# CYI submission on Aurukun Shire Council's Proposal for a Trial Alcohol Event

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# Introduction

There can be no doubt that alcohol abuse is a key cause of the many complex and connected problems seen in Aurukun and other such Indigenous communities. The evidence on this is overwhelming and cannot be refuted.

To effectively tackle entrenched and extreme disadvantage in Aurukun and Close the Gap in terms of suicide, child removal, incarceration, poor education, youth sexual violence and abuse, poor health and lack of employment—alcohol and other substance abuse must be tackled. Alcohol is not the sole driver of Indigenous disadvantage. A comprehensive strategy is needed, the focus cannot be on alcohol alone. But tackling the problems caused by alcohol is fundamental, and it must remain the top priority.

It was community members—particularly women—who fought the vested interests of the Council and the state over many years to have alcohol restrictions introduced. These restrictions continue to enjoy widespread community support and acknowledgement of their benefit. The introduction of alcohol restrictions (Alcohol Management Plans or AMPs) represents a conscious shift in policy to prioritise core human rights, such as the right to a life free from violence, and this must continue to be supported.

There should be no mistake, it is Aurukun's unique history and circumstance that have led to the extraordinarily high levels of alcohol misuse and associated dysfunction—it is not through any inherent fault or flaw of the Wik people. The unique scale and dimensions of the problems with alcohol in Aurukun require a unique response.

It is unconscionable that measures that have made positive inroads are to be weakened, without there being any superior approach or proposal to continue to drive down alcohol harms and misuse in place—yet this is precisely the situation for Aurukun. Since the review of alcohol restrictions began in 2012, the Queensland Government policy approach to reduce alcohol abuse and harm in Indigenous communities has been weak and ambiguous, and lacks even the most basic forms of accountability and transparency.

By all means let's come up with more effective strategies to continue to drive down the extraordinary rates of alcohol-related harms in Aurukun. These rates should be no higher than anywhere else in Queensland—the people of Aurukun, most especially its children, deserve this most basic form of equality of opportunity.

But without the normalisation of levels of alcohol harms and misuse in Aurukun, or an alternative solution to get us there, it is highly disconcerting that we have a council proposing to reintroduce alcohol in Aurukun and a Queensland Government who may be willing to enable it. To renege now on the commitment to tackle the problem of alcohol, is a grave disservice to those who struggled to get these restrictions in place and all those in the Wik nation impacted by the scourge of alcohol.

## The Gap is at its widest in Aurukun

Today, Closing the Gap on our people's disadvantage in Aurukun remains a gargantuan task. The people of Aurukun want and deserve the same opportunities for their futures, and their children's futures, as do other Australians. The vision for Aurukun is clear—a healthy, happy place for the children, where the children grow up with the best of both worlds. But this remains far from Aurukun's reality, and on many fronts there are signs that things are continuing to get worse rather than better.

Indigenous people suffer from extreme, entrenched disadvantage across many indicators, and the gap is not closing despite decades of sustained economic growth in Australia and ten years of combined government commitment to Close the Gap.

- The gap in the levels of violence, crime and incarceration is shamefully large, and continues to increase. Indigenous people in Australia are, as the *Uluru Statement from the Heart* laments, "the most incarcerated people on the planet." The rate of Indigenous incarceration increased by an astonishing 45% between 2008 and 2018.

- More than half of young people in juvenile detention care are Indigenous. Indigenous young people are up to 28 times more likely to be in youth detention than non-Indigenous juveniles.

- Child protection outcomes are dire and continue to worsen. At current rates, Indigenous children will represent more than 50% of children in out of home care in Queensland by 2021.

- Indigenous women are 35 times more likely than members of the general female population to be hospitalised for spouse/domestic partner assaults in Queensland.

- Queensland is not on track to achieve the Closing the Gap targets for school attendance, reading and numeracy, early childhood education or Year 12 attainment.

- Indigenous suicide rates are amongst the highest in the world.

