerned.
(paragraph 141)

- 6 enforcement of decisions by Aboriginal communities be supported by all resources of Commonwealth and State laws.
(paragraph 143)
- 7 a licensed club or beer canteen be established in an Aboriginal community when that community has decided to allow the consumption of alcohol.
(paragraph 149)
- 8 funds be made available through the Aboriginal Loans Commission or the Benefits Trust Fund for the provision of facilities for clubs or beer canteens.
(paragraph 149)
- 9 licensing legislation be amended to provide for special guidelines and conditions applicable to licensed clubs or beer canteens in Aboriginal communities.
(paragraph 149)
- 10 relevant laws be amended to prevent alcohol being carried to or for an Aboriginal community by charter or commercial aircraft and boats or through the mail when a decision has been made by the community that alcohol be prohibited or rationed.
(paragraph 153)

- 11 legislation regarding the carriage and sale of alcohol by taxi drivers be enforced.
(paragraph 154)
- 12 alcohol education oriented towards traditional Aboriginal culture be an integral part of the school curriculum in schools with a significant Aboriginal enrolment.
(paragraph 157)
- 13 alcohol education programs for Aboriginal adults be developed.
(paragraph 158)
- 14 where acceptable to the beneficiary unemployment or sickness benefits payable for the wife and children be paid to the wife in cases where the husband does not provide for his family.
(paragraph 165)
- 15 where acceptable to the beneficiary a storekeeper be nominated to receive payment of a portion of social security benefits and to provide goods to the value of the payment received.
(paragraph 165)
- 16 where acceptable to the beneficiary all or portion of social security benefits be paid to the Aboriginal Council.
(paragraph 165)

17 Aboriginal alcohol rehabilitation and treatment facilities established on an experimental basis continue to receive Government assistance until their effectiveness has been assessed.

(paragraph 171)

18 regular and detailed assessment of Aboriginal alcohol programs be maintained.

(paragraph 175)

19 the Government encourage and support the recruitment and training of Aboriginal alcohol counsellors and field workers and that such people be encouraged to return to their own communities to pass on their knowledge and experience to others affected by alcohol abuse.

(paragraph 180)

20 Aboriginal sobriety groups receive Government encouragement and financial support.

(paragraph 182)

21 where Aboriginal Alcoholics Anonymous groups are established they be given every encouragement and support.

(paragraph 185)

22 the licensing laws relating to the sale of alcohol to intoxicated or under-age persons be more rigidly enforced by police and licensees.

(paragraph 186)

23 New South Wales, Victoria, Western Australia and the Northern Territory amend their licensing laws to provide that a ground for objection to the renewal of all liquor licences be the disruption to the quiet and good order of the neighbourhood.

(paragraph 188)

24 the Department of Aboriginal Affairs provide every possible assistance to Aboriginal communities presenting a case to the Licensing Court and that the Department identify and monitor areas where assistance may be required.

(paragraph 189)

25 the Attorney-General take immediate action to expedite the Border Store case in the Northern Territory Licensing Court to enable a decision to be reached as soon as possible.

(paragraph 190)

26 an assessment be undertaken of the effectiveness of decriminalisation of drunkenness in the Northern Territory.

(paragraph 195)

27 each State and the Northern Territory establish an Aboriginal controlled co-ordinating committee on Aboriginal alcohol problems.

(paragraph 196)

28 statistics relating to Aborigines be maintained on a regular and continuing basis and that the Commonwealth take the initiative by immediately amending its own legislation.

(paragraph 200)

1 INTRODUCTION

The Committee

1 The Committee was appointed in the 30th Parliament by resolution of the House of Representatives on 17 March 1976¹ with the following terms of reference -

To inquire into, take evidence and report on :

- (a) the present circumstances of Aboriginal and Torres Strait Island people and the effect of policies and programs on them, and
- (b) such other matters relating to the Aboriginal and Torres Strait Island people as are referred to it by -
 - (i) resolution of the House, or
 - (ii) reference from the Minister for Aboriginal Affairs.

A similar Committee was originally appointed in the 28th Parliament² and re-appointed during the 29th Parliament.³

The Reference

2 On 14 April 1976 the Hon. R.I. Viner M.P., Minister for Aboriginal Affairs, requested the Committee to :

- 1. Examine the impact of alcohol on Aboriginal communities.
- 2. Examine the social and other causes of the excessive use of alcohol in some Aboriginal communities, paying regard to the situation in both remote traditional communities and in urban situations.

¹ Votes and Proceedings, No.11, 17 March 1976.

² Votes and Proceedings, No.26 16 May 1973.

³ Votes and Proceedings, No.6, 18 July 1974.

3. Examine the advantages which might be gained by Aboriginal communities who face problems associated with alcohol from the experience which other communities have gained in successfully dealing with similar problems.
4. Examine the operation of laws including liquor laws in Australia in relation to the impact of alcohol on Aboriginal communities.
5. Consider the adequacy of Australian law in communities largely following a traditional life style, and the manner in which they may be encouraged and assisted to develop approaches to alcohol created behavioural problems based on traditional strengths and methods of control.
6. Recommend action aimed at assisting Aboriginal communities to overcome problems associated with the excessive use of alcohol and at reinforcing the initiatives which Aboriginals themselves might wish to take to deal with these problems and the consequential behavioural problems.

A copy of the letter from the Minister is given at Appendix 1.

Interim Report

3 The Committee held public hearings and discussions with Aboriginals in a number of Aboriginal communities in the Northern Territory in late June and early July 1976.

4 The Committee was particularly concerned at the destructive effects of excessive alcohol use in Aboriginal communities and saw an urgent need to highlight the seriousness of the situation. Accordingly, an Interim Report "Alcohol Problems of Aboriginals - Northern Territory Aspects" was presented to the House of Representatives on 7 October 1976.¹

¹ Votes and Proceedings, No.56, 7 October 1976.

The Report contained recommendations which the Committee believed would assist in remedying the short-term situation and which the Committee commended to the Government for immediate consideration.

5 The implementation of the Interim Report is discussed in Chapter 8.

Activities of the Committee

6 On 11 June 1976 the Committee placed advertisements in metropolitan newspapers in all States inviting submissions to the Inquiry. The Committee obtained the co-operation of the State Premiers and the Committee records its appreciation of the assistance given to the Inquiry by State officials. A number of Government departments and various organisations and individuals were invited to make submissions on aspects of the Inquiry.

7 The Committee received 139 submissions. Twenty-one days of public hearings were held in all mainland States and the Northern Territory.

8 During the Inquiry 205 witnesses appeared before the Committee. A list of witnesses is given at Appendix 2. Evidence taken at public hearings is available for inspection at the Committee Office of the House of Representatives, the National Library of Australia and the Australian Archives. Copies are also held by the Commonwealth Parliamentary Library.

Visits to Aboriginal communities

9 The Committee was anxious to see first-hand alcohol problems in a number of Aboriginal communities. For this purpose it divided into Sub-committees and held informal

discussions with Aboriginal leaders, community advisers and other interested persons in 66 communities throughout Australia. A list of the communities visited is given at Appendix 3.

2 IMPACT OF ALCOHOL ON ABORIGINAL COMMUNITIES

10 In its terms of reference the Committee was requested to :

Examine the impact of alcohol on Aboriginal communities.

11 During the course of its Inquiry the Committee was told on numerous occasions that an inquiry into alcohol problems should not be directed solely towards Aboriginals as their drinking problems are no worse or no better than those of the general community. Indeed, in his letter referring the matter to the Committee the Minister said "I am very conscious in referring this subject to the Committee, that excessive use of alcohol is not a peculiarly Aboriginal problem and that indeed the problem may be less severe among Aboriginals than among non-Aboriginal Australians." This question is discussed in paragraphs 13 to 51.

12 Also discussed under this heading are the extent of Aboriginal drinking, the major effects of alcohol and the visibility of Aboriginal drinking.

Extent of Aboriginal drinking

Metropolitan

13 Although the evidence on the extent of Aboriginal drinking in the metropolitan areas is not firm, it is clear to the Committee that there is substantial alcohol abuse. It also appears to the Committee that Aboriginal drinking patterns are related to drinking patterns of non-Aboriginals of similar socio-economic groups including Aboriginals who have been integrated into the general community.

14 Research studies commissioned by the Australian Government's Commission of Inquiry into Poverty show

that :

- (a) In Brisbane, 47% of Aboriginals were very poor compared with less than 10% of all Australians.¹
- (b) In Adelaide, Aboriginals who were poor or marginally poor accounted for 53% of the sample population in comparison with 20.6% of the whole Australian population.²

15 Whilst there are not comparable figures for the other metropolitan areas it can be concluded that the level of poverty among Aboriginals is just as high as in Brisbane and Adelaide. Evidence to the Committee is that poverty exacerbates alcohol problems of persons in the lower socio-economic groups, and vice versa.

16 The Committee was informed by the Senior Psychiatrist in charge of Alcohol and Drug Dependence Services, Queensland Department of Health, that, on a population basis, there are more than five times the number of people described as Aboriginal in statistics of admissions to two alcohol rehabilitation clinics in Brisbane. The Senior Psychiatrist also stated that "whether it is five times greater or ten times greater depends on whether you assume that these clinics are tapping a Brisbane population or a State population." He also said that there is insufficient evidence to determine the reason for the higher proportion of Aboriginal admissions.

17 The following table shows that Aboriginals admitted to the McKinnon Alcohol Withdrawal Unit in Sydney consume more

¹ Australian Government Commission of Inquiry into Poverty, Aboriginals and Islanders in Brisbane (Canberra, 1974), p.v.

² Australian Government Commission of Inquiry into Poverty, Poverty among Aboriginal Families in Adelaide (Canberra, 1975), p.49.

alcohol, drink more often and drink more wine than non-Aboriginal admissions :

	<u>Aboriginal</u>	<u>Non-Aboriginal</u>
Amount of pure alcohol/ daily (median)	570 g	395 g
<u>Drinking Pattern</u>		
Periodicity (% drink daily)	73 %	67 %
Companions (% drink with companions)	81 %	30 %
<u>Beverage</u>		
Beer	22 %	51 %
Wines	65 %	24 %
Other	13 %	25 %

Note: 10g of pure alcohol is equivalent to one 200ml glass of beer, 57 ml of fortified wine or 28ml of spirits.

More than 80g of pure alcohol per day was considered by the Director of the Unit to be 'hazardous' and causes physical deterioration.

Country towns

18 There are some Aboriginals in country towns who are integrated into the community and their drinking patterns are probably no different to non-Aboriginals.

19 Some country towns, however, contain large numbers of Aboriginals who live on Reserves, in makeshift accommodation on the outskirts of the town or in group occupation of homes. The socio-economic status of these people is generally very low. Witnesses claimed that drinking problems of these people is usually very serious. The evidence is that most males and some females are very heavy

drinkers and that a large proportion of the income of
Aboriginals is spent on alcohol, mainly fortified wine.

20 The only statistical evidence available to the
Committee on the extent of drinking in country towns relates
to Bourke in New South Wales where Dr M. Kamien undertook a
survey in 1971-72.¹

21 The survey by Kamien shows the average daily
consumption of pure alcohol of adults (20 years and over) as
follows :

Daily Pure Alcohol Intake g	Men		Women	
	Number	Proportion of Total Population	Number	Proportion of Total Population
Nil	12	9.7 %	91	71.0 %
10	14	11.3 %	12	9.4 %
11-40	12	9.7 %	13	10.1 %
41-80	17	13.7 %	5	3.9 %
81-120	22	17.7 %	1	0.8 %
121-180	31	25.0 %	3	2.3 %
180 +	13	10.5 %	-	-
Not known	3	2.4 %	3	2.3 %
Total	124	100.0 %	128	100.0 %

22 The above table shows that according to Kamien in
1971-72 in Bourke, 53.2% of males were heavy drinkers consuming
over 80g of pure alcohol per day, 35.5% of males consumed over

¹ 'Aborigines and Alcohol - Intake, Effects and Social
Implications in a Rural Community in Western New
South Wales', The Medical Journal of Australia, (1975),
pp. 291-298.

120g per day and only 3.1% of women were in the heavy drinking category.

23 Kamien's study also showed that fortified wine was the most popular drink among males, and females drank mainly beer. Of the men resident on the Aboriginal reserve, 61.4% were heavy drinkers compared to 16.3% of men living in the town.

24 From its own observations of the country towns it visited the Committee considers that there are similar problems in varying degrees in Mossman in Queensland, Laverton in Western Australia, Port Augusta in South Australia and Alice Springs in the Northern Territory, and that Roebourne in Western Australia was especially degraded by its proximity to mining areas. The Committee also believes from its observations that the proportion of Aboriginal women in country towns who are heavy drinkers would today be considerably higher than that reported by Kamien in 1971-72.

Aboriginal communities

25 Evidence to the Committee is that there are very serious alcohol problems in a large number of Aboriginal communities. Unlike Aboriginals living in metropolitan areas and in country towns, most of the Aboriginal communities comprise mainly tribal Aboriginals.

26 As shown below, the drinking patterns and problems vary considerably between Aboriginal communities.

(a) Prohibition

27 Although some Aboriginal communities prohibit the importation of alcohol, there are serious alcohol problems in a number of them because of sly grog and access to alcohol in

towns and nearby outlets. Examples are Goulburn Island, Elcho Island, Yirrkala, Angurugu, Hermannsburg, Warrabri and Oenpelli in the Northern Territory; Strelley and Looma in Western Australia; Amata, Ernabella and Indulkana in South Australia, and Aurukun and Cherbourg in Queensland. Of the 14, most have affiliations with Protestant churches. (See also paragraph 51)

28 The level of sly grog or drinking in towns and nearby outlets is not known, but the Committee received evidence that it can be serious and normally takes the form of 'binge' drinking. An extreme example of disruption caused by sly grog and the availability of liquor at nearby outlets is Oenpelli in the Northern Territory. Some 17 kilometres from Oenpelli and just outside the Aboriginal reserve is a store (the Border Store) which sells beer to both Aboriginals and non-Aboriginals. Evidence submitted to the Committee suggests that during the dry season about 50% of the income of Aboriginals is spent on alcohol, most at the store. The Aboriginal Council wants this store closed and this is discussed in paragraph 117.

(b) Rationing

29 Although some Aboriginal communities ration the sale of beer, problems of sly grog and drinking in towns and nearby outlets can be very serious because of 'binge' drinking.

30 The ration applicable to some Aboriginal communities is shown below and is that given in evidence or ascertained by the Committee when visiting the communities. These visits commenced in mid-1976.

	<u>number of small (370ml) cans per person per day</u>
Garden Point (N.T.)	24
Snake Bay (N.T.)	12
Umbakumba (N.T.)	5
Beswick (N.T.)	5
Port Keats (N.T.)	4
Bathurst Island (N.T.)	4
La Grange (W.A.)	2
Kalumburu (W.A.)	2
Yalata (S.A.)	2
Lombardina (W.A.)	1

Of the ten communities, a number have affiliations with the Catholic Church and one with the Lutheran Church. (See also paragraph 51)

31 Beer is usually distributed six days per week (three days per week at Yalata) and most eligible persons (mainly males) take their daily ration. The ration is the subject of considerable gambling.

32 There is pressure within most communities to vary the ration. As a result it is understood that the ration at both Garden Point and Snake Bay has now been reduced to six, and at Umbakumba it has been increased to seven.

(c) Beer canteens

33 Where a beer canteen has been established there are still problems of 'binge' drinking arising from sly grog and the drinking of alcohol in towns and nearby outlets.

34 Most beer canteens are in Queensland and are established under the Queensland Aborigines Act 1971 and

Torres Strait Islanders Act 1971. The conditions applying to the canteens are specified in paragraph 107. Beer canteens in Queensland have been established at Yarrabah, Palm Island, Bamaga, Cowal Creek, New Mapoon, Umagico, Lockhart River, Mornington Island, Weipa, Woorabinda, Kowanyama and Edward River. Both men and women drink at the canteens. Of the communities visited by the Committee, Cherbourg and Aurukun do not have beer canteens.

35 Examples of serious alcohol problems arising from sly grog and drinking in towns and nearby outlets, despite the existence of beer canteens, are Palm Island and Yarrabah. At Palm Island (Aboriginal population 1200), of the total weekly income of \$42,000, 25% (\$10,500) is spent at the beer canteen and a further estimated 25% is spent on sly grog or at Townsville and Ingham. Over 90% of men and 80% of women drink heavily. The average expenditure on alcohol per head per week is \$16, of which \$8 is spent at the beer canteen.

36 At Bamyili in the Northern Territory there is a club which operates a beer canteen for both men and women. One opened can of beer is sold at a time. About 27% of the total income of the community is spent at the canteen. Additional money is spent on alcohol brought into the community or at Katherine and Mataranka.

37 At Yalata (population 400) in South Australia, as previously mentioned, beer sales through the canteen are limited to two cans per person three days a week. The canteen has been operating since 1970. Very serious alcohol problems arise from the sale of liquor (especially flagons of wine) to Yalata people at roadhouses at Nundroo and Nullabor. For example, it was reported to the Committee that 90% of bulk wine sales at Nundroo was to Aboriginals and that in one day 170 flagons were purchased.

(d) No controls

38 Most of the Aboriginal communities which do not prohibit or ration alcohol or conduct a canteen have serious alcohol problems.

