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Final Report  
Prod. Colin Tatz

ALCOHOL, ACCIDENTS, AND CRIMINALITY IN AN ABORIGINAL COMMUNITY -  
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The original grant was to enable

- (1) a study of Aboriginal and non-Aboriginal 'criminality' in the Northern Territory;
- (2) an assessment of the impact of uranium mining on levels and prevalence of Aboriginal-committed offences; and
- (3) an evaluation of the impact of our criminal law and its procedures on remote Aboriginal communities.

These proposals were frustrated by the existing system of statistics in the Territory. The Police Force, since August 1980, has kept a record of Aboriginal and non-Aboriginal arrestees, and those observed or believed to be alcohol and non-alcohol related offences. However, the Law Department maintains no such distinctions, so that arrestees could not be followed through the courts to conclusion.

The researcher has, however, reported on 'Alcohol, Accidents, and Criminality' in a chapter in Aborigines and Uranium: Consolidated Report on the Social Impact of Uranium Mining on the Aborigines of the Northern Territory, Australian Institute of Aboriginal Studies, AGPS, 1984, at pp.204-217.

Several conclusions need reporting. Firstly, the 'Aboriginality' of the offender and his/her alcoholic state at arrest depends 'on the observation of the arresting officer and includes people who are part-Aboriginal'. Secondly, the mining of uranium as such has had no significant effect on the adjacent Aboriginal community at Oenpelli and Jabiru. But access to royalty monies has had a significant effect: there is money to buy vehicles and more alcohol, and there is now, proportionate to the whole population, a serious vehicle-alcohol-accident-injury-sometimes death relationship. Thirdly, of the 1806 Aboriginal arrests recorded at Oenpelli and Jabiru between 1977 and 1981, Aboriginal alleged crimes against the person formed 1.6% of all arrests; behavioural offences accounted for 4.6%; 4.31% were for offences against property; 6.20% liquor and vehicles offences;

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13.17% were for possessing liquor on a reserve; and some 69.93% of all arrests were not for offences against the law, but were 'protective custody' cases - a drying out till sober procedure under S.33A of the Police and Police Offences Act. In short, in the uranium province Aboriginal drinking is a major personal and social problem, not criminal behaviour.

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3. Health

III. Alcohol, Accidents, and Criminality

Colin Tatz

1. Aboriginal Criminality and Alcohol

Every commentary on the contemporary Aboriginal condition either mentions or labours the point about alcohol. Aboriginal drinking is generally accepted as excessive, deleterious, demoralising, and degrading; it is seen as synonymous with serious crimes against the person, violent drunkenness, protective custody, and high prison populations. In short, alcohol makes Aborigines unduly visible in the criminal statistics.

William Clifford - former Director of the Australian Institute of Criminology (AIC) - has taken a keen interest in Aboriginal crime rates. Some of his material - while suggesting that factors other than sheer criminality may well be at work in these statistics - indicates some gross Aboriginal figures: for example, that the murder rate on 17 Queensland reserves (from 1979 to 1982) 'was 10 times the Australian average and the assault rate five times the average' (1). Further, imprisonment rates for Aborigines in the Territory are twice as high per 100,000 as the highest rate elsewhere in Australia.

Paul Everingham, Chief Minister of the Northern Territory, has also indicated a high criminality-alcohol relationship (2). In the two-year period 1 January 1977 to 31 December 1978 the population was 100,000 people: 75,000 white and 25,000 Aboriginal. In that time, 'total Aboriginal arrests' were a staggering 29,600 and 'total European arrests' were 8496. However, whereas 6065 whites were arrested and charged with an offence, 7762 Aborigines were arrested and charged: a disproportion certainly, but not of such magnitude as to warrant some of the common assertions about Aborigines constituting a serious menace to life and property. The point is that of the 29,600 Aboriginal arrests, no less than 21,838 were cases of protective custody under s.33A of the Police and Police Offences Act: that is, drunks taken into care until sober. In short, drinking is a major social problem, not criminal behaviour.

In 1964 my doctoral research (3) showed quite clearly that apart from alcohol matters Aborigines were more law-abiding than the rest of the population. After adjusting the populations to a one to one basis, between 1957 and 1961 there were 4.76 white minor offences for each Aboriginal one. At that time there were certain liquor offences which only Aborigines could commit: ward drink liquor, ward drink methylated spirit, ward sell liquor, ward possess liquor. With those liquor offences removed, the ratio of minor crime was 24.4 white offences to each Aboriginal one. Aboriginal liquor offences accounted for approximately 88 per cent of all their offences.