- The gap is forecast to expand in health, education, employment, housing and mental health in Queensland.

Indigenous disadvantage is of course at its most extreme in remote and discrete Indigenous communities, such as Aurukun. An overwhelming amount of data across a range of social, health and economic outcomes—from compromised foetal and infant development to rates of juvenile detention and adult offending—paints a grim picture of the crisis in places such as Aurukun.

Although local level statistics are no longer made regularly and openly available by the Queensland Government,[1] we are able to provide some examples of Aurukun's stark overrepresentation within Indigenous overrepresentation. Disadvantage is extremely and unfairly concentrated in this small and beautiful community of around 1200 people. Aurukun suffers:

- An extraordinarily high proportion of its people involved in repeat, serious offending. It is well known that more than 70 people from Aurukun have been held in incarceration at a single point in time in recent years, for example. By way of further example, a public report shows during a single two-year period, 44% of the individuals in Aurukun had been arrested and admitted to the watch-house at least once, 51% of these individuals were admitted to the watch-house more than once, and the highest number of admissions was a juvenile arrested and admitted to the watch-house 16 times.

- Endemic youth sexual violence and abuse. This issue has been in the spotlight since the 'Aurukun Nine' rape case—when nine boys and young men were convicted of raping a 10 year old girl with intellectual impairment in 2008. A 2013 report to the Queensland Government documented pervasive peer-to-peer youth sexual violence and abuse in Aurukun involving, both as offenders and victims, young people aged 12 to 16, as well as young adults, but with the problem extending to the sexual abuse of younger children.

- Disturbingly high rates of serious mental illness. For example, research recently published in the world's leading medical science journal, *The Lancet*, considers data over nearly a quarter-century and confirms "alarmingly high rates of psychosis" in the area of Cape York including Aurukun and shows mental health has deteriorated over time in a manner that is clearly linked to access to alcohol.

- Persistently low school attendance and performance. For example, school attendance in Aurukun has been the worst in the state in recent years. Gains made in the years of the Cape York Aboriginal Australian Academy have not been replicated in the years since the Queensland Government took over the school from 2016.[2] It is well known that school attendance plummets in days following drinking in the community.

That in a wealthy country such as Australia, the people of Aurukun suffer such extreme disadvantage, is a disgraceful failure of public policy.

[1] The introduction of alcohol restrictions also heralded increased transparency with the Queensland Government openly publishing Quarterly Reports on key indicators of harm in Queensland's Indigenous communities. Annual reports were also made publicly available providing longer term statistical trends. The publication of this up-to-date local level data was hailed by Justice Tony Fitzgerald as a 'strong step' forward on one of the most vexing problems of our time. Up-to-date community level data are critical to holding all levels of leadership to account to improve outcomes for people of Aurukun and other communities.

[2] Based on accessible Queensland Government data.

# It hasn't always been this way: an ignoble history

Despite the strengths and natural ability of the Wik people, the community of Aurukun is today deeply mired in intergenerational social problems. Some people may think this extreme disadvantage is just the way things are in Aurukun. But it was not always so—things were once very different.

Aurukun has both a proud, and also a traumatic, history. How and why things deteriorated so badly has been well documented, and must be understood.

## State Violence: the Queensland Government Takeover of Aurukun

Aurukun and its people have been dealt a succession of hammer blows. The parlous situation of too many of its children and families today, is because of the injuries and violence suffered by families through their particular history. Wik people have played a leading role in land rights struggles and have fought major battles with the state and mining companies over land because substantial bauxite resources lie on their country. This history has extracted a heavy toll, however.

An act of state violence was committed against the people of Aurukun with the Joh Bjelke-Petersen Government's Takeover of what was then the Aurukun mission in 1978, so it could seize control of Aurukun's extensive bauxite reserves, and give them to French multinational, Pechiney. The Wik people fought hard, and campaigned against the state's actions, and they were supported by the church to do so. Nonetheless, the Takeover proceeded, the bauxite reserve was acquired, and the Presbyterian Church were kicked out of Aurukun and replaced by the Queensland Government.