39 Evidence submitted to the Committee is that there are serious problems at Maningrida and Papunya in the Northern Territory, One Arm Point, Fitzroy Crossing, Mowanjum and Wiluna in Western Australia, and Lake Tyers in Victoria.

40 The only community for which information is available on expenditure on alcohol is Wiluna. The Department of Aboriginal Affairs informed the Committee that 80% of social security cheques are spent on alcohol and of the total income of the community, the expenditure on alcohol is 55 per cent. All Aboriginal males except one, and most females are heavy drinkers. Following the increase in Family Allowance benefits in May 1976, the takings of the only liquor outlet in the town increased by \$800 per week and it was claimed that this figure was the total increase in the benefits.

Comparison with general community

41 There is little hard data on which to make a comparison of the extent of drinking of Aboriginals and the general community.

42 The only published comparison of which the Committee is aware is contained in Kamien's paper on the survey he undertook in Bourke. This paper includes a table (shown below) which compares the Aboriginal drinking patterns at Bourke with three other studies of non-Aboriginal communities.

Proportion of Moderately Heavy and Heavy
Drinkers in Other Australian Surveys

Place	41 to 80g/day Alcohol Intake		Over 80g/day Alcohol Intake		Proportion of Problem Drinkers	
	Male %	Female %	Male %	Female %	Male %	Female %
Heyfield ¹	28.2 ²	1.8 ²			8.9	0.8
Prahran ³	11.3	1.2	7.4	1.1	5.6	1.2
Canberra ⁴	10.6	0.2	1.4	0.0	-	-
Bourke	13.7	4.0	53.2	3.2	31.4	3.0

43 Because of the absence of hard data and published information the Committee has attempted to compare some of the earlier information in this Chapter with information in the Annual Report of the Commonwealth Director-General of Health.

44 One basis for comparison with the general community is a ration of four small cans of beer six days a week for a full year which applies in some Aboriginal communities (paragraphs 30 and 32). This ration is :

- (a) the equivalent of 74g of pure alcohol per day which is just below Kamien's heavy drinking category of 80g per day and the hazardous level defined by the McKinnon Withdrawal Unit;

¹ Krupinski et al (1970). Heyfield is a country town in Victoria.

² Also includes all those drinking more than 80g of alcohol per day.

³ Rankin and Wilkinson (1971). Prahran is a suburb of Melbourne.

⁴ Hennessy et al (1973)

(b) a yearly consumption of 462 litres of beer which is the equivalent of 22 litres of pure alcohol. The Annual Report of the Director-General of Health shows that the consumption per head of the Australian population in 1975-76 was 137 litres of beer (6.6 litres of pure alcohol) and 9.7 litres of pure alcohol for all drinks consumed;¹

(c) an expenditure of about \$12 per week at 50c a can or of \$14.40 per week at 60c a can. The Annual Report of the Director-General of Health shows that the average expenditure per head of population in 1975-76 on alcoholic drinks was \$191.10,² which is about \$3.70 per week.

45 The consumption and expenditure relating to a ration of four small cans of beer per day, as shown in (b) and (c) above, cannot strictly be compared with the information in the Annual Report of the Director-General of Health because the proportion of drinkers to non-drinkers in Aboriginal communities is not known.

46 As stated earlier, the ration varies between communities with some less than and some more than four small cans of beer per day. In all cases the actual position would be worse than the ration implies because an assessment of consumption of

¹ Commonwealth Department of Health, Annual Report of the Director-General of Health 1976-77, Table 36, p.183.

² Commonwealth Department of Health, Annual Report 1976-77, Table 39, p.184.

and expenditure on sly grog and drinking in nearby towns and outlets has not been taken into account.

47 Another comparison that can be made is the expenditure on alcoholic drinks as a proportion of total expenditure. The Annual Report of the Director-General of Health shows that this proportion for Australia as a whole in 1975-76 was 6.37 per cent.¹ This figure can be compared with the position in Aboriginal communities as follows :

	%
Wiluna	55
Palm Island	50
Oenpelli	50
Fitzroy Crossing	50
Bamyili	27

48 The Committee believes that there would be other Aboriginal communities which would have a very high proportion of their expenditure on alcohol.

Summary

49 As indicated earlier, drinking patterns of Aborigines are related to those of non-Aborigines of similar socio-economic groups or where Aborigines have been integrated into the general community.

50 It has also been stated that poverty exacerbates alcohol problems of those in the lower socio-economic group. This may accentuate the seriousness of Aboriginal alcohol problems because a higher percentage of Aborigines are in the lower socio-economic group.

¹ Commonwealth Department of Health, Annual Report 1976-77, Table 39, p.184.

51 The comparisons made in paragraphs 41 to 48 show that in many Aboriginal communities, especially traditional communities, alcohol problems would be more severe for Aboriginals than for the general community. This applies even where rationing of alcohol has been imposed or where beer canteens have been established. The Committee notes that some Protestant churches have influenced the decisions of a number of Aboriginal communities to prohibit the importation of alcohol and that the Catholic Church generally prefers rationing of alcohol.

Major effects of alcohol

52 Evidence was given that Aboriginals generally tend to participate in heavy drinking sessions. They drink until the supply of liquor and money runs out. They drink until drunk and in many cases with the intention of becoming drunk.

53 Aboriginal and other witnesses informed the Committee that heavy drinking may have accentuated the following :

- (a) breakdown of traditional Aboriginal society and the discipline of clan elders resulting from the lack of experience with alcohol and the lack of mechanisms to deal with its abuse. Alcohol may heighten tribal and family disagreements and jealousies as well as promoting extreme tensions within communities. Alcohol has resulted in 'unaboriginal' actions of calling out names of deceased people and the taking of money from older people for alcohol. It has also led to a decline in the number of traditional ceremonies and initiations;

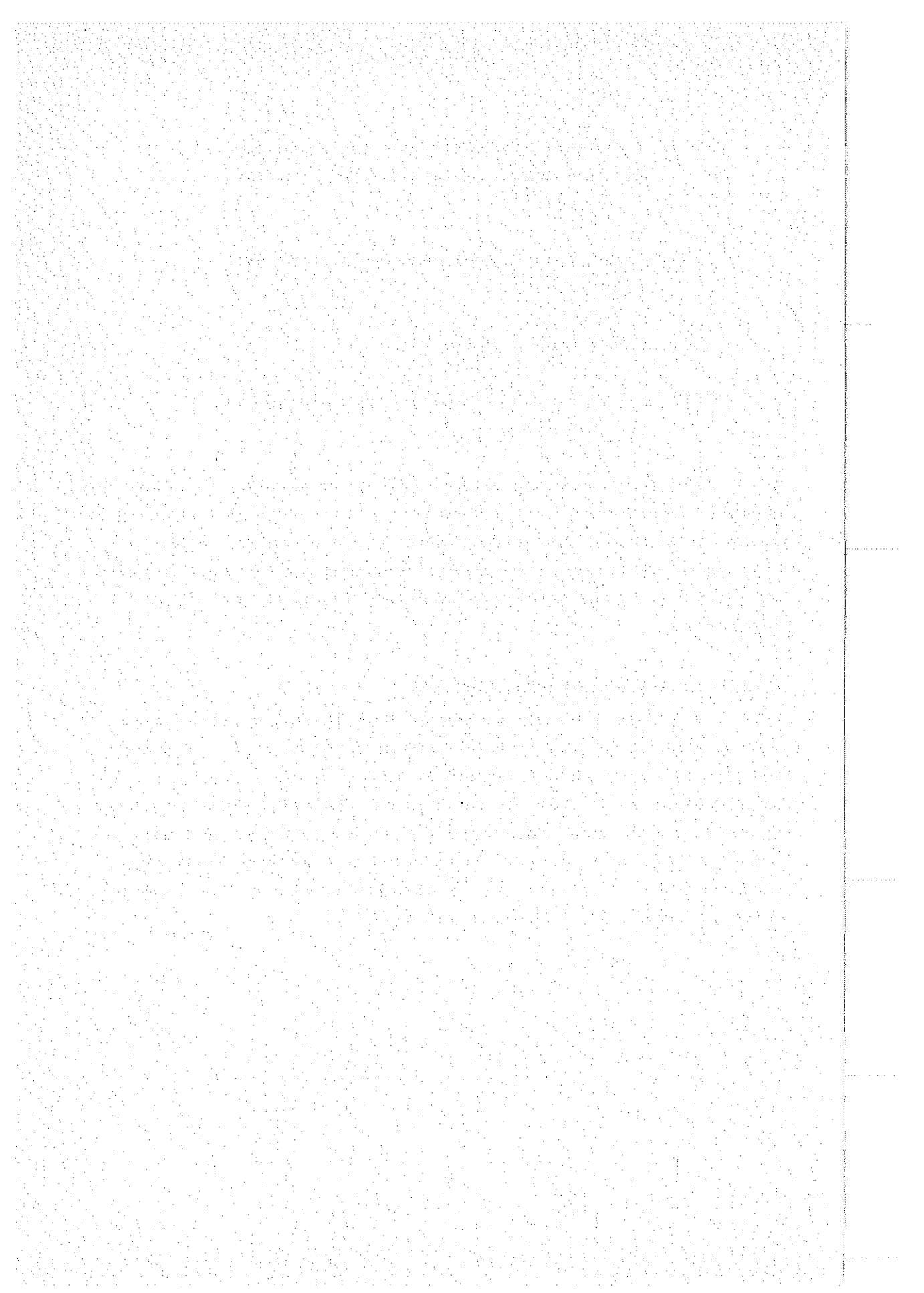
- (b) fighting and brawling, often resulting in death or severe physical injuries and in destruction of property, particularly houses;
- (c) accidents, often resulting in death or severe physical injuries;
- (d) instability and breakdown in family life, including marriages;
- (e) neglect of family, with income spent on alcohol and not on children and basic necessities. In particular the effects on children are :
 - . malnutrition
 - . poor school attendance
 - . actual bodily harm
 - . terror and mental strain
 due to fighting
 - . leaving home
 - . loss of discipline;
- (f) criminal behaviour, including wife beating, rape, assault and theft;
- (g) promiscuity and prostitution, resulting in increases in venereal disease and pregnancies of unmarried girls;
- (h) breakdown in health services where in some cases nurses have been withdrawn from communities because of intimidation by drunken Aborigines;

- (i) increased possibility of sickness and disease and deterioration in standard of hygiene;
- (j) loss of employment and poor attitude towards work;
- (k) untidy appearance; and
- (l) excessive noise and general disruption to community.

54 The impact of the major effects of alcohol as described above is considered by the Committee to be more devastating in those traditional Aboriginal communities affected. This is because in such cases the whole community is usually involved or affected. This situation does not arise in the general community.

Visibility of Aboriginal drinking

55 The Committee was informed that in metropolitan areas and country towns Aboriginals appear to drink more than non-Aboriginals because Aboriginal drinking is more visible. To substantiate this view it was claimed that Aboriginals prefer to drink together in the open, whilst non-Aboriginals who drink at home and in clubs have cars to take them home when intoxicated so they are not in the public gaze. The Committee believes that such reasoning is suspect.



3 CAUSES OF EXCESSIVE USE OF ALCOHOL

56 In its terms of reference the Committee was requested to :

Examine the social and other causes of the excessive use of alcohol in some Aboriginal communities, paying regard to the situation in both remote traditional communities and in urban situations.

57 The Committee believes that factors contributing to excessive consumption of alcohol by Aborigines include the following :

Psycho-social factors

- . a desire to get drunk (see also paragraph 52) which is associated with enjoyment of drinking;
- . lack of awareness of the harmful effects of alcohol;
- . an inability to cope with alcohol;
- . lack of shame at the sordid physical consequences of drunkenness;
- . loss of pride and dignity as a result of white settlement;
- . an attempt to overcome feelings of inferiority, anger, resentment and rejection;
- . release and escape from everyday pressures;

- . expression of group solidarity and conviviality;
- . lack of motivation and purpose;
- . stress and frustration resulting from cultural conflict;
- . peer group pressure;
- . expression of equality resulting from racial prejudice and discrimination;
- . imitation of the white man;
- . social disintegration; and
- . dissatisfaction with material aspects of non-Aboriginal life style and disenchantment with traditional life style.

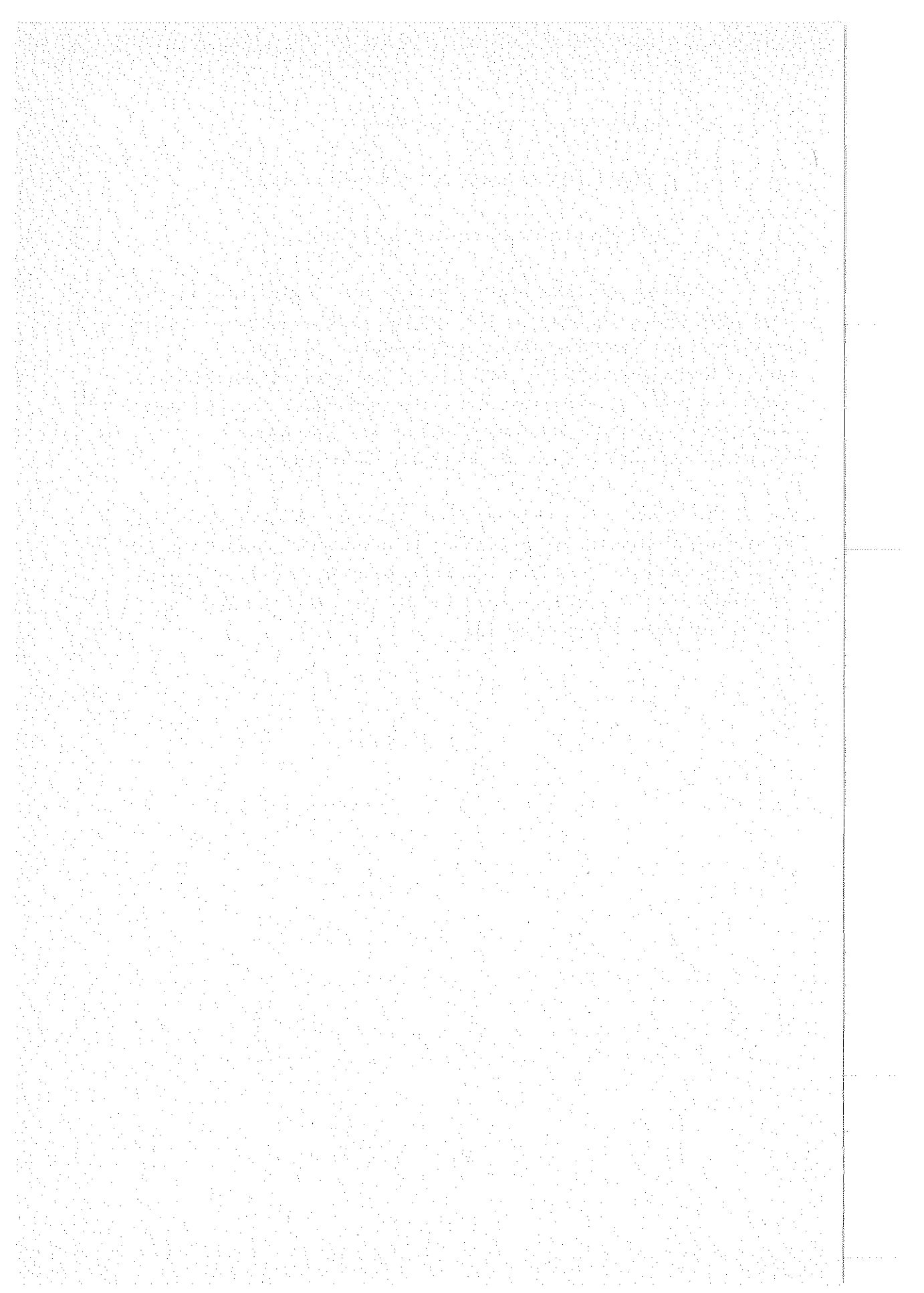
Environmental factors

- . low socio-economic status;
- . lack of meaningful employment opportunities;
- . overcrowding and poor housing;
- . lack of education and skills;
- . boredom and lack of recreational facilities;
- . poor health facilities;

- . increased access to alcohol;
- . significant increases in income; and
- . living away from traditional land.

58 Although all the above factors are inter-related the Committee believes that psycho-social factors create greater pressures and tensions than environmental factors, particularly in tribal communities. In some metropolitan areas and some country towns the environmental factors and associated low socio-economic status are the major contributors to the alcohol problems of Aborigines.

59 The Committee observed that in some country towns and Aboriginal communities where the environmental conditions are generally satisfactory the drinking problems of Aborigines are still serious. This could be due at least in part to lack of purpose and motivation.



4 INITIATIVES IN DEALING WITH ALCOHOL PROBLEMS

60 In its terms of reference the Committee was requested to :

Examine the advantages which might be gained by Aboriginal communities who face problems associated with alcohol from the experience which other communities have gained in successfully dealing with similar problems.

61 A strict interpretation of the Committee's terms of reference would confine discussion in this Chapter to the experience of Aboriginal communities in dealing with problems associated with alcohol. The Committee has decided to widen the discussion to include alcohol prevention and treatment programs which concern Aborigines.