The late Justice Martin Kriewaldt wrote that in the thirteen years between 1944 and 1956, 109 Aborigines were charged with serious offences in the Supreme Court (4). Only 71 persons were convicted. In the same period, 506 non-Aborigines were convicted of serious offences (5). After adjusting the population ratios, the ratio of Aboriginal to non-Aboriginal serious offences was one to 5.08.

There appears to have been a serious change in the Aboriginal relationship to the criminal law between my work in the early 1960s and the portraits of criminality (rather than of drinking) presented in the late 1970s and early 1980s. Some people publicise startling figures to suggest other factors are at work - such as racial discrimination in the police and in the legal system generally. Others publicise them to suggest a genetic propensity to crime, or to booze, or to an equation of the two. In order to document changes in the rates and figures, and to arrive at a clearer picture of events, the following research proposal was put to the AIC by the Institute:

- (a) to establish a picture of the levels and patterns of Aboriginal criminality in the Territory;
- (b) to assess the impact of Australian criminal law on 'remote' Aboriginal communities; and

- (c) to ascertain whether mining has had any effect on Aboriginal criminality patterns.

The AIC grant was made to me as chief researcher. With the co-operation of the Northern Territory Police Force, work began in 1980. But the essence of this project was frustrated by two procedural/methodological obstacles. Firstly, the NT Police Force did not officially demarcate Aboriginal and non-Aboriginal statistics until August 1980. From then onward figures were processed as 'Aboriginal/non-Aboriginal' and as 'Affected by Alcohol/Not Affected by Alcohol'. There must have been separation of figures earlier than this, as witness the Chief Minister's submission on Aboriginal criminality for the years 1977-78. But my open access was strictly from August 1980 onwards. Secondly, while the Police Force provided Aboriginal figures from that particular date, the NT Law Department still does not distinguish between Aboriginal and non-Aboriginal offenders in court records. For obvious reasons children's court records are not available. In summary, there was access to records of police arrests and charges, but not the court outcomes of those proceedings. To attempt a follow-through of a named Aboriginal arrested person to the final court result was well-nigh impossible. Further, court hearings often take place in Darwin rather than at the first place of arrest. Again this would require a follow-up of each named arrested person. In any event, my determination to avoid examining court records of individual Aborigines remains.

Thus it has not been possible to establish real levels of criminality, or of criminality occasioned by alcohol. It should also be noted that even within the narrow constraints of the data available to me, definitions make for dubiousness. Thus 'Aboriginality' is defined as being in the eye of the observer: 'the description of a person arrested as Aboriginal depends on the observation of the arresting officer and includes people who are part-Aboriginal' (6). Alcohol-affectedness is also at the discretion and interpretation of the arresting officer.

2. The Mining Impact

From the Police Force figures available, something can be gleaned about general patterns of crime and of crime and alcohol. The particular impact of uranium mining may be discernible at the specific point of motor vehicle offences. Material is available for the 11-month period August 1980 to June 1981 (7). In a Territory population of approximately 100,000 people, there was an astonishing arrest figure of 10,400, or one person in ten in the population. Of these, 4824 or 46.4 per cent were Aboriginal cases, and of that number, 2692 or 55.8 per cent were listed as alcohol-related. The non-Aboriginal figure was 5576 arrests, or 53.6 per cent of the total. Of this number, 2914 or 52.25 per cent were alcohol-related. This difference in alcohol-based charges is minimal and hardly warrants the hyperbole surrounding Aboriginal crime. Even when broken down into specific offences, there is no evidence to warrant the assertion that alcohol causes Aborigines to commit an extraordinary number of serious crimes against person or property. Alcohol use and abuse are not being defended here; alcohol in the Territory is simply very bad news, irrespective of race, colour, or creed. The 'apparent per capita consumption of liquor in Australia' in litres for 1976-77 was beer, 136.2; wine, 13.7; spirits, 1.3; the Territory figures for February 1978 to February 1979 were: beer, 232.8; wine, 21.8, spirits 4.7 (8).

Arrest figures are in fact available for Oenpelli for 51 months (April 1977 to June 1981) and for Jabiru for 24 months (June 1979 to June 1981). It is not unreasonable to compare the 1977-78 figures for Oenpelli as being pre-mining with the 1979-81 statistics as post-mining; and to compare the Aboriginal domain of Oenpelli with the mining domain of Jabiru - a place of some foreboding in the eyes of the Fox Commission.