The Queensland Government Takeover of Aurukun set in train a disastrous chain of events, still reverberating today. It destroyed the hybrid of traditional and missionary authority and paternalism that had given order to the settlement until this point. The far off Queensland Government became chief decision-maker and controller of the lives and destinies of Aurukun's people. Administrative control of Aurukun now lay with the Queensland Government's Department of Aboriginal Affairs (later Advancement). To this day it continues to be the case that "government essentially 'operates' the community".[3]

## The forced imposition of the alcohol canteen

After the Takeover, the Queensland Government imposed an alcohol canteen on Aurukun—against the wishes of elders and leaders. A new local government structure was installed by the then-Minister, Russ Hinze, and a funding solution was needed for the new Aurukun shire council. Hinze imposed an alcohol canteen on Aurukun against the objections of elders,

[3] See QPC (2017), p. 72.

because the proceeds were needed to bankroll the new shire council. Aurukun's new local government was funded via the alcohol washing through the livers, kidneys and minds of its people.

The canteen offered a viable source of revenue—converting unemployment benefits people received from the Commonwealth Government into canteen revenues for the council. The bodies of the Wik people would be the means through which this conversion of Commonwealth funding into state revenue, would take place. The young bodies and brains of infants became the victims of this money laundering.

The sale of alcohol in Aurukun was opposed by many in Aurukun, particularly by a strong group of Wik women, but the battle was lost. The rivers of grog started to flow and they flowed for two decades.

## Two decades of grog: the cycle is embedded

The flow of alcohol into Aurukun via the canteen in 1985, marks the beginning of an extraordinary period of decline in the health and wellbeing of the Wik people. From 1985 the social fabric of family and clan relationships was progressively shredded. Alcohol caused both immediate devastation and compounding effects that continue to resonate today.

Drinking patterns in remote Indigenous societies such as for the Wik people in Aurukun have been well documented in the anthropological and other literatures, and they are characterised by much higher levels of consumption than for other drinkers. This is not to suggest that Indigenous people are to 'blame' for their drinking problems—these drinking patterns are embedded in and sustained by complex, interwoven economic, legal, political, social and cultural systems and circumstance. The seminal work, *From Hunting to Drinking: The Devastating Effects of Alcohol on an Aboriginal Community* by David McKnight (2002), explains the cultural and historical contexts contributing to the alarming rates of alcohol consumption and harms in the Northern Territory, for example. The difference in drinking patterns that have afflicted Aurukun's trajectory, must be acknowledged in any analysis of present day alcohol harms and alcohol supply in remote Australia.

Whereas such events were hitherto rare in Aurukun, after the introduction of the canteen, crime, violence and other alcohol-related harms escalated dramatically. Just six years after the canteen doors had opened, David Marr's landmark ABC *Four Corners* episode "Six Pack Politics" in 1991, highlighted the impact—by this time Aurukun had the highest murder rate (declared to be far worse than notorious American cities) and the lowest school attendance in the country.

The sheer scale and depth of the immediate impact of alcohol in a community as small as Aurukun may be difficult to fathom. Anthropologist and linguist, Professor Peter Sutton, who has had a long and close association with Aurukun, describes the change once grog began to flow freely:

> The cemetery at Aurukun reminds me of the Australian war graves at Villers-Bretonneux in France… Painted crosses, many of them fresh, stretch away seemingly for hundreds of metres… In my time with the Wik people up to 2001, out of a population of less than 1000, eight people known to me had died by their own hand, two of them women, six of them men. Five of them were young people. From the same community in the same period, thirteen people known to me had been the victims of homicide, eight of them women, five of them men. Twelve others had committed homicide, nine of them men and three of them women. Most of these also were young people, and most of the homicides occurred in the home settlement of both the assailant and the victim. Of the eight spousal murders in this list, seven involved a man killing his female partner, only one a woman killing her husband. In almost all cases, assailants and victims were relatives whose families had been linked together for generations.[4]

The rupture from 1985 is evident not just in the immediate aftermath of the canteen, but also in terms of the ongoing impact inscribed in the bodies and brains of Wik people. The cycle of abuse and neglect that followed the grog chaos was imprinted on the young children born in its wake.