62 The Committee received evidence and observed methods of dealing with alcohol-related problems in the mainland States and the Northern Territory and these are discussed below.

Initiatives by Aboriginal communities

Outstations

63 Some communities in the Northern Territory have established outstations which consist of clans or tribes who have moved away from the major settlements. The granting of land rights could accelerate the movement of Aboriginal people to their traditional land. Although alcohol problems may not necessarily be the only reasons for such a movement, there is no doubt that the desire to avoid alcohol is a major contributing factor. Examples of communities visited by the Committee which have established outstations are Yirrkala, Yuendumu, Oenpelli, Papunya, Hermannsburg and Umbakumba.

Tribal punishment

64 The Committee received little evidence on the punishment under traditional law inflicted on persons affected by alcohol. It is thought that this may be due to the fact that alcohol had no part in Aboriginal traditional culture.

65 At Fitzroy Crossing (Western Australia) a 'bush' gaol operates and offenders are held for a specified period where they undergo a re-education program run by tribal elders.

66 At Strelley (Western Australia) it was reported that Aboriginals punish alcohol offenders by spearing them and chaining them to a tree.

67 Some tribal elders operate a system of 'bushing' under which offenders are excluded from the community for a period for disciplinary purposes.

Imposition of own discipline

68 Some communities have attempted to impose their own discipline as a means of controlling alcohol-related problems.

69 At Yirrkala (Northern Territory) the local hotel has co-operated in prohibiting the sale of liquor to Aboriginals. At La Grange (Western Australia) Aboriginal leaders have been imposing fines on persons who drink. Orderlies have been appointed at Yirrkala, Elcho Island and Goulburn Island (Northern Territory) in an attempt to enforce the rules of the community regarding alcohol. Attempts at community discipline have not been completely successful, a major factor being that one clan member will not recognise the authority of a member of another clan.

Controls on alcohol

70 Some communities prohibit or ration alcohol. These aspects are discussed in paragraphs 27 to 32.

Beer canteens

71 In an attempt to control alcohol problems some communities have established beer canteens. This is discussed in paragraphs 33 to 37.

Initiatives by non-Government organisations

72 The range and scope of services offered to Aborigines vary considerably. Aboriginal Medical Services funded by the Commonwealth Government operate in each mainland State and the Northern Territory and offer treatment for alcohol problems. Other major facilities and programs which were drawn to the attention of the Committee are briefly described below. It should be noted that not all facilities are exclusively for Aborigines.

Northern Territory

73 In Alice Springs the Central Australian Aboriginal Congress operates an alcohol program which comprises a rehabilitation farm (purchase price \$90,000) and a pick-up service which then takes Aborigines affected by alcohol to their home or camp. The operating cost of the program for the nine months ending 31 March 1977 was \$87,000. The staff at the Rehabilitation Centre consists of a project supervisor, an assistant supervisor, a senior Aboriginal counsellor and two domestics. A doctor, two sisters, a nursing aide and a social worker based at the Medical Service visit the farm on a regular basis. Representatives of the Congress informed the Committee that an initial stay at the Rehabilitation Centre

was expected to be three months and that a high turnover was expected. For the period 23 February to 18 April 1977, of the 17 trainees admitted to the alcohol program conducted at the rehabilitation farm, eight stayed one week or less.

74 The sobering-up centre in Alice Springs operated by the Regional Council for Social Development, referred to in the Committee's Interim Report, was handed over to the Central Australian Aboriginal Congress. This facility no longer operates. The sobering-up centre in Katherine also no longer operates.

Western Australia

75 In Perth there are two night shelters; St Norbert's New Era Rest Home and one operated by the Aboriginal Advancement Council. In Kalgoorlie there are two night shelters operated by the Catholic Church.

New South Wales

76 Benelong's Haven is a residential treatment centre for Aboriginal alcoholics operated by Aboriginals in two houses provided by Aboriginal Hostels Limited in Sydney. Operating funds are provided by the Commonwealth Government and amounted to \$136,000 in 1976-77. The staff consists of an Administrator, a teacher, six Counsellors and three cooks. A number of patients are being trained in rehabilitation skills with the aim of employing them as rehabilitation workers. The treatment program is strictly on Alcoholics Anonymous lines. Residents are mainly from New South Wales and Queensland and remain for at least three months. Between 25 and 35 residents are in occupancy at the one time. Representatives of Benelong's Haven informed the Committee that of the 105 people who completed the program to February

1977, 80% are sober. The sobriety rate for all persons admitted to the program is 33 per cent.

77 The Karakunba Rehabilitation Program is associated with the Redfern Presbytery which provides accommodation for Aboriginal transients and alcoholics and it also operates Karakunba rehabilitation farm for Aboriginal alcoholics at St Albans near Sydney. In 1975-76 the program was given \$80,000 by the Commonwealth Government which included the purchase of the farm (\$72,000) and operating costs. It supports the control of alcohol rather than abstinence.

78 Father L. Mithen operates a small halfway house for Aboriginals, including alcoholics, in Sydney to prepare them for return to their community after treatment.

79 The Moree Aboriginal Sobriety House was established in January 1976 and provides residential accommodation for 12 Aboriginals with alcohol problems and in addition conducts an outpatient clinic. The normal residential program is three months and 72 persons were admitted to the program in the first year. In the same period 205 persons were introduced to the outpatient program. It is run on Alcoholics Anonymous principles and a high success rate is claimed. In 1976-77 it was allocated \$30,000 operating costs by the Commonwealth Government. These funds provided for the appointment of a manager and a counsellor.

South Australia

80 The Kuitpo Colony is a rehabilitation farm for alcoholics run by the Adelaide Central Mission and is situated 80 kilometres from Adelaide. The Commonwealth Government contributes to the funding of the Colony. About

20% of its patients are Aborigines for whom a high recovery rate leading to sobriety is claimed. Treatment includes an Alcoholics Anonymous program.

81 Wright Court Day Centre is run by the Adelaide Central Mission and is a referral centre to residential treatment programs, including Kuitpo Colony. It is used extensively by Aboriginal people.

82 The Aboriginal Sobriety Group comprises reformed alcoholics and is a mutual support organisation which meets regularly in Adelaide. It encourages its members to assist Aboriginal communities to overcome alcohol problems and operates a night shelter for Aboriginal alcoholics. The Aboriginal Sobriety Group receives Commonwealth funds.

83 At Coober Pedy there is a pick-up service and day centre operated by the Aboriginal Council.

84 A day centre for Aboriginal alcoholics has been established at Port Augusta.

Victoria

85 Ngwala Willumbong is a halfway house in Melbourne based on Alcoholics Anonymous principles. It was developed by Hanover Welfare Services for Aboriginal alcoholics.

86 In Melbourne Nindeebiya Rehabilitation Workshop and drop-in centre for Aborigines is used by Aboriginal alcoholics. It was established by the Victorian Aboriginal Health Service.

87 The Melbourne Aboriginal Sobriety Group is a support group for Aborigines with alcohol problems. It began in

1976 following the success of the Aboriginal Sobriety Group in South Australia.

Initiatives by Governments

Treatment facilities

88 In each State and the Northern Territory the Government has provided some alcohol treatment facilities which are available to Aboriginals and non-Aboriginals. The facilities are those mainly provided in hospitals in the major urban centres and include detoxification units, clinics, etc.

Community Development Employment Projects Scheme

89 As a means of reducing alcohol problems of Aboriginals it was suggested to the Committee that unemployment benefits be paid direct to Aboriginal Councils which would then use the money to employ Aboriginals on meaningful employment projects.

90 The Committee welcomes the announcement on 26 May 1977 by the Minister for Aboriginal Affairs of the Community Development Employment Projects Scheme which involves payment of unemployment benefits to Aboriginal Councils in remote areas.

91 The Councils will be funded for projects to enable them to have work done by individuals in the community. Individual entitlements to unemployment benefits will be taken into account in calculating the funds. The Minister stated that Aboriginal Councils would have responsibility for determining the projects and will be encouraged to promote youth activity and alcohol rehabilitation. The scheme is being implemented in a number of communities on a trial basis.

Co-ordination of alcohol services

National level

92 The need to co-ordinate all alcohol services at both State and Federal levels was expressed by various witnesses.

93 The Committee was given details of the formation of the National Aboriginal Campaign Against Alcohol and Drug Abuse (N.A.C.A.A.D.A.) which was established at the National Conference on Aboriginal Alcoholism held in Sydney in May 1976.

94 The stated purpose of N.A.C.A.A.D.A. is to determine policy, priorities and treatment programs on a national level and so maintain unity, goodwill and support for services and to be able to analyse the services of resource people whenever the need arises and these people are available. It was proposed that alcohol services for Aborigines in the various States remain autonomous with national co-ordination provided by N.A.C.A.A.D.A.

95 Despite initial support by the Minister for Aboriginal Affairs, the Minister later informed N.A.C.A.A.D.A. that he was reluctant to set up a formal organisation of the type envisaged and that he proposed to establish Regional/State advisory groups.

State level

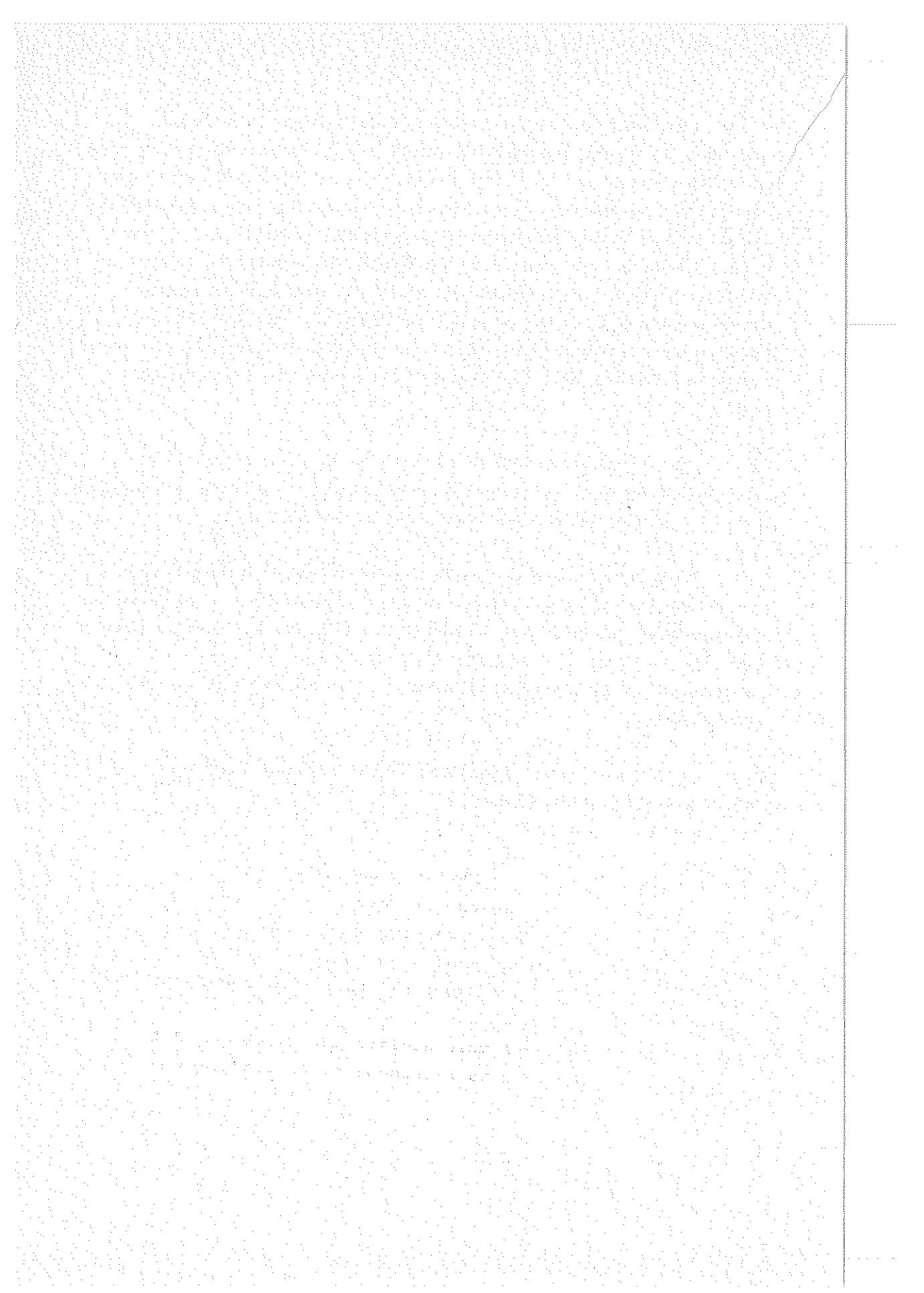
96 In the Northern Territory all alcohol services are co-ordinated by the Northern Territory Advisory Council on Alcohol and Drug Dependence. The Council is chaired by the Department of Health and consists of representatives from Government departments, the Northern Territory Legislative Assembly and other interested organisations.

97 The only State to co-ordinate Aboriginal alcohol services is South Australia. That State established the Woma Committee which met for the first time in February 1976 and comprises representatives from the former National Aboriginal Consultative Committee and 13 Aboriginal communities. Non-voting members are community advisers as permitted by the Committee, and representatives from the Adelaide Central Mission, Department of Aboriginal Affairs, and the State Departments for Community Welfare, Public Health, Correctional Services, Police and the Alcohol Drug Addicts (Treatment) Board.

98 The Woma Committee aims to act as a co-ordinating policy-making and funding body and supports community programs aimed at reducing alcohol problems of Aboriginals.

99 The Woma Committee told the Standing Committee that co-ordination allows drink-related problems to be analysed on a State-wide basis. The allocation of funds by Woma means that the setting of priorities is transferred from the Department of Aboriginal Affairs to the Aboriginal people themselves.

100 In 1976-77 the Woma Committee received \$257,000 from the Commonwealth Government.



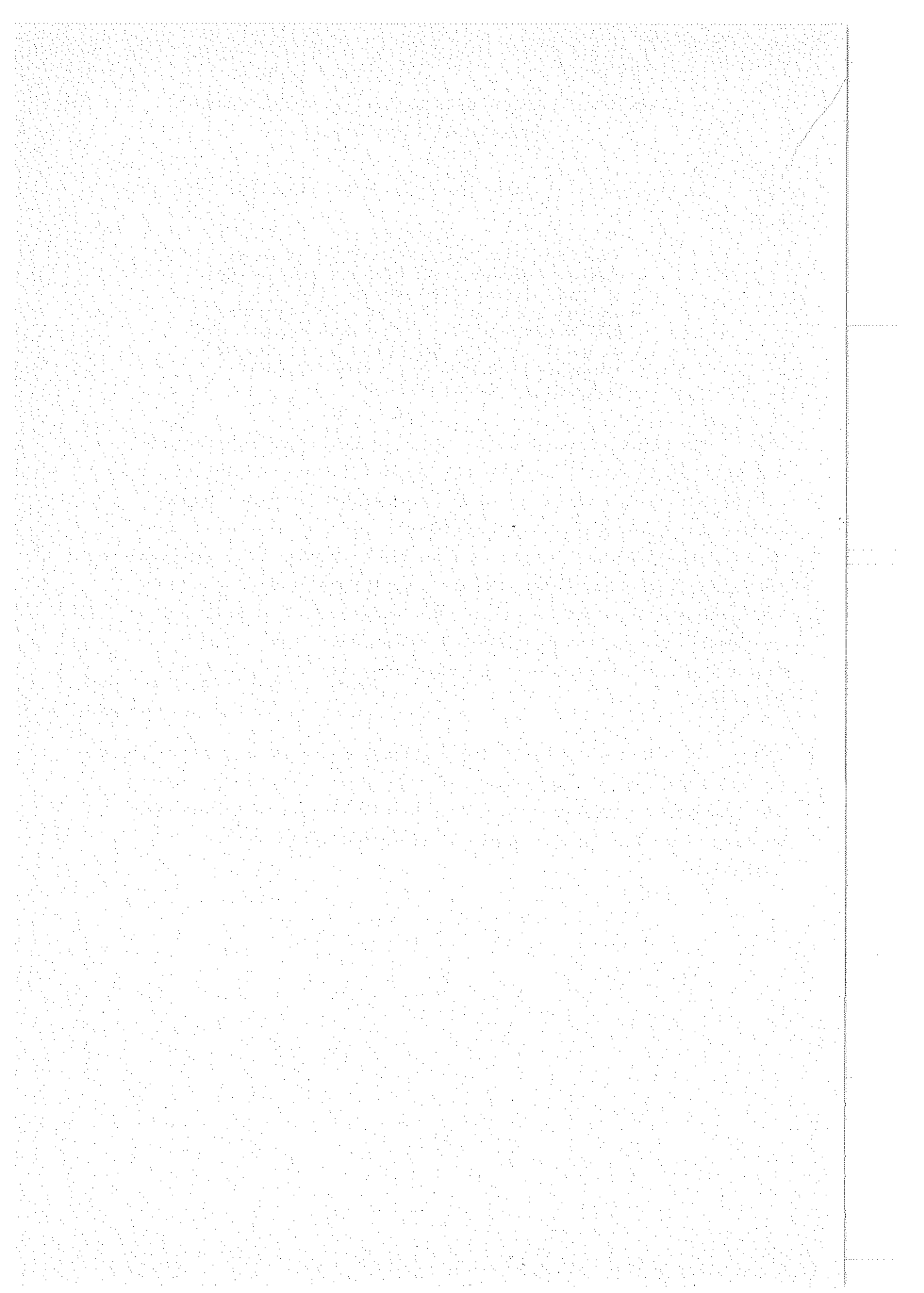
5 ADEQUACY OF AUSTRALIAN LAW IN TRADITIONAL
ABORIGINAL COMMUNITIES

101 In its terms of reference the Committee was requested
to :

Consider the adequacy of Australian law in communities largely following a traditional life style, and the manner in which they may be encouraged and assisted to develop approaches to alcohol created behavioural problems based on traditional strengths and methods of control.