In a population of roughly 1000 Aboriginal people in the uranium region, 1806 local arrests in just over four years is a high figure (see Table 1 on the page following). Again it is alcohol that exacerbates the condition: protective custody, which results from behaviour that is not criminal, accounts for 70 per cent of arrests at both centres - from 60 per cent at Jabiru to a high of almost 80 percent at Oenpelli. Possessing liquor on a reserve amounts to an average of nearly 44 per cent of all other arrests. The liquor-vehicle and the liquor on the reserve offences between them make for between 52 and 72 per cent of Oenpelli arrests and nearly 75 per cent of Jabiru arrests. Crimes against the person are hardly rampant; crimes against property are, as Sue Kesteven describes above, generally repetitive offences by the same minors breaking into the store or Club.

Jabiru figures tend to reinforce Project observations: that there is indeed a money-liquor-vehicle problem since the advent of mining. The resident Aboriginal population at, near or within the Jabiru ambit is less than 200. They alone do not constitute the problem figures: it is clear that Jabiru and environs are beginning to become an attraction point, that property, liquor, and vehicle offences are beginning to become disproportionate.

Access to royalty money has greatly increased the Aboriginal vehicle population. Transport has also meant readier access to the South Alligator Motor Inn, Coinda's liquor outlet, the Jabiru Club, to Nabarlek where the local people have been allowed access to (mining) beer, to Darwin - and consequently more alcohol illegally on Aboriginal land.

In the year 1977 there was only one two-car collision involving Aborigines at Oenpelli, alcohol-related. For the whole of 1978 there were six accidents, all involving liquor, resulting in eight injured and two dead. From January to June 1979, no Aborigines were involved in accidents at or near Oenpelli. But from July 1979 to May 1981



TABLE 1

ABORIGINAL ARRESTS: OENPELLI AND JABIRU (9)

	OENPELLI		JABIRU	TOTAL
	1977-78	1979-81	1979-81	
	21 months	30 months	24 months	
<b>A. CRIMES AGAINST THE PERSON: assault, aggravated assault, assault with offensive weapon, assaulting police, attempted murder, rape.</b>				
	4	14	11	29
% of ALL arrests	0.70	1.57	3.19	1.60
% excluding PROTECTIVE CUSTODY	1.80	7.70	8.00	5.30
<b>B. BEHAVIOUR OFFENCES: resisting arrest, fighting in a public place, disorderly behaviour, offensive behaviour, threatening words, objectionable words, indecent language.</b>				
	51	27	5	83
% of ALL arrests	8.90	3.04	1.45	4.60
% excluding PROTECTIVE CUSTODY	22.80	14.83	3.62	15.20
<b>C. CRIMES AGAINST PROPERTY: larceny, break &amp; enter, break enter &amp; steal, illegal use of vehicle, receiving, interfering with motor vehicle, unlawfully on premises, possess unregistered gun, malicious damage.</b>				
	7	43	28	78
% of ALL arrests	1.21	4.84	8.13	4.31
% excluding PROTECTIVE CUSTODY	3.13	23.62	20.20	14.36
<b>D. MISCELLANEOUS: false name, escaping custody</b>				
	-	2	1	3
% of ALL arrests	-	0.22	0.29	0.16
% excluding PROTECTIVE CUSTODY	-	1.09	0.72	0.55
<b>E. LIQUOR AND VEHICLE OFFENCES: driving without licence, dangerous driving, failure to quit licenced premises, drunk in charge of firearms, drunk on reserve, driving under influence, over 0.08</b>				
	33	15	64	112
% of ALL arrests	5.74	1.68	18.60	8.86
% excluding PROTECTIVE CUSTODY	14.80	8.24	46.37	20.62
<b>F. SPECIFIC OFFENCE: possess liquor on a reserve</b>				
	128	81	29	238
% of ALL arrests	22.30	9.12	8.43	13.17
% excluding PROTECTIVE CUSTODY	57.40	44.50	21.00	43.83
<b>G. PROTECTIVE CUSTODY:</b>				
	351	706	206	1263
% of ALL arrests	61.14	79.50	59.88	69.93
<b>H. TOTAL ARRESTS</b>	<b>574</b>	<b>888</b>	<b>344</b>	<b>1806</b>

there were 30 accidents involving Aborigines, of which 13 were alcohol-based, resulting in two deaths and seven injured. In four cases, a pedestrian was hit and in five instances the vehicles overturned: thus nine of the accidents involved only the driven vehicle.

In a continent which endures catastrophic road deaths annually, these figures may seem trivial. In an area where roads are unusable for much of the monsoonal year, where traffic is hardly heavy or frustrating, where Aborigines are cautious drivers, where semi-trailers, hot rods, hot bikes, drag races and the like are absent, these figures are high in proportion to the human and vehicle populations.