The problems that continue to occur in Aurukun today, represent a third and fourth-generation inheritance of problems that have their roots in the opening of the canteen. Parents were lost to alcohol addiction and became absent figures, unable to ensure the safety and development of their children, children who then grew up poorly equipped to break the cycle for their own offspring.

Addiction is a powerful force that can foreclose on the possibility of positive development—this foreclosure begins dramatically and devastatingly for some Indigenous children from the moment of conception with development impacts occurring in utero, but can also occur across a person's life-course. It is not theory or speculation to make such claims—it is clear from the data and science.

The analysis of nearly a quarter-century of data recently published in *The Lancet*, suggests changes over time in the prevalence of psychosis within the area of Cape York including Aurukun, are linked directly to policies governing access to alcohol. After the introduction of alcohol canteen "Dramatic social upheaval with escalating rates of violence followed, with consequences both for community and family stability and the neurodevelopmental environment of childhood." It states,

> In this study the highest prevalence of psychosis was observed in 2015 among Aboriginal men aged 30 to 39—i.e., among those who were between age 0 and 9 at the time of the introduction of alcohol into DOGIT communities (mid to late 1980s). Effects of alcohol ranged from diversion of resources away from sustenance, with consequences for compromised infant nutrition, to inconsistent parental engagement and exposure to

[4] Sutton (2001).

violence in heavy-drinking households, with substantial potential impact on children's neurodevelopment and, we propose, the development of psychosis later in life.[5]

*The Lancet* study also suggests geographic variance in the levels of psychosis reflects differences in access to alcohol. For example, it finds the problem of psychosis is "dramatically" worse than in Indigenous communities in the area that includes Aurukun where "the adverse effects of the introduction of alcohol were substantially more pronounced", than in the Torres Strait Islands.

## A shameful response

The tragedy that has unfolded in Aurukun from 1985 is shameful. The response has also been shameful. It took more than 20 years before the Queensland Government finally got behind the many upstanding individuals and families in Aurukun who wanted the government's support to make change.

Many individuals and families in Aurukun fought both against the introduction of grog, and then for the introduction of alcohol restrictions—although too often such Indigenous agency is denied in the retelling of this story. In many communities senior Indigenous women often took an important lead.[6]

At the national level, Marcia Langton led the preparation of an important report, *Too Much Sorry Business*, for the 1991 Royal Commission into Aboriginal Deaths in Custody, which did a great deal to build understanding of the debilitating role of alcohol for Aboriginal society. Langton's report ran counter to the prevailing views, and made a clarion call for urgent action to control easy access to alcohol in Aboriginal communities.

In Queensland, ongoing advocacy of Indigenous leaders, communities and organisations, including Cape York Partnerships and Apunipima Cape York Health Council, eventually led to the 1999 *Aboriginal and Torres Strait Islander Women's Task Force on Violence* report by Boni Robertson. The report brought into sharp relief the desperate need to take urgent action to deal with alcohol to save Indigenous lives.