102 The Committee included some preliminary information in its Interim Report. It stated, however, that it did not have sufficient information to make a judgment on this complex matter and proposed to seek further advice. It noted that the Attorney-General was considering referring the question of Aboriginal customary law to the Law Reform Commission and recommended that reference of the question of Aboriginal customary law to the Law Reform Commission await the Committee's determination on the important implications involved.

103 On 9 February 1977 the Attorney-General announced that he had referred the question of Aboriginal customary law to the Law Reform Commission. The Committee has a continuing interest in the inquiry and is co-operating with the Commission.



6 OPERATION OF LAWS

104 In its terms of reference the Committee was requested to :

Examine the operations of laws including liquor laws in Australia in relation to the impact of alcohol on Aboriginal communities.

105 The Committee received considerable evidence on the operation and adequacy of relevant laws in the Northern Territory and the mainland States.

Liquor laws

106 Liquor laws applying to the general community in the States and the Northern Territory are those which also apply to Aborigines. Exceptions relate to Aborigines living in reserves in Queensland and South Australia.

107 In Queensland the Aborigines Act 1971 and Torres Strait Islanders Act 1971 provide for the Director of Aboriginal and Islander Advancement, acting in conjunction with the Aboriginal Council, to establish beer canteens on reserves. Regulations under the Acts provide for the following conditions :

- . beer canteens are the only source of alcohol in the reserve;
- . beer shall be sold for a period not exceeding four hours per day, although the hours may be varied by the Director on application by an Aboriginal Council or of his own volition;
- . beer shall not be removed from the canteen for consumption elsewhere;

- . the Aboriginal Council has the power to restrict the quantity of beer sold on any day to any person;
- . the Aboriginal Council may forbid the consumption or purchase of beer to a person whose consumption of beer injures or endangers himself or others; and
- . beer shall not be supplied to a person under, or apparently under, the age of 21, or a person in, or apparently in, a state of intoxication.

These Acts also provide that the Liquor Act 1912, other than Section 81 which relates to drunken and disorderly persons, does not apply to the sale, supply or consumption of beer in a reserve.

108 In South Australia regulations under the Community Welfare Act 1972 provide that a person who brings, sells, supplies or consumes alcohol or is drunk within the boundary of a reserve is committing an offence.

109 Under the South Australian Licensing Act 1967-1976 a publican's licence may be granted to any organisation or association in respect to premises in any Aboriginal institution subject to conditions imposed by the Licensing Court.

Sale of alcohol to intoxicated or under-age persons

110 The main criticism of the laws received by the Committee related to the sale of liquor to intoxicated or under-age persons. All States and the Northern Territory provide that it is an offence to supply or sell liquor to such persons. Evidence to the Committee is that it is difficult to enforce these provisions and that prosecutions

are extremely rare. Whether a person is intoxicated or under-age is often a difficult judgment and, in addition, such persons may be supplied liquor by others.

111 A particular problem emphasised by some witnesses relates to the enforcement of these provisions in respect to Aborigines who often claim that the reason for refusing to sell liquor is not because of intoxication or under-age, but because of race.

Disruption to the quiet and good order of neighbourhood near isolated liquor outlets

112 In all States (except Queensland) and the Northern Territory the licensing laws provide that a ground for objecting to the granting of a liquor licence is the disruption to the quiet and good order of the neighbourhood. In Queensland the objection may be made on any grounds.

113 The grounds for objection to the renewal of a liquor licence because of disruption to the quiet and good order of the neighbourhood applies only in South Australia and to a storekeeper's licence in the Northern Territory. This provision was brought into force in both South Australia and the Northern Territory in 1976. The Committee commended the Northern Territory proposal in its Interim Report. In Queensland the objection may be made on any grounds.

114 The Committee received considerable evidence that the availability of liquor at outlets near Aboriginal communities exacerbates alcohol problems at Oenpelli, Daly River and Warrabri in the Northern Territory; Ernabella, Amata, Indulkana and Yalata in South Australia.

115 The liquor outlets near Northern Territory communities have either a storekeeper's or roadside inn licence.

Ernabella, Amata and Indulkana in South Australia are affected by roadside inn licences issued under Northern Territory law at Kulgera and Victory Downs. There are roadside inns at Nundroo and Nullabor near Yalata in South Australia.

116 A major reason why an application for a storekeeper's licence at Roper Bar in the Northern Territory was recently rejected was because of disruption to the quiet and good order of the neighbourhood.

117 Under the 1976 amendment to the Northern Territory Licensing Ordinance 1939 which provides that a ground for objection to the renewal of a storekeeper's licence is disruption to the quiet and good order of the neighbourhood referred to in paragraph 113, the Oenpelli Aboriginal Council and others objected in February 1977 to the renewal of the Border Store licence. Appendix 4 outlines the attempts that have been made by the Council to prohibit the sale of liquor at the Border Store.

Other laws

Personal Liquor Permits - Northern Territory

118 Under Section 140E.-(1.) of the Licensing Ordinance 1939 liquor shall not be taken onto an Aboriginal Reserve or Mission without the prior approval of the person in charge of the Reserve or Mission. In practice, permits are issued by the Department of Aboriginal Affairs but only with the concurrence of the Aboriginal community concerned. Permits allow unlimited quantities of alcohol to be brought into communities by the holder. Although there are many Aboriginal communities which prohibit and attempt to control the supply and consumption of alcohol, the Northern Territory is the only area in Australia which has a scheme such as the personal liquor permit system. In its Interim Report the Committee condemned the system.

119 Some problems and a recommendation in respect to the personal liquor permit system are given in the Committee's Interim Report. Whilst the Committee has not been informed of the Government's intentions on this recommendation, it has been informed by the Department of Aboriginal Affairs in correspondence that the permit system could be abolished once alternative arrangements for the supply or prohibition of liquor in each community have been made and legislation amended accordingly.

Decriminalisation of drunkenness

120 In October 1974 the offence of drunkenness was abolished in the Northern Territory by amendment to the Police and Police Offences Ordinance 1923. Further amendments came into effect in February 1976 and specify the grounds under which a police officer may, without warrant, apprehend and take a person into protective custody if the police officer has reasonable grounds for believing that the person is intoxicated. The Ordinance provides for detention for up to six hours without bringing the person before a magistrate, and the person may be held in protective custody until 7.30 a.m. if so held at midnight.

121 The Committee was informed that the South Australian Government intends to decriminalise drunkenness when adequate facilities such as sobering-up centres, detoxification units and rehabilitation centres are established.

Police Aides

122 The system of Aboriginal police aides in Western Australia was established by legislation of the State Parliament in 1975. By October 1976 nineteen aides had been appointed. The aides wear police uniform, have restricted powers of arrest and undergo a comprehensive training program.

The Committee was informed that they are nominated by tribal elders.

123 The Western Australian Police Department told the Committee that the purpose of the legislation was to assist the existing Police in their duties in areas that have a substantial Aboriginal population and so involve the Aboriginal people themselves in bringing some discipline and a more orderly way of life to their communities.

124 Evidence to the Committee is that the aides have been particularly successful in helping Police deal with alcohol-related problems. Aboriginals living in urban areas, however, suggested that police aides would not be suitable in their communities.

Aboriginal Police

125 In Queensland the Aborigines Act 1971 and the Torres Strait Islanders Act 1971 provide for each Aboriginal community to have its own Aboriginal police force under the jurisdiction and control of the management of the community. Their role is to assist in the maintenance of good order and discipline. Aboriginal police are appointed by the Aboriginal Council and are supervised and trained by members of the Queensland Police Force stationed in the community. The Aboriginal police have power to arrest and bring before an Aboriginal court (see paragraph 127) an Aboriginal found committing a breach of the regulations made under these Acts.

126 Two police witnesses informed the Committee that, in their view, the Aboriginal police system has not been

successful. The reasons given for this view may be summarised as follows :

- . family and tribal pressures and affiliations prevent them fulfilling their duties in an impartial manner;
- . formal training is not given;
- . the low level of literacy makes on-the-job training difficult;
- . there is often a lack of acceptance by the community;
- . some have criminal records; and
- . consumption of alcohol, sometimes on duty, has adversely affected their performance.

This was the only evidence received by the Committee on the effectiveness of Aboriginal police in Queensland and the Committee is therefore unable to make a judgment on this matter.

Aboriginal Courts

127 The Queensland Aborigines Act 1971 and the Torres Strait Islanders Act 1971 provide for the establishment of Aboriginal courts in Aboriginal communities. Regulations provide for the courts to be constituted by two or more Aboriginals who are Justices of the Peace or by at least three members of the Aboriginal Council. The courts have the power to hear and determine complaints for offences against the regulations or by-laws of the community and may impose penalties. The powers of the courts extend to the hearing of alcohol offences.

Police

128 The Committee received evidence that the Police in the Northern Territory, Western Australia, New South Wales and

South Australia receive training aimed at giving them a better understanding of Aboriginal problems.

129 In the Northern Territory some Aboriginal communities have requested the establishment of a police station in an effort to combat violence associated with excessive alcohol consumption, and the Committee made a recommendation to this effect in its Interim Report. Some Aboriginal communities in Western Australia and South Australia informed the Committee that at this stage they do not require a permanent police presence.

130 There are very few Aboriginals in the State and Northern Territory police forces. The Committee was informed that the major reason for this is a lack of adequate educational qualifications. This problem may be expected to diminish as a result of increasing numbers of Aboriginals who are undertaking secondary education. At the end of 1976 the number receiving assistance under the Aboriginal Secondary Grants Scheme was about 13,800.

7 CONCLUSIONS AND RECOMMENDED PLAN OF ACTION

131 In its terms of reference the Committee was requested to :

Recommend action aimed at assisting Aboriginal communities to overcome problems associated with the excessive use of alcohol and at reinforcing the initiatives which Aboriginals themselves might wish to take to deal with these problems and the consequential behavioural problems.

132 In this Chapter the Committee discusses and makes recommendations on prevention, treatment and other measures aimed at reducing alcohol problems of Aboriginals. All are important but the Committee advocates that the main effort should be directed towards overcoming the causes of alcohol problems and recommends that when the Government is developing programs aimed at reducing alcohol problems of Aboriginals, emphasis be given to preventive measures.

Prevention

133 The main causes of alcohol problems of Aboriginals are given in paragraph 57. As stated in paragraph 58, psychosocial factors create greater pressures and tensions than do environmental factors particularly in tribal communities, whilst environmental factors are more important in some metropolitan areas and some country towns. However, it is stressed that all the factors are inter-related.

134 The main initiatives that can be taken in an effort to overcome the causes of the excessive use of alcohol by Aboriginals are as follows:

Psycho-social factors

135 A greater understanding of Aboriginal problems by non-Aboriginals and increased co-operation between Aboriginals and non-Aboriginals would, in the opinion of the Committee, significantly contribute to reducing tensions and pressures within the Aboriginal community. Although such changes will require time to evolve, Governments can make a contribution and the Committee recommends that Commonwealth and State officers who deal with Aboriginal people undertake training aimed at improving relations between the Aboriginal and non-Aboriginal communities.

136 The Committee stresses that the Aboriginals themselves need to see the purpose for the improvement in their conditions as a means of reducing psycho-social pressures. The Committee is aware that departments claim they consult with Aboriginals but the Committee believes that in some cases such consultation is not meaningful to Aboriginals. Aboriginals discuss matters together over a considerable period of time before reaching a consensus. For consultation to be meaningful departments should allow adequate time for Aboriginal decision-making. The Committee therefore recommends that there be adequate consultations with Aboriginals and that they participate fully in all matters affecting them.

Environmental factors

137 Health, education, welfare, employment, housing and recreation are factors which are related to the present low socio-economic status of Aboriginals and must be taken into consideration when examining measures to assist those Aboriginals with alcohol problems. All these factors are inter-related and require a co-ordinated approach.

138 Whilst environmental factors need to be considered, the Committee recognises that improvement in these factors alone will not necessarily reduce alcohol problems of Aborigines. Indeed, in some cases, rapid movement to affluence may exacerbate psycho-social pressures and lead to more serious alcohol problems. Environment associated with affluence may include contact with people and influences undermining Aboriginal integrity. Environmental factors can imperil Aboriginal integrity if they destroy, without substitution of sound values, beliefs and relationships which have given Aboriginal life meaning.

139 The Committee recognises the problems associated with the improvement of the environmental conditions of Aborigines and the efforts that have been made by Governments to improve them. The Committee recommends that the Government continue to improve the environmental conditions of Aborigines.

Movement to outstations

140 The movement to outstations is described in paragraph 63. Some outstations in the Northern Territory have had success in dealing with alcohol problems. A number of them prohibit alcohol but even in those which allow some liquor to be consumed there is a greater likelihood of tribal authority being maintained where there is a small homogeneous group with a distinct cultural heritage and where tribal leaders have some standing.

141 The Committee accepts that decisions to decentralise are for individual communities to make and recommends that the movement to outstations be supported where such movement is a considered decision by the community concerned.

Community decisions relating to control of alcohol

142 As previously mentioned, some communities prohibit the importation of alcohol, ration the sale of alcohol or have established beer canteens. The decision is normally made by the community.

143 The Committee agrees that any such decision is a matter only for the community to make. Various methods of formalising decisions made by communities have been suggested to the Committee. One such suggestion favoured by the Committee is for any proposal to be initially agreed to by tribal leaders where relevant and then ratified by two-thirds of the people living in the community. The Committee recognises that any method adopted must be that which is acceptable to a particular community and not one that the community is forced to accept. Once a decision to exclude or control alcohol has been properly made every person (Aboriginal and non-Aboriginal) living in that community must be prepared to abide by the decision and its enforcement should be given every encouragement. The Committee recommends that enforcement of decisions by Aboriginal communities be supported by all resources of Commonwealth and State laws. This should involve amendment to laws.

144 Should an Aboriginal community decide to allow alcohol to be brought into the community the Committee believes that a licensed club or beer canteen should hold the only liquor licence within that community. There is therefore no place for anomalies such as the personal liquor permit system operating in the Northern Territory referred to in paragraphs 118 and 119.

145 A properly established and supervised club or beer canteen complying with the law relating to drinking and

drunkenness and concerned with the well-being of its members presents the most practical method of encouraging sensible drinking patterns.

146 For any club or beer canteen to be granted a licence there will need to be guidelines and conditions of responsibility specified by law and strictly supervised. Limited hours of operation need to be clearly specified and rigidly enforced. This matter was dealt with in paragraph 91 of the Interim Report and remains appropriate for the Northern Territory. In the States where clubs and beer canteens are granted liquor licences there should be provision, where practicable, for adequate refrigeration and amenities and provision for the sale of nutritious food. Conditions laid down could provide, for example, limits on the amount of alcohol sold, and that the sale of alcohol be confined to beer which must be sold in cans, opened on purchase and available one at a time to be consumed on the premises.

147 Penalties for breaches of conditions for the granting of licences must be such that they will serve as a reminder to communities of the importance of adhering to strict rules and regulations. For example, a licence may be forfeited or suspended until such time as a club or beer canteen can meet the necessary requirements and could demonstrate that it will act responsibly and conduct the club or beer canteen satisfactorily.

148 There is no reason why clubs or beer canteens should not be run as commercial ventures with the assistance of the Benefits Trust Fund or the Aboriginal Loans Commission. Such clubs or beer canteens, if operated under strict guidelines as envisaged by the Committee, should avoid problems that have arisen in the past.

149 The Committee recommends that :

- . a licensed club or beer canteen be established in an Aboriginal community when that community has decided to allow the consumption of alcohol;
- . funds be made available through the Aboriginal Loans Commission or the Benefits Trust Fund for the provision of facilities for clubs or beer canteens;
- . licensing legislation be amended to provide for special guidelines and conditions applicable to licensed clubs or beer canteens in Aboriginal communities.

150 However, problems could still arise because of sly grog which is carried through the mail and by taxi, charter aircraft, commercial aircraft as passengers' luggage, and by individuals in private cars and private boats.

151 In its Interim Report the Committee made recommendations to reduce these problems. The Chairman later wrote to relevant Ministers seeking information on action taken on the recommendations. Some of the replies were considered by the Committee to be unsatisfactory and in June 1977 departmental officers gave additional information at public hearings on some aspects of the recommendations.

152 The officers outlined the problems involved and informed the Committee that the recommendations in respect to

the mail and aircraft could not be implemented under existing legislation.