Since the period of these figures, there have been more alcohol-related, single-vehicle accidents resulting in death and serious injury. With royalty payments in the offing - as opposed to pre-mining, 'up-front' moneys - more vehicles will be bought by residents at Oenpelli, Jabiru, and at the 30 outstations radiating from these two centres. Strategies are needed to help halt the inevitable arithmetic progression of money for cars, for booze, and for death.

### 3. Possible Remedies

There can be no return to legal prohibition on Aboriginal access to alcohol. The earlier laws - until 1964 - were based on both racist and biologically warped notions: that Aborigines had a genetic predisposition to crave alcohol, or another predisposition to be

physiologically incapable of consuming it. As recently as 1979 this view was made public by Captain Tom Milner, president of the Automobile Association of the NT (10):

All men are not equal in the sight of the bottle. Western man has been using alcohol since the introduction of settled agriculture 7000 years ago while Eastern man has been using mind-blowing drugs for the same period. Aboriginal man, never having developed any form of agriculture, can handle neither, as he has proved quite convincingly since contact with Western man a mere two centuries back.

The context of the speech was that in relation to the very high death rate, the Territory did not need random breathalyser tests: we all know, he said, that Aborigines are the killers.

The prohibition days were indeed bad days for all concerned: a massive arrest rate; an unduly high police-Aboriginal contact; prosecutions of wards who became citizens, for supplying liquor to their ward sons (as in Albert Namatjira's case); a monumental sly-grog trade; serious injury and death from contaminated liquor or from such toxic substitutes as wood alcohol or typewriter cleaning fluid; Aboriginal habituation to unnecessary imprisonment; undue restrictions on Aboriginal movement; and the extraordinary paradox by which the legally 'dry' Aborigines had daily to watch their moral guardians, the 'wettest' people on this planet, practise their prowess and prove their number one position in the Guinness Book of Records (11).

Prohibition would now be politically unacceptable. As the Northern Territory Liquor Commission stresses (12), under that system Aborigines were never given any choice. Now there is a chance for Aborigines to opt for or against alcohol; and a small beginning has been made towards a voluntary movement away from liquor.

From inception in 1979 the Liquor Commission under Ian Pitman made serious efforts to assist in the problem (13). Part VIII of the Liquor Act allows for the creation of restricted or 'dry' areas when so applied for by the residents. By June 1979 four Aboriginal areas were declared dry; by mid-1980, sixteen areas; by mid-1981, a doubling to 35; and by June 1982 (and 1983), a total of 45 (14). However, the Act allows the Liquor Commission to issue permits in dry areas: they usually specify the person who can drink, the places of such drinking and the type of liquor. But, as in the case of Oenpelli, the applicant can drink what he likes provided the local Aboriginal Council approves. (It is this permit system that Sue Kesteven describes above).

Penalties for breach of the permit system are severe: up to a \$1000 fine or six months imprisonment and double those rates for second and subsequent offences. In addition, vehicles involved in the breach, irrespective of who owns them, are seized and ordered forfeit if there is a conviction, then sold by tender with proceeds to the Commission's revenue. If there is no prosecution, the vehicle driver or owner can seek its restoration within 30 days of notification; if he fails to do so, the vehicle is forfeited.

The Commission has made a frank assessment of the dry system (15). Its premise is 'that the partial or total exclusion of liquor from an Aboriginal community is essential if the traditional cultural life of the community is to be maintained'. Ten major points are made. Most dry area residents support the system. Aborigines rather than Government should determine dry or wet choices. Effectiveness of a dry area hinges on a strong local council, strong community agreement, and a reasonable remoteness from supply. Some communities 'are unable or unwilling' to assist in enforcement. The majority of the dry areas should continue. Dryness is not the only answer: restriction on sales by such places as roadside inns have had greater effect. A ban on the sale of cheap fortified wines has had positive effects (16). Liquor permits have been 'contentious in some communities, and occasionally causes misunderstanding and resentment' (as Kesteven reports). The

number who have moved from dry areas to wet towns (as 'grog migrants') is small. Finally, the Commission believes it should 'adopt a somewhat stricter approach towards the assessment of dry areas, especially those which appear to be substantially ineffective through the inability or refusal of the community residents' to assist enforcement.

#### 4. Oenpelli and the Remedies

Where does Oenpelli stand in relation to all this? Two important factors affected the place in 1981: firstly, as of January that year the Liquor Commission lifted all the old liquor restrictions under the Licensing Ordinance applicable to Aboriginal reserves; secondly, on 14 September the community was declared dry. The former action should now eliminate that large percentage of offences listed as 'F' in Table 1: 'possess liquor on a reserve', that is, bringing or having alcohol outside of what can be bought in the Club.

'Dryness' has to be seen in relation to the personal permit system. In the ten months following the dry declaration, fifteen permits were issued; within three months, there were thirteen breaches of the permit system (17). By May 1984 a total of 81 permits had been issued in the Oenpelli area (18). Seemingly high, this figure needs to be compared with other large communities in the Top End. As of May 1984, Bathurst Island had 306 permits, Maningrida close to 500, Daly River 272, Milikapiti (Snake Bay) a total of 238 between February and May 1984, Port Keats 374. Bathurst, Oenpelli, and Port Keats have Clubs; Milikapiti has a store selling liquor. The Oenpelli figure is low by comparison. It seems that the existence of a Club selling beer - albeit with longer and longer serving hours and in increasing

quantities - satisfies a larger number of residents than at other communities. From every point of view, Club drinking is preferable to home drinking, especially for the women and children at risk from drunken behaviour.

In my view, there is both optimism and pessimism in Oenpelli alcohol. As bad as it is, the problem is not of the order reported about North Alaska recently (19): 'We are not dealing with a society with some alcoholic members. The Incipiat of Barrow are becoming an alcoholic society. It is the society as such which is in danger..'. Nor is it now commensurate with the allegation made during the Border Store licence days: 'a community committing alcoholic suicide'. The Club is not just a swillery, a place of premeditated drunkenness: there is optimism that the provision of seats, juke boxes, videos, pool tables, dart boards, barbecued chicken, and lemonade will continue towards making it a place of social gossip, camaraderie, fellowship. The pessimism is two-fold. Firstly, there is no doubt that grog is a preoccupation of a subset of the community and that their behaviour affects everyone. Secondly, the dry system and the permit system really hinge on the strength of the local Council and of the 'power base'. Together - or separately if they can be separated - they appear to be predisposed to alcohol, to a desire to remove the dry declaration, to have more alcohol without terms and conditions. Given the state of the Aboriginal civic culture, discussed in detail in section IV. 4 (ii) below, it is not surprising to see this present degree of what Emanuel Marx (20) calls appealing violence: where damage to property, to wife, to friends, to self is the result of (Aboriginal) man at the end of his tether, unable to achieve a social aim unaided by others, 'a cry for help'. The essence of Aboriginal drinking is there: in the drinking in order to get drunk, in the practice of obliteration and/or damage to self. The next three years are crucial: if the pattern doesn't change, if the Club does not succeed as a social rather than as an obliteration vehicle, all is pessimism.

NOTES

1. The Age, 5 June 1982
2. Evidence to Standing Committee on Aboriginal Affairs (Reference: Aboriginal Access to Legal Aid), Official Hansard Report, Darwin, 21 June 1979, at pp.546 - 560
3. Aboriginal Administration in the Northern Territory of Australia, Australian National University, Canberra, 1964, at pp.220-262, and at pp.226-227 and 233 in particular
4. The Application of the Criminal Law to the Aborigines of the Northern Territory of Australia, Justice Kriewaldt, edited by Geoffrey Sawyer, reprinted from Vol. V of the University of Western Australia Law Review, at p.81
5. Figures extracted from the Official Year Book of the Commonwealth of Australia, No. 37 of 1946-47, No. 38 of 1951, No. 39 of 1953, No. 42 of 1956, No. 44 of 1958, and No. 48 of 1962
6. Op. cit., Everingham (note 2), p.547
7. All figures hereafter were supplied by the Northern Territory Police Force as part of the AIC research project
8. Annual Report 1978/1979, Northern Territory Liquor Commission, p.14
9. Table classifications of offences are mine
10. NT News, 21 July 1979

11. Op.cit., Aboriginal Administration in the Northern Territory of Australia, at pp.220-236
12. Report on Restricted Areas, Northern Territory Liquor Commission, March 1982, pp.1-2
13. Annual Reports, 1978/1979, 1979/1980, 1980/1981, 1981/1982, Northern Territory Liquor Commission
14. Annual Report 1981/1982, p.13
15. Op. cit., Report on Restricted Areas, pp.22-24
16. Annual Report 1980/1981, p.13
17. Op. cit., Report on Restricted Areas, p.7 and p.20
18. The figures in this paragraph are close approximations given to me by the Liquor Commission, 20 June 1984: the Oenpelli figure is precise
19. Social Change and the Alcohol Problem on the Alaskan North Slope, Samuel Z Klausner, Edward F Foulks, and Mark H Moore, Centre for Research on the Acts of Man, Philadelphia, 1980
20. The Social Context of Violent Behaviour: A Social Anthropological Study of an Israeli Immigrant Town, Routledge and Kegan Paul, London, 1976, p.2



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IV: THE SOCIAL IMPACT OF MINING

3. Health

II. Alcohol and Family Life

The Health Impact of Mining and Family Life  
by R. E. Young and R. A. Woodhead

Sue Kesteven

1. Introduction

At the time of the Fox Inquiry alcohol consumption in the Oenpelli area was of major concern to the resident Aboriginal people. Then the closest alcohol outlet was the Border Store at the East Alligator Crossing (described in Allen 1980); other outlets were the South Alligator Motor Inn and the Cooinda Hotel-Motel. One concern of the Fox Inquiry was an increase in the number of outlets in the area as a consequence of mining enterprises.