153 The officers admitted that current regulations prohibiting the carriage of certain drugs, poisons, explosives, weapons, offensive materials, etc. through the mail or in aircraft could be amended to include alcohol but implied that no such amendment is contemplated. The Committee does not accept this implication and, in fact, finds it difficult to understand why legislative and administrative action has not already been taken to implement the recommendations of the Interim Report. The Committee reiterates the views expressed in its Interim Report and recommends that relevant laws be amended to prevent alcohol being carried to or for an Aboriginal community by charter or commercial aircraft and boats or through the mail when a decision has been made by the community that alcohol be prohibited or rationed.

154 There is nothing to prevent taxi passengers having alcohol in their possession. It is, however, an offence for taxi drivers to sell alcohol and the Committee recommends that legislation regarding the carriage and sale of alcohol by taxi drivers be enforced.

155 Even if the steps discussed in paragraphs 153 and 154 are successful some sly grog will still enter the community in private cars or private boats and the enforcement of the community's decision is a matter for the community. Such enforcement may be in accordance with Aboriginal traditional law where relevant and in such cases it could perhaps include banishing offenders for a specified period.

Alcohol education

156 The number of young Aboriginals turning to alcohol is a cause of deep concern and it is considered essential that they understand that in Aboriginal culture drunkenness and its consequences were unknown. This is a fact of which they should be proud.

157 In the Committee's opinion teaching young people to live with alcohol and to understand its effects represent important preventive action that ought to be taken. Where necessary, special arrangements should be made to ensure that in schools with significant Aboriginal enrolment greater efforts be made to relate alcohol education to traditional Aboriginal culture in which alcohol played no part. The Committee recommends that alcohol education oriented towards traditional Aboriginal culture be an integral part of the school curriculum in schools with a significant Aboriginal enrolment.

158 The Committee also sees a need for education programs for Aboriginal adults. Such programs should be developed to reinforce decisions taken by Aboriginal communities which have banned alcohol or are rationing its consumption. The Committee recommends that alcohol education programs for Aboriginal adults be developed.

Social Security benefits

159 The Committee received evidence that, in some areas, a large proportion of social security benefits is spent on alcohol. Evidence was also received of instances where social security cheques are forceably taken from women by their husbands and from older people by younger members in a community for the express purpose of purchasing alcohol.

160 Under the following provisions of the Social Services Act 1947 benefits may be paid to persons or organisations other than the beneficiary :

Age and Invalid Pensions

S.43. Where the Director-General is satisfied that, for any reason, it is desirable that payment of the whole or a portion of a pension should be made to a person, institution or authority on behalf of the pensioner, the Director-General may authorize payment accordingly.

Family Allowance

S.99.(1) An endowment shall be paid -

- (a) to the endowee; or
- (b) on behalf of the endowee, to such other person as the endowee appoints in accordance with a form approved by the Director-General.

(2) An endowment shall be paid in such manner as the Director-General determines.

(3) An endowment may, with the consent of the Director-General, be paid to the credit of a bank account specified by the person to whom, or the institution to which, the endowment is payable.

S.100. Where the Director-General is satisfied that, for any reason, it is desirable that payment of the whole or a portion of an endowment should be made to a person, institution or authority on behalf of the endowee, the Director-General may authorize payment accordingly.

Unemployment and Sickness Benefits

S.123.(1) An unemployment benefit or a sickness benefit (including any supplementary allowance) shall be paid, in such manner as the Director-General determines, to the beneficiary or to such person, institution or authority, on behalf of the beneficiary, as is approved by the Director-General.

Special Benefits

S.128. A special benefit shall be paid, in such manner as the Director-General determines, to the

beneficiary or to such other person, on behalf of the beneficiary, as is approved by the Director-General.

161 The Committee notes that the provisions in respect to Unemployment and Sickness Benefits have been used for the Community Development Employment Projects Scheme (paragraphs 89 to 91) and for the payment of rent to the Housing Trust of South Australia.

162 It was suggested to the Committee that social security benefits be also paid to other persons or organisations to provide basic necessities for the beneficiary and his family, as follows:

- (a) the payment of portion of unemployment or sickness benefit to the wife in cases where the husband does not provide for his family;
- (b) the payment of portion of any social security benefit to a storekeeper nominated by the beneficiary; and
- (c) the payment of all or portion of any social security benefit to an Aboriginal Council.

163 The Committee believes that in cases where social security benefits are being spent mainly on alcohol, the provisions of the Social Services Act should be used to ensure that the purchase of food and clothing and the payment of rent be guaranteed. The Department of Social Security informed the Committee that there are administrative difficulties in implementing the suggestion relating to the purchase of food and clothing. The Committee questioned officers of the Department and concluded that the difficulties could be overcome and that they should not prevent the introduction of acceptable schemes.

164 The Committee recognises that there will need to be close consultation and liaison between the beneficiary, the Aboriginal community, the Departments of Social Security and Aboriginal Affairs and State departments which have a role in Aboriginal affairs.

165 Accordingly, the Committee recommends that :

- . where acceptable to the beneficiary unemployment or sickness benefits payable for the wife and children be paid to the wife in cases where the husband does not provide for his family;

- . where acceptable to the beneficiary a storekeeper be nominated to receive payment of a portion of social security benefits and to provide goods to the value of the payment received; and

- . where acceptable to the beneficiary all or portion of social security benefits be paid to the Aboriginal Council.

Treatment

166 Whilst the Committee believes that the emphasis should be on the prevention of alcohol problems of Aboriginals, it recognises that some form of treatment facilities and programs should be available for Aboriginals who are problem drinkers.

Treatment Facilities

167 Paragraphs 72 to 88 describe the treatment facilities provided for the community generally that are used by

Aboriginals and those that have been provided solely for Aboriginals.

168 Many witnesses advocated that additional treatment facilities be provided, including separate facilities for Aboriginals. It was claimed that they are unwilling to use facilities provided for the general community because hospitals, both in design and the services they provide, do not cater for the special needs of Aboriginals. Such services are unfamiliar to Aboriginals and non-Aboriginal staff lack the special understanding necessary for Aboriginal patients.

169 The Committee notes that the special treatment facilities that have been provided for Aboriginals have been costly, both in capital and operating expenses, and that their success varies considerably.

170 It is also evident to the Committee that opinions differ as to the most effective form of treatment of alcohol problems. The Committee also received evidence that the methods of treatment that have been provided are at this stage regarded as experimental.

171 Accordingly, the Committee recommends that Aboriginal alcohol rehabilitation and treatment facilities established on an experimental basis continue to receive Government assistance until their effectiveness has been assessed.

Evaluation of programs

172 As indicated above, there is a need for the facilities already established to prove their effectiveness.

173 The Committee was informed by the Department of Aboriginal Affairs in August 1977 that the Department recognises the need for evaluation of programs (including

alcohol programs) and it is now developing a regular procedure for reviewing the progress made and determining whether such programs differ from the original expectations. Such reviews have already begun and teams will visit each region at least annually to examine the majority of projects to test whether ministerial priorities are being adhered to and whether the organisations are effective within reasonable expectations. Aborigines' own assessment of programs needs to be taken into account.

174 In reference to alcohol programs in particular, the Department informed the Committee that recognised quantitative and qualitative evaluation techniques will be used. These techniques will examine a number of clients, their success or failure to gain and maintain sobriety and their behaviour patterns before returning to the general community. The results of the reviews will need to be verified over a period of time. In this respect the Committee notes that a review was earlier undertaken in New South Wales and that the Woma Committee in South Australia has developed a system of evaluation of Aboriginal alcohol programs.

175 The Committee agrees with the steps already being taken and recommends that regular and detailed assessment of Aboriginal alcohol programs be maintained.

176 In July and August 1977 the Chairman of the Committee visited a number of alcohol rehabilitation and treatment centres in the United States of America. He observed that the methods of assessment of alcohol programs are more detailed and comprehensive than those in existence in Australia and assist in planning and the setting of priorities. The benefits of detailed assessment and statistics reinforce the Committee's conclusion on the importance of evaluation of alcohol programs.

Aboriginal involvement

177 Evidence to the Committee is that programs and services conducted by Aboriginals themselves with community support are those that are most likely to lead to a reduction of alcohol problems.

178 In particular, Aboriginal alcohol counsellors and field workers associated with organisations such as Benelong's Haven and the Woma Committee impressed the Committee with their dedication and acceptance by Aboriginal people. The Committee was told that Aboriginals who have successfully undergone treatment or who have overcome alcohol problems represent the best opportunity of encouraging other Aboriginals to tackle their own drinking problems.

179 The Committee notes, however, that there is an acute shortage of suitably trained Aboriginals and believes that until the shortage of such Aboriginals is overcome, full use should be made of dedicated trained non-Aboriginals.

180 It is therefore recommended that the Government encourage and support the recruitment and training of Aboriginal alcohol counsellors and field workers and that such people be encouraged to return to their own communities to pass on their knowledge and experience to others affected by alcohol abuse.

Aboriginal sobriety groups

181 Aboriginal sobriety groups have been established in South Australia and Victoria and are described in paragraphs 82 and 87.

182 The Committee believes that these groups have an important part to play in the rehabilitation of Aboriginals

with alcohol problems and recommends that Aboriginal sobriety groups receive Government encouragement and financial support.

Alcoholics Anonymous

183 The Committee has recommended that experimental rehabilitation and treatment facilities continue to receive Government assistance (Paragraph 171). This includes programs which are based on Alcoholics Anonymous principles.

184 Although evidence was submitted that the Alcoholics Anonymous philosophy would not be as successful with tribal as with non-tribal Aboriginals, the Committee believes that any efforts towards total sobriety should be encouraged.

185 The Committee recommends that where Aboriginal Alcoholics Anonymous groups are established they be given every encouragement and support.

Other Measures

Sale of alcohol to intoxicated or under-age persons

186 The Committee recognises that the licensing laws relating to the sale of liquor to intoxicated or under-age persons are difficult to enforce. This question was raised with the Committee in all States and the Northern Territory. Because of the special implications for Aboriginal people, the Committee believes that greater efforts should be made and recommends that the licensing laws relating to the sale of alcohol to intoxicated or under-age persons be more rigidly enforced by police and licensees.

Disruption to the quiet and good order of neighbourhood near isolated liquor outlets

187 As shown in paragraph 114, some Aboriginal communities are adversely affected by liquor purchased at outlets near

the community. Some of these communities are sufficiently concerned that they now want the outlet to be closed. The Committee believes that these communities should be given the opportunity to put their case before the Licensing Court when the licence is due for renewal.

188 The Committee recommends that New South Wales, Victoria, Western Australia and the Northern Territory amend their licensing laws to provide that a ground for objection to the renewal of all liquor licences be the disruption to the quiet and good order of the neighbourhood. In the Northern Territory this will require bringing all licences into line with provisions concerning objection to renewal of a storekeeper's licence.

189 Because of the importance to the Aboriginal community at Oenpelli of the current objection to the renewal of the storekeeper's licence of the Border Store referred to in paragraph 117, the Committee considers that active support of Aboriginal communities by the Department of Aboriginal Affairs is essential. The Committee recommends that the Department of Aboriginal Affairs provide every possible assistance to Aboriginal communities presenting a case to the Licensing Court and that the Department identify and monitor areas where assistance may be required.

190 The Committee is concerned at the long delays in reaching a decision in the Border Store case and believes that such delays, although not necessarily uncommon, are prejudicial to the welfare of the Oenpelli people. The Committee recommends that the Attorney-General take immediate action to expedite the Border Store case in the Northern Territory Licensing Court to enable a decision to be reached as soon as possible. Such action might involve the appointment or temporary transfer of an additional magistrate.

Decriminalisation of drunkenness

191 Decriminalisation of drunkenness applying in the Northern Territory is described in paragraph 120. Advocates of decriminalisation of drunkenness stress that excessive use of alcohol is a social and medical problem which cannot be cured by legal sanctions. Passivity towards the problem of drunkenness eliminates enforcement difficulties and saves the time of the police and courts.

192 On the other hand, decriminalisation of drunkenness currently operating in the Northern Territory gives wide discretionary powers to the police, is capable of abuse and those taken into protective custody are deprived of their liberty without access to legal advice.

193 It was submitted that before drunkenness was decriminalised in the Northern Territory, being arrested and gaoled for drunkenness had not been a deterrent for Aborigines as they felt little shame at being drunk or arrested. Also, decriminalisation may convey positive approval of drunkenness in Aboriginal eyes.

194 The only statistics available on persons taken into protective custody relate to the Northern Territory for the period October 1974 to April 1977 and show that the total number was 3896, of whom 3561 (more than 90%) were Aborigines.

195 The Committee has not been able to reach a conclusion on the effects on Aborigines of decriminalisation of drunkenness in the Northern Territory. Because of this the Committee recommends that an assessment be undertaken of the effectiveness of decriminalisation of drunkenness in the Northern Territory.

Co-ordination of activities

196 As mentioned in paragraphs 96 and 97 two co-ordinating bodies are operating. The one in the Northern Territory is departmentally controlled and the one in South Australia is Aboriginal controlled. The Committee was impressed by the operation of the Woma Committee in South Australia and believes that a similar body should be established in the other States and the Northern Territory. Whilst such a body needs to be under the control of Aborigines, there is advantage in representation of relevant Commonwealth and State departments and interested organisations. It is recommended that each State and the Northern Territory establish an Aboriginal controlled co-ordinating committee on Aboriginal alcohol problems.

197 Once the States and Northern Territory bodies have been established and are operating successfully the Committee believes that consideration might then be given to a national co-ordinating organisation.

Need for statistics

198 During its Inquiry the Committee sought statistics on Aborigines concerning arrests for alcohol-related offences, admissions to hospital for alcohol-related injuries and illnesses, births, deaths including alcohol-related deaths, absenteeism from school, and the number of people undergoing treatment in alcohol treatment centres.

199 Although certain information was received, the Committee was informed that some authorities are reluctant to note race when compiling statistics because of accusations of racism, prejudice or discrimination and that amendment to Commonwealth and State laws would be necessary.

200 In its Interim Report the Committee stressed the need for detailed statistics and reiterates that meaningful statistics are essential for the planning of alcohol programs for Aborigines and for measuring their effectiveness. The Committee therefore recommends that statistics relating to Aborigines be maintained on a regular and continuing basis and that the Commonwealth take the initiative by immediately amending its own legislation.

Genetic factors

201 A question raised with the Committee was that Aborigines are more susceptible to the effects of alcohol than are non-Aborigines because of genetic differences. This gives rise to the notion that Aborigines "cannot hold their liquor" because they are unable to metabolise ethanol as rapidly as non-Aborigines.

202 The only substantial evidence on this question related to comparative metabolism rates of ethanol undertaken in Western Australia.¹ The experiment involved 16 male Aboriginal adults and 12 male non-Aboriginal adults and the researcher concluded that although there was a wide variation in ethanol degradation rates between individuals he was not able to demonstrate a significant racial difference. The researcher also informed the Committee that to get the ideal experiment one would have to use two groups of people who are matched in every respect except for their race and this would be virtually impossible. Such a view was endorsed by other medical witnesses. This suggests to the Committee that research into problems of health and diet among Aborigines

¹ Dr N. Marinovich et al, 'Comparative Metabolism Rates of Ethanol in Adults of Aboriginal and European Descent', The Medical Journal of Australia Special Supplement, (1976), pp. 44-46.

would be of greater benefit and would be more likely to make a positive contribution to a reduction in their alcohol problems.

Anti-alcohol drugs

203 During his visit to the United States of America the Chairman was informed of the use of Antabuse, a drug which makes a person violently ill when alcohol is consumed. The use of the drug may be prescribed by courts as part of a alcohol rehabilitation program. The Committee sees possible merit in further study of the use of anti-alcohol drugs.