Alcohol continues to be a major concern. The number of outlets has not increased substantially, but access to alcohol has. After the failure to have the liquor licence at the Border Store cancelled, the Gunbalanya Council bought the lease and allowed the licence to lapse. The Cooinda Hotel-Motel has been bought by the Gagudju Association, and restrictions on drinking and on take-away sales have been applied to their members. The only new outlets are the Gunbalanya Sports and Social Club, located at Oenpelli (see IV: Oenpelli - Before and After), and the Jabiru Sports and Social Club located at Jabiru. There is also provision of beer for workers at Nabarlek, and members of the Nabarlek Aboriginal community are included under this provision.

The Fox Inquiry emphasised the factors which may contribute to excessive consumption of alcohol by Aboriginal people, and indicated:

(there) is a serious risk that the influx of a European population into the region will aggravate the sociological and psychological pressures which are regarded as causes of the excessive drinking of alcohol by the Aboriginal people(1).

People have posited that the stress that Aborigines might be subjected to could increase because of disturbances to land, and to the proximity of large numbers of non-Aboriginal people to the extent that Aborigines will no longer form the dominant public in the Alligator Rivers region.

Mining revenues disbursed thus far have ended in the hands of individuals, so that people have greater purchasing options. The purchase of alcohol is one such option. Vehicles are more readily available than they were formerly, so it is physically easier to travel to outlets than it was at the time of the Fox Inquiry, and it is easier to carry quantities of beer into communities. With the greater amount of consultation with people in the Region, there are also other opportunities presented for drinking, such as attending meetings in Darwin. While the number of outlets has not increased substantially, opportunities to procure alcohol certainly have.

## 2. The Costs of Alcohol

The costs of drinking are considerable, both literally and socially. Drinking beer is an expensive occupation. A can at the Gunbalanya Sports and Social Club currently costs \$1.40. People will drink upwards of six cans a night, entailing a weekly expenditure of over \$60 per drinker. Money spent on alcohol is diverted from other sources, and bites into the household budget.

A second cost is the time taken to search for the money to buy beer, and resistance on the part of people who have money and/or a vehicle to operate 'grog runs'. A third cost must lie in the social and personal consequences of drunkenness. Not only are working hours lost but a state of unreality in the minds of drinkers is

maintained. Conversations held with intoxicated people are very different to those held with sober people. In the words of one Oenpelli resident: 'At night, at the Club, they're ready to set the world on fire; so the next morning, they can't find their matches'.

Violence is another consequence. It can take several forms: violence against the self in the form of a slow suicide; violence against property, both one's own and other people's; and ultimately, violence against other people. Women, especially, bear the brunt of domestic violence, usually from husbands, but sometimes from other relatives. Violence against wives is, to a certain extent, condoned; but sometimes it is directed against others. Normally one does not hit one's mother or grandmother, but this is said to happen 'maybe if they're drunk'.

Another effect is neglect, usually of children and jobs, but also of ceremonial life. Most ceremonies at Oenpelli have to be finished for the day by the Club's opening time.

Most of the matters before the Oenpelli court are alcohol-related. There are a few 'break, enter and steal' - usually concerning schoolchildren, some of whom have been petrol sniffing - which do not concern alcohol either as stimulus or as object. But many offences are very directly alcohol-related, such as bringing alcohol into a 'dry' area. Others are a consequence of drinking alcohol, such as disturbing the peace or drunken driving. The majority of the break-ins at the Club are by the same group of young men. After a 'first offence they are barred from the Club: hence a break-in is one of the few sources of beer for them. Most of these perpetrators have no access to a vehicle and hence trips to Nabarlek or the South Alligator Inn are not possible. People with money are not in court for 'break, enter and steal', but on such charges as exceeding the blood alcohol level (0.08) and/or driving while unlicensed. Usually fines are imposed, and sometimes a jail sentence. Not only is the initial

alcohol purchase expensive, but the cost to the community in fines by the drunk or his/her relatives and in social well-being is enormous.

Some people use drunkenness as an excuse for unacceptable behaviour. There is an abdication of responsibility: one does not accept the blame for getting drunk in the first place even if one knows one is likely to be violent or commit unacceptable acts while under the influence. Drunkenness is presented again and again in court as a sufficient excuse. People do not take responsibility for other people's drunkenness either. For example, a man refused to take responsibility for his seventeen-year-old son, already very drunk, saying: 'can't stop him, he's a man now'. This has serious implications for one of the Fox Report recommendations, namely, the provision of special Aboriginal constables to police excessive drinking on Aboriginal land. There is evidence of the police protecting their own interests and those of their immediate families. The Oenpelli Road Patrol vehicle was bought with mining revenues for the stated purpose of preventing trespassing on Aboriginal land and stopping the grog runs. It rapidly became one of the grog-running vehicles.

Another direct consequence of drinking is the hangovers. No work is done within the community or in the Associations. People either fail to arrive or are simply unable to do their work. There is general apathy, community services fail, and decisions are not made. If people are in a steady state of drunkenness or are 'hung over', illusions are maintained, and there is pretence that action has been taken.

The matter of alcohol and accidents is a serious one, given that the Fox concerns are the Project's brief. This is an instance of a direct social impact of mining (royalties) on Aborigines. The question is dealt with fully in subsection 3 (iii) below.

3. Attitudes to Alcohol.

Why do people drink? It is not easy to answer this, apart from the superficial 'because I want to'. There is no probing of the need or of the motivation. But paradoxically, even those who drink are able to condemn drunkenness without qualms. Drinking to 'forget' after a death or some other unpleasantness may be part of the answer. But unless the drinker is prepared to discuss what ails him, then causality cannot be broached or reached.

There is social ambivalence towards drinking. It is bad but exciting. Most people are amused by the antics of drunken people as they watch the early stages of intoxication; it is in its later stages that drunkenness becomes dangerous, or, in some cases, dreadfully boring. In the interviews on attitudes to and beliefs about money, a common response on bad ways to spend money was that alcohol-spending was bad. This response came from drinkers as well as non-drinkers.

Drinking is viewed as dangerous. This is not to do with a 'bad' life as opposed to a 'good' life, but because of the dangers that one exposes oneself to: if one is to be the target of sorcery, what better opportunity than when one is drunk, and when one can be handed an open can of beer, suitably tampered with?

The matter of 'goodness' is relevant to what is 'Christian' and what is not. The ramifications here are very complex. Basically, most people say that a person cannot drink alcohol and be a Christian. Why this is so is not clear, although the abstinence of the Church Missionary Society - for long in control of Oenpelli - must be relevant. If one gives up drink it is usually thought that one has allied with the 'Church mob' at Oenpelli. However, men of stature are often able to give up drink without this stigma.

Aboriginal people are now making applications for permits to drink in their homes. The consequence is that drunkenness develops in the house and is no longer an external, after-Club phenomenon. It can occur any time of the day. Under-age children may join in. There are similar implications for any 'take-away' licences, coupled with a relaxation of 'dry' areas around settlements. The matter of licences to drink at Oenpelli - or any other area declared 'dry' - is complex and probably unenforceable. Firstly, there is the matter of the licence itself. People are given permits to drink 'in their homes'. Some people obtain permits because they want to drink at their outstations, but actually live in Oenpelli. A policeman at Oenpelli said that permits allowed the holders to drink at whatever place they are residing in. The policeman currently at Oenpelli takes the narrower view that permits apply only to the outstation which is their 'home'.

But there are still complications. A person has a permit to drink in his home, but other people residing there may not. It is most unlikely that a person will drink on his own - solitary drinking is a rare phenomenon among Aborigines - but it is most unlikely that he will drink in the presence of other drinkers and not be badgered for a drink. He is more likely to be generous and offer drinks of his own free will. There are also problems of storage of beer in a house. There is little likelihood of protecting a cache from raids, unless one can lock it away.

A further complication is that visitors who do not normally reside in a 'dry' area are allowed to drink in the homes of people with permits: this means that Aboriginal people who live at Jabiru, or in the Kakadu National Park, or in Darwin, do not need permits to drink at Oenpelli when they are in the homes of permit holders.

A fourth matter is the policing of the drinking laws. The Mamardawerre outstation vehicle was confiscated because the driver was caught bringing alcohol into a restricted area. According to the new liquor laws, the police have no discretion in the matter: the vehicle, plane or boat used to bring the grog has to be confiscated if the grog runner is convicted. Under s.96 and s.98 of the Liquor Act, if the accused is acquitted, the owner of the vehicle can claim return of the vehicle within 30 days of notification of the acquittal: if he fails to claim he loses the vehicle. This is not clear to the people of Mamardawerre: they believe that the vehicle will be returned to them after the court case. The police say that the driver was informed that the vehicle had been confiscated: either the driver did not understand the meaning of the confiscation, or he is too ashamed to admit it to the other people from the outstation.