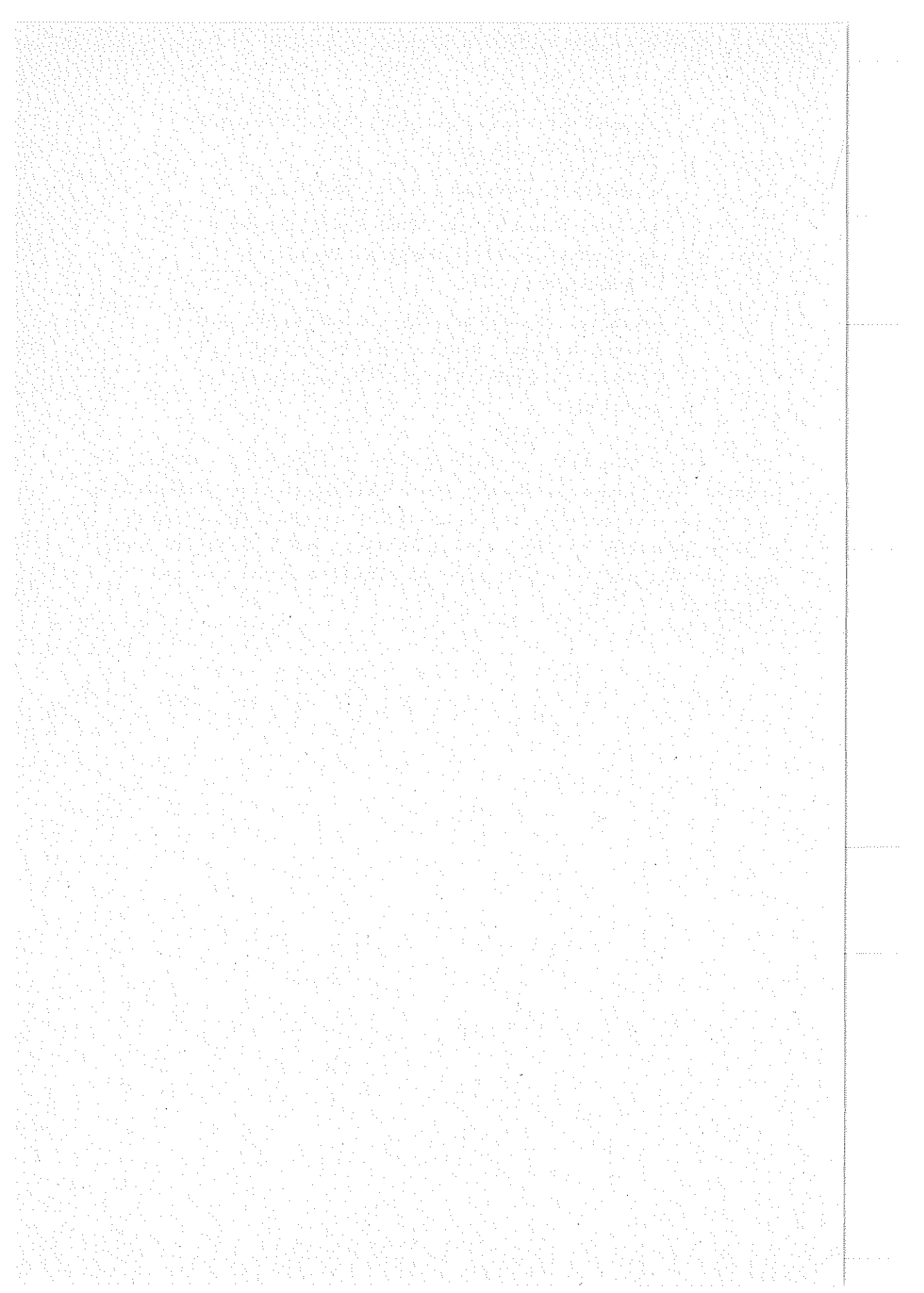
Further suggestions made to the Committee

204 In addition to the matters already mentioned in this Report, a number of suggestions were made to the Committee on action that might be taken to reduce alcohol problems of Aborigines as follows :

- . a return to the situation where only selected Aborigines have the right to purchase alcohol;
- . introduction of an additive to methylated spirits to discourage its consumption;
- . production of low-alcohol beer;
- . increased excise on beverages with a high alcohol content and reduced excise on low-alcohol beer;
- . reduced income to Aborigines to limit the amount of money available for spending on alcohol;
- . harsher penalties for drunkenness;
- . reduced drinking hours;
- . reduced number of liquor outlets;

- . payment of Social Security benefits weekly instead of fortnightly;
- . compulsory treatment of alcoholism;
- . encouragement of the strict discipline imposed by some churches in Aboriginal communities; and
- . study of the eradication of opium in less than a decade in the People's Republic of China as a model for overcoming alcohol problems.

205 The Committee considered each of these suggestions and agreed, for various reasons, that the measures recommended in the Report represent a more practical approach to tackling alcohol problems of Aboriginals and are those which will be more acceptable to the Aboriginal people and the general community.



8 IMPLEMENTATION OF INTERIM REPORT

206 In its Interim Report tabled on 7 October 1976 the Committee stressed that unless strong immediate action is taken Aborigines in the Northern Territory could destroy themselves. A number of recommendations were commended to the Government for its immediate consideration and these are listed at Appendix 5.

207 Following an expression of concern by members of the Committee that the Interim Report had not been implemented, the Chairman wrote to relevant Ministers in February 1977 seeking information on action taken on each recommendation. Some of the replies were considered to be unsatisfactory and in June 1977 departmental officers presented additional information to the Committee at public hearings.

208 In June 1977 the Minister for Aboriginal Affairs informed the Committee at a private meeting that he would call a meeting of relevant Ministers and would co-ordinate action by departments. He indicated that replies from Ministers would be reported to the Committee for inclusion in its Final Report.

209 At a further meeting with the Committee on 8 September 1977 the Minister stated that officers of relevant departments had met on 11 August 1977 to compile a joint briefing paper on existing and proposed approaches to each recommendation.

210 The Minister for Aboriginal Affairs informed the Committee in a letter dated 18 October 1977 of conclusions reached at a meeting of some of the Ministers on 15 September 1977 and of action taken. A copy of this letter is given at Appendix 6.

211 The Committee is extremely disappointed that it took some Ministers almost one year to meet to consider the Interim Report. The Committee notes the absence, at this meeting, of the Ministers for Transport and Post and Telecommunications, both of whom have an interest in one important recommendation. It also notes that after one year the recommendations to be implemented by the Northern Territory Legislative Assembly have not been officially referred to the Assembly.

212 As the Committee had virtually completed its Final Report when the Minister's letter of 18 October 1977 was received, it has not included earlier in the Final Report the following comments on the matters raised in the letter :

Recommendations 1, 5, 11 and 12

Although the Committee is pleased that these recommendations were endorsed, there is no indication of action taken.

Recommendations 2, 3 and 7

Recommendations 2 and 7 are reiterated in the Final Report. Recommendation 3 concerning the carriage of alcohol to Aboriginal communities is also reiterated and paragraphs 152 and 153 of the Final Report outline the Committee's further examination of these matters. The Committee notes that officers of the Department of Transport and the Australian Postal Commission were not involved in the further consideration of the recommendation by departmental officers.

Recommendations 4 and 6

Although the Committee welcomes the support in principle of these recommendations, it believes that the Guidelines for 'Licensed' Social Clubs attached

to the Minister's letter do not adequately meet the wishes of the Committee for the following reasons :

1. Items (ii) and (iii) of the Guidelines suggest that Aboriginal communities could, if they wish, decide that there will be more than one liquor outlet of any type. In its Interim Report and reaffirmed in its Final Report the Committee expresses a belief that when an Aboriginal community has decided to allow the consumption of alcohol a licensed club should hold the only liquor licence within the community. This view is supported in the Second Report of the Ranger Uranium Environmental Inquiry.¹
2. Item (iv) of the Guidelines suggests that special conditions relating to clubs in Aboriginal communities could prove implicitly discriminatory. It is emphasised that there are many examples of positive discrimination in favour of Aboriginals and the Committee therefore does not believe that conditions applicable to Aboriginal clubs should apply generally to all unregistered clubs in the Northern Territory.
3. Item (v) of the Guidelines allows Aboriginal communities to make their own rules regarding types and quantities of alcohol supplied in clubs, hours of operation, etc. The Committee was

¹ Ranger Uranium Environmental Inquiry, Second Report, (Canberra, 1977), p.232.

firmly of the view in its Interim Report that such rules should be specified in legislation. This view is reiterated in the Final Report.

Recommendation 9

The Committee welcomes the endorsement of this recommendation but there is no indication of action that has been taken. On the question of the training and appointment of 'wardens' and 'special constables' the Committee stated in its Interim Report that attempts at community discipline have not been completely successful, a major factor being that one clan member will not recognise the authority of a member of another clan.

Recommendation 10

Whilst the Committee welcomes the endorsement of this recommendation it is disappointed that after one year the only outcome is a proposal to establish an interdepartmental committee.

October 1977

P.M. RUDDOCK
Chairman

COPY

MINISTER FOR ABORIGINAL AFFAIRS

Darwin

14 April 1976

Dear Mr Ruddock,

I appreciated the opportunity to meet with you and other members of the Standing Committee on 7.4.76 and am confident that the Committee will play an important role in informing Parliament on issues in Aboriginal affairs.

During our discussion we considered a number of matters which the Committee might investigate and I undertook to provide you this week with a firm reference, as provided for in the motion of appointment of the Committee. I have given the matter further thought and in view of the general interest and concern on the part of Committee members in this problem, have set down in the attachment a reference on alcohol.

I am very conscious, in referring this subject to the Committee, that excessive use of alcohol is not a peculiarly Aboriginal problem and that indeed the problem may be less severe among Aboriginals than among non-Aboriginal Australians. I am also conscious that some Aboriginal communities are coping with the problem admirably. On the other hand I am equally conscious that alcohol has been identified by Professor Rowley and others as a major destroyer of Aboriginal society since 1788.

I have been somewhat troubled, in considering the matter, by the point that numerous studies have been conducted into the effects of alcohol - the Northern Territory Division of my Department holds no less than 21 Reports on the matter - without a great deal of progress apparently being achieved. Consequently I see the recommendations of your Committee, and the degree to which they are capable of implementation, as being of the greatest importance.

My officers will, of course, be ready to help your Committee by suggesting previous studies which might constitute useful background. One Report in particular to which I would draw your attention is that submitted in 1973 by the Board of Inquiry under the chairmanship of Mr Phillip Adams Q.C. into the Liquor Laws of the Northern Territory. Many of its recommendations are of direct concern to the Aboriginal community. There is some concern that the recommendations have not been effectively considered or implemented.

This should not be taken as a suggestion that the Committee examine primarily the situation in the Territory. Quite the contrary. The alcohol problems of some of the Northern Territory communities might indeed have been over-studied or subjected to excessive publicity. I have in mind particularly the communities at Yirrkala and Oenpelli which are also preoccupied by pressing issues in respect of mining. On the other hand some communities such as those on Bathurst Island and Melville Island and at Mowanjum, have given much thought to the effects of alcohol, and have made strong representations to my Department for assistance in overcoming the problem.

If after considering the attached terms of reference your Committee would wish to propose any amendment of them, I will be happy to discuss this.

I wish the Committee well in its inquiries and assure you that my Department will within its means, provide such assistance as the Committee might require. I look forward to considering the Committee's Report when it is completed, and hope that it will provide guidance on how to grapple with this crucial problem.

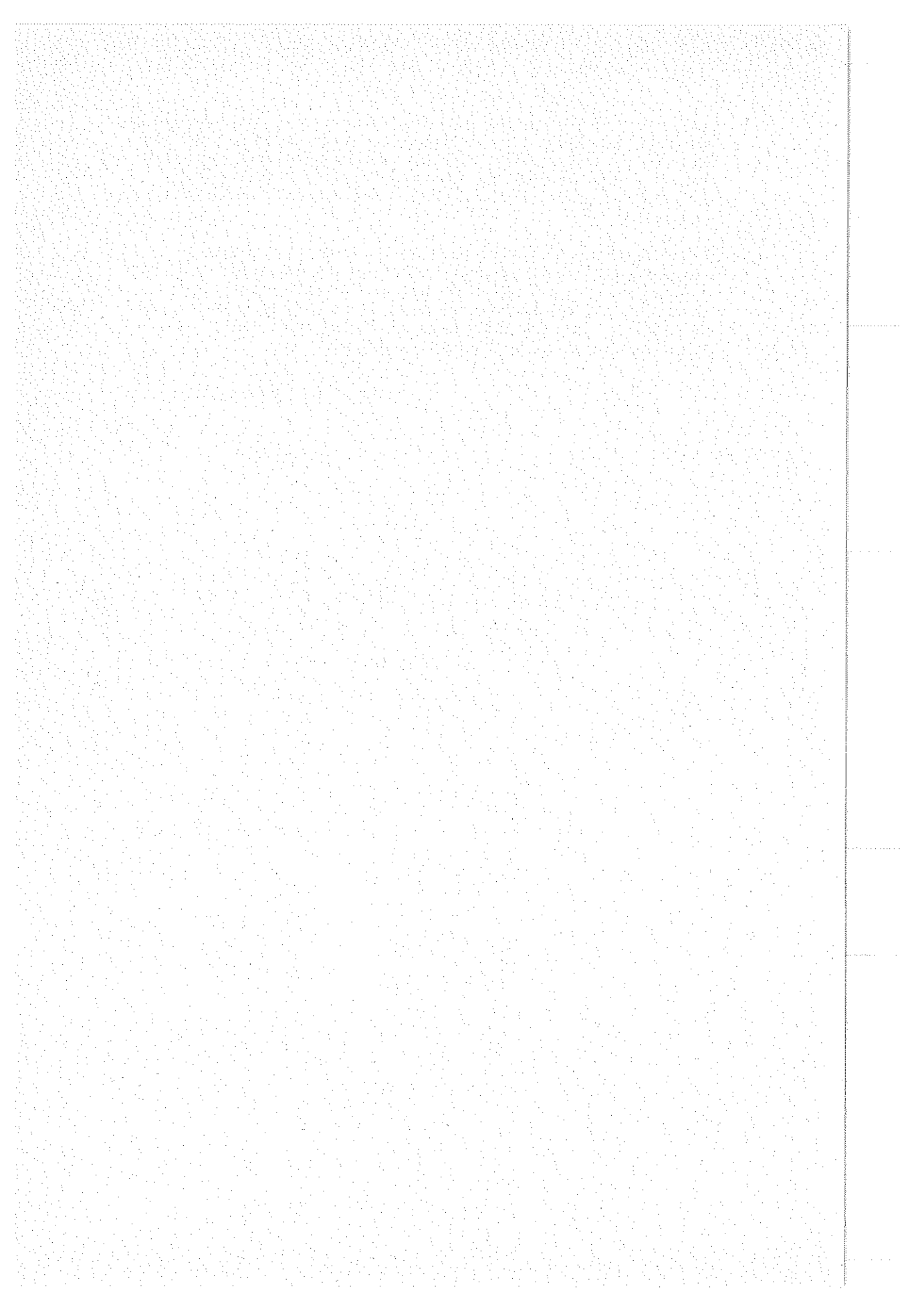
Terms of Reference

1. Examine the impact of alcohol on Aboriginal communities.
2. Examine the social and other causes of the excessive use of alcohol in some Aboriginal communities, paying regard to the situation in both remote traditional communities and in urban situations.
3. Examine the advantages which might be gained by Aboriginal communities who face problems associated with alcohol from the experience which other communities have gained in successfully dealing with similar problems.
4. Examine the operation of laws including liquor laws in Australia in relation to the impact of alcohol on Aboriginal communities.

5. Consider the adequacy of Australian law in communities largely following a traditional life style, and the manner in which they may be encouraged and assisted to develop approaches to alcohol created behavioural problems based on traditional strengths and methods of control.
6. Recommend action aimed at assisting Aboriginal communities to overcome problems associated with the excessive use of alcohol and at reinforcing the initiatives which Aboriginals themselves might wish to take to deal with these problems and the consequential behavioural problems.

Yours sincerely,

(R.I. VINER)



LIST OF WITNESSES

ALBRECHT, Pastor P.G.E.	Field Superintendent, Finke River Mission, Alice Springs, N.T.
AUSTIN, Mr J.R.	Tutor, Aboriginal Task Force, South Australian Institute of Technology, Adelaide, S.A.
BAKER, Mr J.A.	Area Officer, Department of Aboriginal Affairs, Derby, W.A.
BALLANGARRY, Mr J.I.	Counsellor, Benelong's Haven, Sydney, N.S.W.
BARCLAY, Mr W.T.	Assistant Director, Department of Aboriginal Affairs, Brisbane, Qld.
BARET, Inspector K.	Officer in Charge, Redfern Division, Police Department, Sydney, N.S.W.
BEATON, Mr B.M.	Media Producer, Health Education Council of Western Australia, Perth, W.A.
BELL, Ms R.L.	Private Citizen, Sydney, N.S.W.
BENNETT, Mrs H.E.	Member, Aboriginal Lutheran Fellowship, Adelaide, S.A.
BIEUNDURRY, Mr J.	Representative, Looma Community, Looma, W.A.
BISHAW, Mr A.	Acting Assistant Director, Community Development Branch, Northern Territory Division Department of Aboriginal Affairs, Darwin, N.T.

BOOTH, Mr J.W.	Senior Social Work Supervisor (Country North), Department for Community Welfare, Perth, W.A.
BRADY, Mr J.L.	Secretary, Australian Postal Commission, Melbourne, Vic.
BRIGGS, Mrs G.	Member, Aborigines Advancement League of Victoria, Melbourne, Vic.
BROWN, Mr J.G.	Member, Campaign Against Racial Exploitation, Canberra, A.C.T.
BROWN, Mr W.S.	Private Citizen, Alice Springs, N.T.
BRYANT, Mr J.R.	Counsellor, Benelong's Haven, Sydney, N.S.W.
BRYANT, Miss V.	Administrator, Benelong's Haven, Sydney, N.S.W.
BULL, Mr L.J.	Manager, Galiamble Halfway House, Ngwala Willumbong, Co-operative, Melbourne, Vic.
BULTEAU, Dr P.	Private Citizen, Sydney, N.S.W.
BURLESS, Mr J.K.	Co-ordinator, Development Services Division, Department of Aboriginal and Islanders Advancement, Brisbane, Qld.
BURNETT, Mr K.	Director, Benefits Review, Benefits Division, Department of Social Security, Canberra, A.C.T.
BUTLER, Rev. Canon N.H.	Chaplain, Church Missionary Society, Darwin, N.T.
CAIN, Mrs M.P.	Member, Woma Committee, Adelaide, S.A.

CARR, Mr J.T.	Director, Health Education Council of Western Australia, Perth, W.A.
CARROLL, Mr J.C.	Teacher/Counsellor, Benelong's Haven, Sydney, N.S.W.
CHEGWIDDEN, Dr M.J.	Director, McKinnon Alcohol Withdrawal Unit, Sydney, N.S.W.
CHESELLS, Mrs J.F.	Co-ordinator, Nindeebiya Rehabilitation Workshop, Victorian Aboriginal Health Service, Melbourne, Vic.
COABY, Mr C.B.	Member, Woma Committee, Adelaide, S.A.
COLLARD, Mr V.	Counsellor, Aboriginal Medical Service, Perth, W.A.
COLLESS, Mrs D.R.	Field Officer, Aborigines and Torres Strait Islanders Legal Service (Qld), Cairns, Qld.
CONNOLLY, Superintendent W.T.R.	Administration Department, Police Headquarters, Perth, W.A.
CONWAY, Mr E.	Welfare Officer, Western Australian Alcohol and Drug Authority, Perth, W.A.
COOPER, Mr P.B.	Welfare Officer, Social Welfare Department, Melbourne, Vic.
CUMMINS, Mr L.	Committee Member, Aboriginal and Islander Community Health Service (Brisbane), Brisbane, Qld.
DALY, Sister B.	Administrator, St Norbert's New Era Rest Home, Perth, W.A.
DANN, Mr E.C.	Field Officer, Department of Aboriginal Affairs, Port Hedland, W.A.

de MEL, Dr E.T.	Regional Medical Officer, Metropolitan Region, Community and Child Health Services, Public Health Department, Perth, W.A.
DOBBIN, Dr M.D.H.	Medical Officer, Victorian Aboriginal Health Service, Melbourne, Vic.
DODSON, Rev. Father P.L.	St Paul's Presbytery, Darwin, N.T.
DOHERTY, Mrs M.	Member, Royal Australian Nursing Federation, Northern Territory Branch, Darwin, N.T.
DOWNING, Rev. J.H.	Program Co-ordinator, Institute for Aboriginal Development, Alice Springs, N.T.
DURKIN, Mr D.P.	Private Citizen, Sydney, N.S.W.
EAMES, Mr G.M.	Solicitor, Central Australian Aboriginal Legal Aid Service, Alice Springs, N.T.
ECKERMANN, Pastor C.V.	Aboriginal Lutheran Fellowship, Adelaide, S.A.
EDWARDS, Mr J.	Member, Alcohol Action Committee, Regional Council for Social Development, Alice Springs, N.T.
EGAN, Superintendent F.G.	Northern Territory Police, Darwin, N.T.
FINCH, Mr N.G.	Principal, Aboriginal Community College, Adelaide, S.A.
FLAHERTY, Mr B.J.	Research Psychologist, McKinnon Alcohol Withdrawal Unit, Sydney, N.S.W.

FOLEY, Mr M.J.	Social Worker, Aborigines and Torres Strait Islanders Legal Service (Qld), Brisbane, Qld.
FORSYTH, Mr J.D.	Acting Director, Economic Policy and Licensing Branch, Air Transport Policy Division, Department of Transport, Canberra, A.C.T.
FRANKS, Mr A.	Alcohol Research Officer, New Era Aboriginal Fellowship, Perth, W.A.
FUA, Mr C.	Representative, Aboriginal and Islanders Community Health Service, Townsville, Qld.
GARE, Mr F.E.	Regional Director, Department of Aboriginal Affairs, Perth, W.A.
GAVRANIC, Dr T.	Private Citizen, Canberra, A.C.T.
GIESE, Mr H.C.	Private Citizen, Darwin, N.T.
GILLARD, Mr N.E.	Member, Campaign Against Racial Exploitation, Canberra, A.C.T.
GRANT, Pastor L.H.	National President, Aboriginal Evangelical Fellowship of Australia, Perth, W.A.
GRAVES, Mr D.E.	Principal Executive Officer, Aboriginal Employment Branch, Department of Employment and Industrial Relations, Melbourne, Vic.
GRAY, Mr W.J.	Principal Project Officer, Community Development Branch, Northern Territory Division, Department of Aboriginal Affairs, Darwin, N.T.
GREEN, Mr A.D.	Director of Regional Services, Social Welfare Department, Melbourne, Vic.

GREEN, Miss J.	Project Officer, Regional Council for Social Development, Alice Springs, N.T.
GURD, Dr C.H.	Director, Northern Territory Division, Department of Health, Darwin, N.T.
HAMMOND, Ms R.F.	Executive Secretary, Aboriginal Legal Rights Movement, Adelaide, S.A.
HANLEY, Ms S.D.	Social and Preventive Medicine Co-ordinator, Aboriginal and Islander Community Health Service (Brisbane), Brisbane, Qld.
HARRIS, Mr N.	Member, Campaign Against Racial Exploitation, Canberra, A.C.T.
HARRISON, Miss M.	Senior Sister, Special Health Services, Department of Health, Melbourne, Vic.
HAWES, Dr R.B.	Regional Medical Officer, Aboriginal Health Program, Department of Health, Brisbane, Qld.
HOFFMAN, Mrs E.	Director, Aborigines Advancement League of Victoria, Melbourne, Vic.
HOLMAN, Dr L.J.	Director-General, Public Health Department, Perth, W.A.
HOLMES, Mrs S.	Research Worker, Australian Institute of Aboriginal Studies, Darwin, N.T.
HOPE, Mr D.A.C.	Director, Aboriginal Task Force, South Australian Institute of Technology, Adelaide, S.A.

HOWIE, Mr K.R.	Solicitor, Central Australian Aboriginal Legal Aid Service, Alice Springs, N.T.
HUELIN, Mr J.R.	Principal Legal Officer, Aboriginal Legal Service of Western Australia, Perth, W.A.
HUEY, Mr R.	Assistant Director, Department of Aboriginal Affairs, Alice Springs, N.T.
HUME, Mr S.P.	President, Aboriginal Advancement Council, Perth, W.A.
HUNT, Mr H.J.	General Secretary, National Aboriginal Campaign Against Alcohol and Drug Abuse, and Committee Member, Abercrombie Alcohol Rehabilitation Group, Sydney, N.S.W.
IMESON, Mr P.	Officer in Charge of Field Work, Health Education Council of Western Australia, Perth, W.A.
IRWIN, Mrs D.V.	Acting Co-Chairman, New Era Aboriginal Fellowship, Perth, W.A.
JACKSON, Mr N.R.	Welfare Officer, Aboriginal Advancement Council and Aboriginal Training Association, Perth, W.A.
JANS, Sister J.A.	Member, Melbourne Aboriginal Sobriety Group, Melbourne, Vic.
KALOKERINOS, Dr A.	Medical Adviser, Aboriginal Medical Service, Sydney, N.S.W.
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KENNEDY, Father E.P.	Member, Karakunba Alcoholic Rehabilitation Program, Sydney, N.S.W.

KENT, Mr L.F.	Private Citizen, Adelaide, S.A.
KENTISH, Mr R.J. M.L.A.	Member for the Electorate of Arnhem, Northern Territory Legislative Assembly, Darwin, N.T.
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KILLINGBECK, Mr D.	Research Officer, Hanover Welfare Services, and Director, Ngwala Willumbong Co-operative, Melbourne, Vic.
KIRBY, Mr J.S.	Member, Mid-Murray Aboriginal Co-operative, Swan Hill, Vic.
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LAYTON, Ms J.M.	Clerk, Co-ordination and Strategy Branch, Department of Aboriginal Affairs, Canberra, A.C.T.
LEARY, Rev. Father J.	Catholic Mission, Daly River, N.T.
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LESKE, Mr P.E.	Field Superintendent, Church Missionary Society, Darwin, N.T.
LEWIS, Mr I.J.	Regional Director, Department for Community Welfare, Adelaide, S.A.
LIDDLE, Mr R.	President, Central Australian Aboriginal Congress, Alice Springs, N.T.
LIPPMAN, Ms L.	Private Citizen, Melbourne, Vic.
LOVEGROVE, Mr T.C.	Regional Director, Department of Aboriginal Affairs, Darwin, N.T.
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LUNNAY, Mr A.J.	Consultant, Secondary Aboriginal Education, Education Department, Adelaide, S.A.
LYNCH, Mr B.	Community Welfare Worker, Department for Community Welfare, Adelaide, S.A.
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MacKENZIE, Mr P.M.	Assistant Secretary, Government and Information Branch, Department of Aboriginal Affairs, Canberra, A.C.T.
McADAM, Mr E.	Project Officer, Aboriginal Legal Rights Movement, Adelaide, S.A.
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MARTIN, Rev. G.S.	Superintendent, Port Adelaide Central Mission, Adelaide, S.A.
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MURRAY, Mr S.	Regional Manager, Aboriginal Hostels Limited, Melbourne, Vic.
NEECH, Mr W.T.	Area Officer, Department of Aboriginal Affairs, Port Hedland, W.A.
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NICHOLLS, Mr B.	President, Mid-Murray Aboriginal Co-operative, Swan Hill, Vic.
NICHOLLS, Mrs L.	Member, Mid-Murray Aboriginal Co-operative, Swan Hill, Vic.
NICOLSON, Mr A.A.	Area Officer, Department of Aboriginal Affairs, Sydney, N.S.W.
NOWLAND, Mr K.E.	Training Officer, Aboriginal Advisory and Development Services, United Church in North Australia, Darwin, N.T.
O'BRIEN, Mr D.W.	Assistant Secretary, Economic Policy and Licensing Branch, Air Transport Policy Division, Department of Transport, Canberra, A.C.T.

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OWENS, Acting Superintendent N.J.	Northern Territory Police, Alice Springs, N.T.
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REID, Dr B.D.	Assistant Director, Community Health Services, Northern Territory Division, Department of Health, Darwin, N.T.
REID, Mr C.	Member, Woma Committee, Adelaide, S.A.
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STEPHENS, Mr K.A.	Director, Counselling Services, Adelaide Central Mission, Adelaide, S.A.
STOLZ, Mr P.	Executive Director, Australian Foundation on Alcoholism and Drug Dependence, Canberra, A.C.T.
STRACKE, Mrs M.M.	President, Broome Aboriginal Housing Society, Broome, W.A.
STUART, Mr C.K.	Private Citizen, Adelaide, S.A.
STYANTS, Inspector F.	Officer in Charge, Broome Police District, Broome, W.A.
SUTTON, Dr A.J.	Director, Bureau of Crime Statistics and Research, Department of the Attorney General and of Justice, Sydney, N.S.W.

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THOMAS, Mr J.R.	Area Officer, Department of Aboriginal Affairs, Port Augusta, S.A.
TOMLINSON, Mr J.R.	Social Planner, Darwin Regional Council for Social Development, and Committee Member, Darwin and Districts Alcohol and Drug Dependence Foundation, Darwin, N.T.
TUNGATALUM, Mr H. M.L.A.	Member for the Electorate of Tiwi, Northern Territory Legislative Assembly, Darwin, N.T.
UNDERDOWN, Mr L.J.R.	Managing Director, Hotel Alice Springs, Alice Springs, N.T.
VALADIAN, Mr B.	Secretary, Aboriginal Development Foundation, Darwin, N.T.
VASS, Mr F.	Welfare Officer, Prisons Division, Social Welfare Department, and Director, Ngwala Willumbong Co-operative, Melbourne, Vic.
VAUGHAN, Mr I.W.	Social Worker, Aboriginal Medical Service, Perth, W.A.
VINCENT, Mr P.J.	Solicitor, Aboriginal Legal Service of Western Australia, Derby, W.A.
WALLEY, Mr R.B.	Counsellor, Aboriginal Medical Service, and Administration Officer, New Era Aboriginal Fellowship, Perth, W.A.
WALKER, Mr D.B.	Administrator, Aboriginal and Islander Community Health Service (Brisbane), Brisbane, Qld.
WALSH, Mr G.F.	Clerk of Courts, Derby, W.A.

WALTON, Mr R.G.	Assistant Director-General, Aboriginal Health Branch, Public Health Division, Department of Health, Canberra, A.C.T.
WARD, Dr J.A.	Senior Medical Officer, Aboriginal Health Section, Health Commission of New South Wales, Sydney, N.S.W.
WARNER, Sergeant F.	Police/Aboriginal Field Liaison Officer, Headquarters, Police Department, Adelaide, S.A.
WATSON, Mr A.R.M.	Senior Assistant Secretary, Criminal Law, Justice and Family Law Division, Attorney- General's Department, Canberra, A.C.T.
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WHITE, Mr P.J.	State Executive Officer, Aborigines and Torres Strait Islanders Legal Service (Qld), Cairns, Qld.
WIGGIN, Mr R.	Member, Bardi Council, One Arm Point, W.A.
WILLIAMS, Mr J.	General Secretary, Temperance Alliance of South Australia, Adelaide, S.A.
WINROE, Mr R.	Private Citizen, Perth, W.A.
WITHAM, Detective Sergeant Second Class L.M.	Special Branch, Headquarters, Police Department, Brisbane, Qld.

WOLFF, Mr K.H. Senior Research Officer,
Department of Aboriginal
Affairs, Brisbane, Qld.

WOOD, Rev. Canon C.M. Interim Chairman, Darwin and
Districts Alcohol and Drug
Dependence Foundation, Darwin,
N.T.

WOODRUFF, Dr P.S. Director-General, Public Health
Department, Adelaide, S.A.

WORTHY, Mr M.R. Regional Director, Department
of Aboriginal Affairs,
Melbourne, Vic.

YOUNG, Miss P.C. Community Nurse Practitioner,
Aboriginal Medical Service,
Perth, W.A.

COMMUNITIES VISITED BY THE COMMITTEE

Northern Territory

Alice Springs	Katherine
Angurugu	Oenpelli
Bamyili	Papunya
Bathurst Island	Snake Bay
Elcho Island	Umbakumba
Garden Point	Warrabri
Goulburn Island	Yirrkala
Hermannsburg	Yuendumu
Jay Creek	

Western Australia

Albany	Lombardina
Beagle Bay	Looma
Broome	Mowanjum
Fitzroy Crossing	Narrogin
Gnowangerup	One Arm Point
Halls Creek	Port Hedland
Kalgoorlie	Roebourne
Kalumburu	Strelley
La Grange	Wiluna
Laverton	Wyndham

Queensland

Aurukun	Mossman
Bamaga	Mount Isa
Cairns	Palm Island
Charters Towers	Thursday Island
Cherbourg	Townsville
Lockhart River	Weipa
Mareeba	Yarrabah
Mornington Island	

South Australia

Amata
Ceduna
Coober Pedy
Ernabella
Indulkana

Koonibba
Maitland
Point Pearce
Port Augusta
Yalata

New South Wales

Bourke
Moree

Victoria

Bairnsdale
Lake Tyers

ATTEMPTS BY THE ABORIGINAL COMMUNITY AT OENPELLI
TO PREVENT THE SALE OF ALCOHOL AT THE BORDER STORE

1 In 1969 an objection to the granting of a storekeeper's liquor licence to the Border Store was lodged on behalf of the Oenpelli people because of likely disruption to the community. Although the objectors were represented by counsel, the objection was not successful.

2 In 1973 an unsuccessful objection to the renewal of the storekeeper's licence was lodged by the Aboriginal Council. The Council was again legally represented and its costs were met by the Department of Aboriginal Affairs. The Magistrate's Judgment is attached.

3 In 1975 consideration was given by the Aboriginal Council to suggestions that the Border Store be purchased by the community and that a licensed club or canteen be established. Discussions were held between the Council and the owner of the store who indicated that he would cease selling alcohol with a view to offering the store to the Council on commencement of operation of a licensed club. The Council decided against establishing a licensed club or canteen and against the purchase of the Border Store. When a Sub-committee visited Oenpelli in June 1976 the Council held the same views.

4 The Northern Territory Licensing Ordinance provides that objection to the renewal of a liquor licence must be forwarded to the Clerk of the Licensing Court at least 14 days before the annual sittings of the Court which are held on the third Tuesday in March of each year. An objection to the renewal of the storekeeper's licence of the Border Store was

lodged by the Northern Territory Police within the specified time in early 1976. The objection was heard on 16 March 1976, adjourned to 17 March 1976 and further adjourned to 11 May 1976, when the Police withdrew their objection. No reason was given by the Police but the Committee was informed, following a discussion between the Director of the Department of Aboriginal Affairs, Darwin, and the Licensing Sergeant, that there was insufficient evidence to sustain an objection that income from the sale of liquor disproportionately exceeded the sale of other goods because the licensee's records were accidentally destroyed during the wet season. Also on 11 May 1976 the Oenpelli Council made a late application to object to the renewal of the licence. It is understood from a letter dated 15 October 1976 by the Community Adviser, Oenpelli, to the Director, Department of Aboriginal Affairs, Darwin, that the objection was lodged "on the strength of the heartening news" that the Licensing Magistrate had on 20 April 1976 refused to renew the storekeeper's licence at Roper Bar. In summary, the Magistrate in the Roper Bar case said :

There are four main grounds for my so refusing. Firstly, I am not satisfied that the applicant's principal business as a storekeeper has been and will continue to be the sale of non-alcoholic stores. Secondly, there have been numerous breaches of the licensing ordinance during the past licensing year, particularly - I will not list all of them, but particularly - the sale of liquor to intoxicated persons. Thirdly, the business has been and would, I think, continue to be run without regard to the welfare of the local population. And, fourthly, the good order and discipline of a large area and an otherwise stable population would be threatened if the licence was renewed.