When the Gunbalanya hygiene vehicle was found to be bringing in grog, however, it was not confiscated: such inconsistency produces confusion in people's minds as to the law and its administration.

Parties held by non-Aborigines - to which the police were invited - were not followed by mass arrests even though there was no permit for the house residents and therefore everyone was drinking illegally. The existence of double standards is apparent to the people at Oenpelli. Many complaints have been made to the project staff about differing treatments of illegal drinking by balanda and bininj.

Access to alcohol at Jabiru is through Club membership. Club members can also take away beer. Membership is supposed to be restricted to people who live or work at Jabiru or Jabiru East. The Club and the Jabiru Supermarket lodged applications for take-away sales of alcohol. There was a series of hearings in the Supreme Court in Darwin to prevent this. The Northern Land Council made representation to the Minister for Aboriginal Affairs, who ultimately issued Regulation 20E under the National Parks and Wildlife Act. This necessitates that permission to sell alcohol in the Kakadu National Park requires permits from the Northern Territory Liquor Commissioner



and also the Director of the National Parks and Wildlife Service, after the latter has consulted with Aboriginal people. In the meantime the Club has withdrawn its application, but the application by the Supermarket still stands.

The argument from non-Aboriginal people in favour of take-away licences for the Club and Supermarket is that it will mean a more 'normal' drinking pattern: people can drink in the privacy of their own homes. However, since members of the Club are allowed take-aways it seems that people are really objecting to having to pay the membership fees in order to have this 'civil right'. They can also buy liquor at the South Alligator Motor Inn and beer from the Cooinda Hotel-Motel to take away.

The Aboriginal response is at two extremes. Some who drink seem to be in favour of the take-away sales at Jabiru, since this means cutting 80 kilometres off the round trip to the South Alligator Motor Inn. A few people are beginning to press for a take-away licence at Oenpelli. The non-drinkers are appalled at the thought of another source of alcohol being made available to the drinkers.

It would not be unfair to say that alcohol - the search for it, the imbibing of it, or the avoidance of those intoxicated - is a major preoccupation of the entire Region. Apart from long-term effects on health, vehicle accidents result from it, sometimes deaths, and certainly violence against property and people. Money is diverted from food to beer, energies are diverted from ceremonies to beer. And energies are consumed (principally by women) in maintaining a social fabric that alcohol threatens to tear down daily. The key question remains: for how long can unacceptable behaviour be tolerated; for how long will responsibility be disclaimed on the grounds of drunkenness; for how long can people patch the social and material damage done by drunks?

4. **The Control of Alcohol**

The Fox Inquiry made a number of recommendations about alcohol (2). Many of the provisions have been followed, especially by the ANPWS through their management of Kakadu National Park. Clubs have indeed become the mechanism for the availability of alcohol at the regional centre: consumption on the premises is encouraged.

A number of other recommendations have not been followed. The reasons for these failures seem to come from Aboriginal people, or at least the component of the population that drinks. Sales of beer at the Oenpelli Club are not rationed: although there is a general prohibition of bringing drink into 'dry' areas, there is open flouting of this regulation. Although no special Aboriginal constables were appointed to regulate access to and the importation of alcohol on to Aboriginal land, it is most unlikely that such measures would have been effective. It is also unlikely that Aboriginal magistrates would have been effective. In the case of the Gagudju Association and the provision of alcohol from the Cooida Hotel-Motel, there have been some serious attempts to control access to the membership of the Association. There is pressure to relax controls in the case of a few individuals, but in the main the provisions are working and controllable. That they are working is due mostly to the non-Aboriginal people in the Association who are prepared to enforce controls. Similar controls are enforced at the Gunbalanya Sports and Social Club with respect to behaviour within the Club, but not in terms of protecting the general peace of the community, where these controls are exercised by non-Aboriginal people. The Club committee does back the management, except in those special cases where individual favours are sought.

This constant pressure from Aboriginal people for waiving of rules in each particular case is one of the main drawbacks to finding a congenial, enforceable set of rules which suits the entire population. Those in favour of drink seem to thwart the intentions of rules that

they themselves may set up when sober or when not in need of alcohol. Until they come to terms with their contradictions, and the implications of continued heavy drinking, this problem will not be solved except by the imposition of strictly applied rules, policed by the Government, especially by the non-Aborigines.

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NOTES

1. Ranger Uranium Environment Enquiry, Second Report, p.230
2. Ibid: p.232

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