As the application was late the Magistrate adjourned to 30 July 1976 his consideration of whether an objector could object out of time. When the hearing commenced on that date a document dated 27 July 1976 purporting to be a withdrawal of the objection by the objector was presented to the Court.

The hearing was further adjourned until 27 August 1976, when the Magistrate indicated he would give his decision on 30 September 1976 on whether to accept the late objection. On 30 September 1976 counsel for the Oenpelli Council informed the Court of the withdrawal of the objection. This meant that the question of the late objection was no longer applicable.

5 In September 1976 the store was sold for \$70,000 plus stock valued at \$30,000.

6 In February 1977 the Oenpelli Council and Pan Continental Mining Company lodged an objection to the renewal of the licence on a number of grounds including the disruption to the quiet and good order of the neighbourhood. The hearing of the case commenced in August 1977 and was adjourned until January 1978 because of the unavailability of the Magistrate and the heavy workload of the Licensing Court. In the meantime the Border Store is operating under a special licence.

1973 JUDGMENT BY MAGISTRATE CONCERNING OBJECTION
TO RENEWAL OF STOREKEEPER'S LICENCE, BORDER STORE

This is an application by Terrence Keith Robinson for the renewal of a Storekeeper's Licence in relation to premises known as the Border Store on the East Alligator River. The application has been objected to by one Silas Maralngura on three main grounds; that the management of the licensed premises has not been satisfactory; that the management of the licensed premises - that in the management of the licensed premises the requirements of the public have not been sufficiently catered for and that during the preceding 12 months the premises have not been used bona fide for the purpose in respect of which the licence was held.

Now oral evidence was given by the objector, his son and certain other persons and also there has been tendered to me a quantity of documents relating to the purchase of alcoholic and non-alcoholic stores for the Border Store. There has further been tendered the report of the Licensing Inspector.

From the evidence given and tendered I will dispose of the last ground of objection first; that during the preceding 12 months the premises have not been used bona fide for the purpose in respect of which the licence was held. The licence held is a Storekeeper's which is granted to enable the applicant who has a bona fide store in existence, to sell liquor as ancillary to the sale of non-alcoholic stores. Now it seems abundantly clear on the evidence given that the applicant has a bona fide store for the sale of non-alcoholic goods in existence and the liquor is properly ancillary to the sale of those stores. Sgt. Coghlan has drawn my attention, which was in my mind during the course of this hearing, to

s.16, the sub-s.3 of that section which permits that where a Storekeeper's Licence is in force with respect to the premises which are situated not less than 15 miles by road from the nearest premises in respect of which a publican's licence or roadside inn licence is held, liquor purchased on the premises may be consumed and a part of the premises set aside by the licensee for the purpose. On the evidence, not only has Mr Robinson set aside that area and properly within the meaning of the Ordinance, but has, in my view, given facilities that are not required by the Ordinance and I do not think that Mr Maurice's submission that he has, in effect, created a bush hotel or bush roadside inn is valid in the circumstances. It is within the spirit of the Ordinance and I find that the last ground of objection is not made out.

Now the first two objections relate to management and in relation to management as it is contemplated in the Licensing Ordinance I feel that it must be taken to relate to the management of the premises itself. I appreciate what I can only assume to be the motives behind this objection, that there has been dislocation and disturbance of the Oenpelli community as a result of this licence having been in force. However, that has not been demonstrated by the evidence and I think that the evidence led on this point has been unsatisfactory. The two main witnesses to this are the objector and his son and there has not been any satisfactory evidence as to a dislocation of the community. There seems to be a basic contradiction in the objector's case. He first of all claims that the licensee or the applicant who is on exactly the same footing as any other licensee in the Territory, should have by reason of his premises being somewhat contiguous to the border of the Arnhem Land Reserve, that that by itself places upon him a higher duty in relation to Aboriginal persons than it would be if the premises were in Darwin. Well I cannot accept that. I cannot accept that

the Aboriginal population - it has been raised in this matter, has any greater claim to consideration from licensees than any other part of the community but the contradiction as I see it in the objector's case is that on the one hand he says the licensee is demonstrating bad management by reason of his failure to give a special consideration to the needs of the Aboriginal population. And at the same time there is evidence, although indirect, that the licensee has received a communication alleging discrimination in his treatment of the Aborigines. It is a reprobation which I find hard to reconcile.

It seems clear from the evidence that Mr Robinson has made extra ordinary efforts to manage his premises, to maintain them in a clean and orderly manner and to control any excess of drinking on the premises. Now the fact that certain of the persons who resort to his premises to obtain liquor, which they may do perfectly lawfully, appear to abuse the right given to them to drink lawfully close to their home, but it is not for the licensee to control these persons. As I say I do not think that Aborigines should have, nor I feel should they properly want to be treated in any way other than ordinary citizens of this Commonwealth and the surest way surely of avoiding dislocation of their community life as a result of liquor is not to attend the Border Store or to persuade their people not to attend it. We all have our choices in life and if it is the choice of the community to drink at the store at the expense of their family and well being, surely that is an adult decision which is made by an adult person and to saddle the applicant with a social role which is not contemplated by the Ordinance is, I think, asking too much.

I am satisfied on the evidence of Mr Robinson whose evidence I found to be honest and straight-forward, that he has made these efforts to keep not only his premises clean and tidy but the general area and that he has done this for a

long time before he had a liquor licence. His efforts to control drunkenness are to be commended. His efforts to reduce any liquor which may have been taken onto the reserve are probably to be commended. Certainly I think they sprang from an appreciation of his responsibilities as a citizen but those efforts of requiring Aboriginal persons to open their cans on the premises and of refusing to sell quantities of beer by carton while not supported with law were prompted by right motives and it seems a little hard to be accused of discriminative practice because of his attempts to prevent drunkenness from reaching the mission. But the point having been raised it is quite clear that Mr Robinson has no power to enforce such a rule, other than the force of his personality. A person is entitled to buy liquor in quantities as small as one can and to take it where he wishes to consume it and the licensee has no right to interfere with the customer in that. What the customer does with it is the customer's responsibility.

The evidence called by the objector, as I say, was in general unsatisfactory. The objector has objected as is his right in a private capacity. I cannot accept that his objection can be taken as being the objection of the Oenpelli Council and apart from his son who gave some evidence of perhaps not wishing the licence to be there; the Alex Nayilibit, the teaching assistant who struck me as a most unimpressive witness to have brought. Joseph Bumarda, of course, there was no value from his evidence at all. Alex Nayilibit appeared to be a person intensely grateful for the existence of the Border Store. Billyanara stated in terms and he wanted the Border Store to be there and he liked to get his beer from there.

So that really the evidence, in my view, is not sufficient to upset an established business which is being run,

in my view, very properly and I think the applicant is to be congratulated in the manner in which he runs the store and I hope that he will continue to operate it in like fashion but the objection raised by the objector here in this, Silas Maralngura is over-ruled and the application is granted - for renewal is granted.

RECOMMENDATIONS CONTAINED IN THE INTERIM REPORT

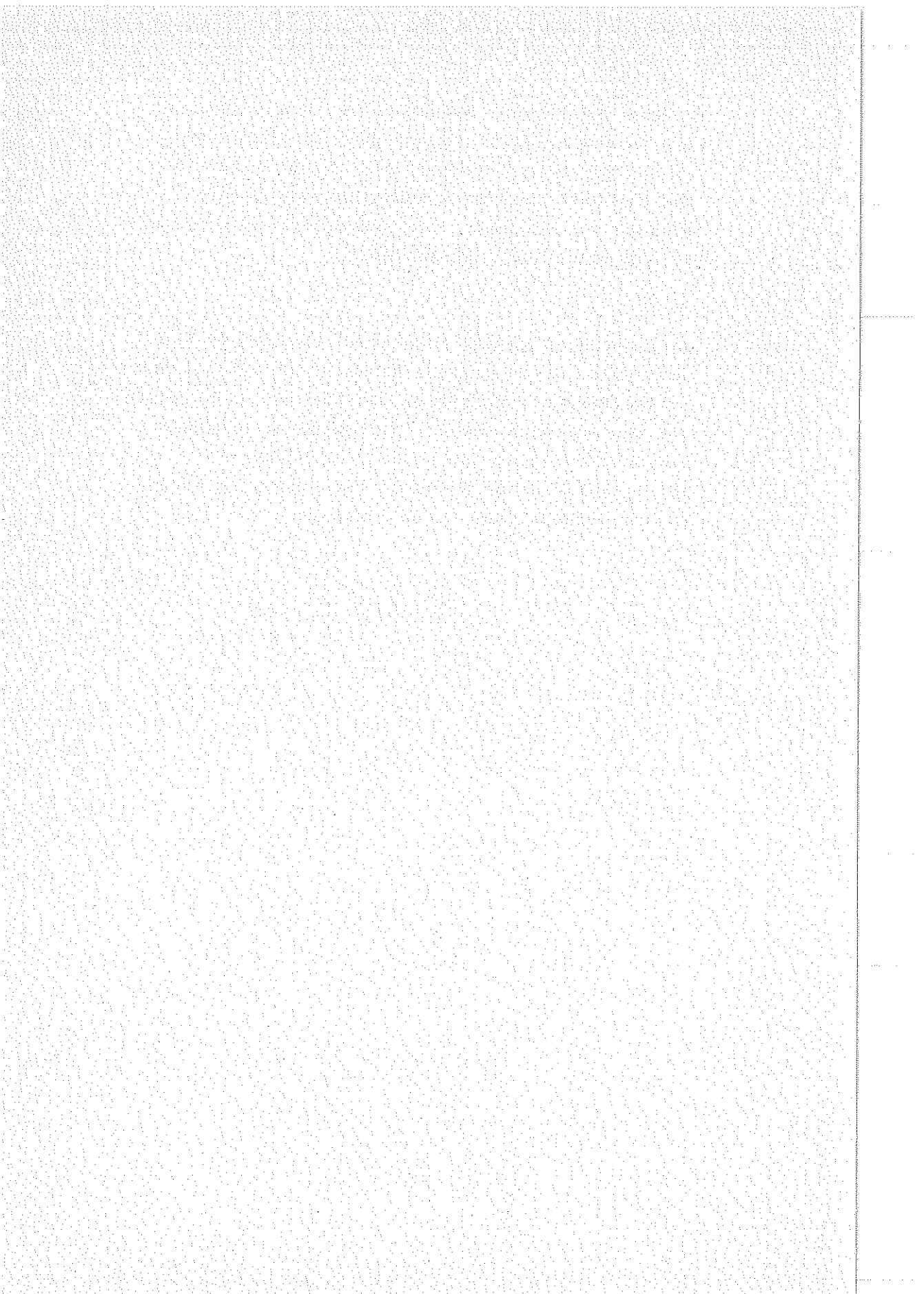
That:

- 1 there be greater co-operation and consultation between the Department of the Northern Territory and the Executive of the Northern Territory Legislative Assembly to improve the legislative process in respect of the Licensing Ordinance.
- 2 enforcement of decisions by Aboriginal communities be supported by all resources of law.
- 3 the law be amended to prevent alcohol being carried on charter aircraft, taxis, mail or other means to or in the vicinity of Aboriginal Missions or Reserves when a decision has been made by the community that alcohol be prohibited from the Mission or Reserve.
- 4 a licensed club be established on a Mission or Reserve when that community has decided to allow the consumption of alcohol.
- 5 funds be made available through the Aboriginal Loans Commission or the Benefits Trust Fund for the provision of club facilities.

- 6 the Licensing Ordinance be amended to provide for special guidelines and conditions applicable to licensed clubs on Missions or Reserves.
- 7 the personal liquor permit system in respect to Missions and Reserves be abolished.
- 8 reference of the question of customary law to the Law Reform Commission await the Committee's determination on the important implications involved.
- 9 sufficient specially trained police be recruited for the Northern Territory and the necessary facilities be provided to permit the increased mobility of police and the establishment of additional police stations on Aboriginal Reserves when requested by Aboriginal communities.
- 10 the development of all alcohol education programs be accelerated and that funds be made available by the Government.
- 11 detailed and accurate statistics be maintained on a regular and continuing basis on Aboriginal settlements.

12 a Drug and Alcohol Authority be established in the Northern Territory and that the Department of the Northern Territory and the Executive of the Northern Territory Legislative Assembly consult and co-operate on the processes necessary to introduce the legislation.

13 an Interdepartmental Committee, chaired by the Department of Aboriginal Affairs, be established in the Northern Territory and that it co-ordinate all the action necessary to implement programs aimed at reducing the alcohol problems of Aboriginals in the Northern Territory, including the recommendations in this Report.



COPY

Minister for Aboriginal Affairs
Canberra, A.C.T. 2600

18.10.77

Dear Mr Ruddock,

I refer to our earlier correspondence about action on the House of Representatives' Interim Report on Aboriginals and Alcohol, and to my undertaking to keep your Committee informed of further developments.

On 15 September I met with my colleagues the Ministers for Health and Education to consider a detailed report by officials. The Minister for the Northern Territory was unable to attend, but he was represented by a senior departmental officer.

The following paragraphs summarize the conclusions of that meeting and state the action taken since that meeting:

Recommendations 1, 5, 11 and 12 were endorsed

Recommendations 2, 3 and 7 were referred for further consideration by officers from the Departments of Aboriginal Affairs, Attorney-General, Health, Education and the Northern Territory. Officers were required to examine in greater depth the implications and feasibility of putting these recommendations into effect, with particular reference to the implications of amending the law. A further report has now been received and its conclusions will need to be considered by the Government.

Recommendations 4 and 6 were supported in principle, and referred to officials for the preparation of guidelines taking into account the type of clubs envisaged, their facilities and modus operandi, and the means of financing them. The guidelines are now drafted. I attach a copy.

Recommendation 8. As you know, I have already referred certain questions about customary law to the Law Reform Commission. Because of the urgency of having the issues considered, it was not feasible to comply with the Committee's recommendation.

Recommendation 9 was endorsed and the additional suggestion made that Aboriginals be trained as police (even where trainees lack the formal qualifications normally a prerequisite for appointment) and placed in Aboriginal

communities. Subsequent consideration by officials has indicated a preference for training Aboriginal "wardens", appointed by Councils, to maintain law and order. When circumstances dictate they might be appointed as "special constables".

Recommendation 10 was endorsed. An Interdepartmental Committee, chaired by the Department of Aboriginal Affairs, will be convened to identify and examine needs and to plan strategy.

Recommendation 13 was evaluated in the light of the existing Northern Territory Advisory Committee on Alcoholism and Drug Abuse and Interdepartmental Committee on Aboriginal Education, and the planned I.D.C. on Aboriginal Alcohol Education proposed in response to Recommendation 10. Since the functions envisaged for the Committee foreshadowed in Recommendation 13 can be fully met by the three Committees referred to above, it was decided that this Committee should not be convened.

I have asked my colleague, the Minister for the Northern Territory, to refer the Recommendations in the Report, together with the views on them of the four Ministers concerned, to the Northern Territory Legislative Assembly. The Assembly will also be supplied with the guidelines for the implementation of Recommendations 4 and 6 on the basis that they are acceptable in principle. Action within the responsibility of Commonwealth Departments such as my own will proceed as required.

I am most conscious of the executive role of the Northern Territory Legislative Assembly in the formulation of legislation to regulate and control. I understand that Mr Everingham, the Chief Secretary and Majority Leader, will be working towards the introduction of revised legislation towards the middle of next year.

May I assure the Committee of our appreciation of its first report and recommendations.

Yours sincerely,

IAN VINER

Mr P.M. Ruddock, M.P.,
Chairman,
House of Representatives Standing Committee
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Parliament House,
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GUIDELINES FOR "LICENSED" SOCIAL CLUBS

The following guidelines, some of which already apply informally, are suggested for "licensed" Aboriginal social clubs:

- (i) the establishment of a "licensed" social club in a community should be conditional on a representative community decision in its favour;
- (ii) such a club should be the only source of alcohol in the community should the community so decide;
- (iii) a community decision making the social club the only source of alcohol should be binding on all people in that community, including non-Aboriginals. Communities should be acquainted with the possible repercussions of such a decision, particularly in relation to staff recruitment;
- (iv) because the arrangement foreshadowed in Recommendation 6, whereby special guidelines and conditions are applicable to Aboriginal clubs on Missions or Reserves, could prove implicitly discriminatory these conditions should apply generally to all unregistered clubs in the Northern Territory. Such a provision should be made in the re-drafted Licensing Ordinance;
- (v) communities should make their own rules regarding the types and quantities of liquor supplied in clubs, the hours of operation and the possibility of bottle sales. Such rules must, however, conform to the guidelines provided for unregistered clubs in the re-drafted Licensing Ordinance;
- (vi) Ministers consider that "licensed" Aboriginal clubs should eventually be completely controlled by the communities in which they are located. Hence, both the administration of a club, and the preservation of law and order in relation to it, should by degrees be devolved to the community. This will necessitate both in situ training in business management skills and the nomination and training of Aboriginal "wardens" to control alcohol abuse and alcohol related offences. The position of warden could be attached to the local government function so that wardens are appointed under the Councils and Associations Act and are vested with authority under the Act. Decisions regarding the selection and powers of wardens would then rest with individual Councils.