Justice Tony Fitzgerald's *Cape York Justice Study* inquiry immediately followed. Fitzgerald is one of Queensland's great reformers, having ended the Joh Bjelke-Petersen era of unprecedented corruption and graft. That he was appointed by then Premier Beattie indicates the scale and seriousness of the situation to be confronted. The 2001 Cape York Justice Study report provided the immediate catalyst for decisive action to reduce the supply of alcohol in Indigenous communities. Its findings shone a light on extraordinarily high rates of crime, violence and other alcohol-related devastation, highlighting, for

[5] Gynther et al (2019).
[6] Moran (2016), pp. 13-37.

example, that in Cape York 'girls as young as seven or eight are now being diagnosed with sexually transmitted diseases' STIs'.[7]

### Beattie and Bligh enable restrictions of alcohol

From late 2002, alcohol restrictions began to be progressively put in place across Queensland's Indigenous communities. Decisions about restrictions in each community were by no means straightforward or consensus based—opinions were frequently divided between drinkers and non-drinkers, and along gendered and organisational lines. The (mostly male) councils had vested interests, as they were reliant on the sale of alcohol for funds. Local Community Justice Groups (often mostly women), were afforded a key role in deciding, and changing, the restrictions to apply—this role was enshrined in legislation for communities including Aurukun.

A further decisive step came in 2008, when the Bligh government moved to strengthen the reforms across Queensland's Indigenous communities to make them "as dry as possible". Bligh took the canteens away from councils, to finally end the ludicrous situation of the councils relying canteen proceeds to try to fix the very problems caused by alcohol.

Some communities, such as Aurukun, opted to go completely dry and to disallow any alcohol within the town boundary. Others (e.g. Hope Vale and Mapoon) allowed a 'carriage limit' of particular quantities and types of alcohol (e.g. a person may be in possession of a carton of light of mid-strength beer or 1 bottle of unfortified wine in Hope Vale).

Despite perceptions to the contrary, alcohol restrictions were originally a community-driven initiative, often led by courageous women. The alcohol restrictions enabled by the Beattie and Bligh government responded to the unique scale of the problems caused by two decades of alcohol-fuelled devastation in Indigenous communities. The reforms established the basic human rights of vulnerable members of these communities as the clear priority—including the right of children and other vulnerable community members to be safe, healthy and free from fear and violence.

## Alcohol restrictions have changed the trajectory

The introduction of alcohol restrictions in Queensland's Indigenous communities has changed in the trajectory of violence and other harms. This is clear from lived experience, and from the data.

[7] Fitzgerald (2001) at p. 20. Note: While some STIs can also be transmitted under some circumstances via skin to skin contact, or from mother to baby during pregnancy and/or birth, STI cases in children may also be an indicator of sexual abuse (depending on the age of the child and the STI).

1. Again, Sutton describes the change for Aurukun in very concrete terms: “In the almost four years after the introduction of alcohol controls, there were only two suicides and one death caused by ‘trauma', and no confirmed homicides”.[8]

2. The independent evaluation of Cape York Welfare Reform shows a large statistically significant fall in serious assaults in mid-2008 for Aurukun, reflecting the “impact of the reduction in trading conditions and subsequent closure of the Three Rivers Tavern from March 2008.”[9]

3. Independent analysis of Royal Flying Doctor Service data of trauma and injury retrieval rates show statistically significant reductions for serious injury after the introduction of alcohol restrictions. Further, rates of serious injury retrievals fell significantly as the strength of restrictions on alcohol increased. A 2011 study shows the rate of serious injury to be at the lowest recorded in 15 years, in contrast to the general trend in Queensland and Australia-wide rising slowly over time.[10]

4. Independent analysis shows evacuations of Indigenous residents from Cape York in 2004-05 to the regional psychiatric admission hospital fell by over 50%, after five years of progressive increases.[11]

This positive impact of the introduction of alcohol restrictions is consistent with the substantial body of evidence from elsewhere in Australia and around the world, showing reduced availability of alcohol is associated with decreases in alcohol-related harm.

There is now also a substantial body of evidence from around Australia showing the positive importance of supporting local Indigenous leadership to restrict the supply of alcohol.[12] This evidence highlights that communities require not just the ability to restrict alcohol supply, but also must be supported by an enforcement regime to limit sly-grogging, drug substitution and home brew.[13]

## Reducing alcohol abuse must remain the top long-term priority

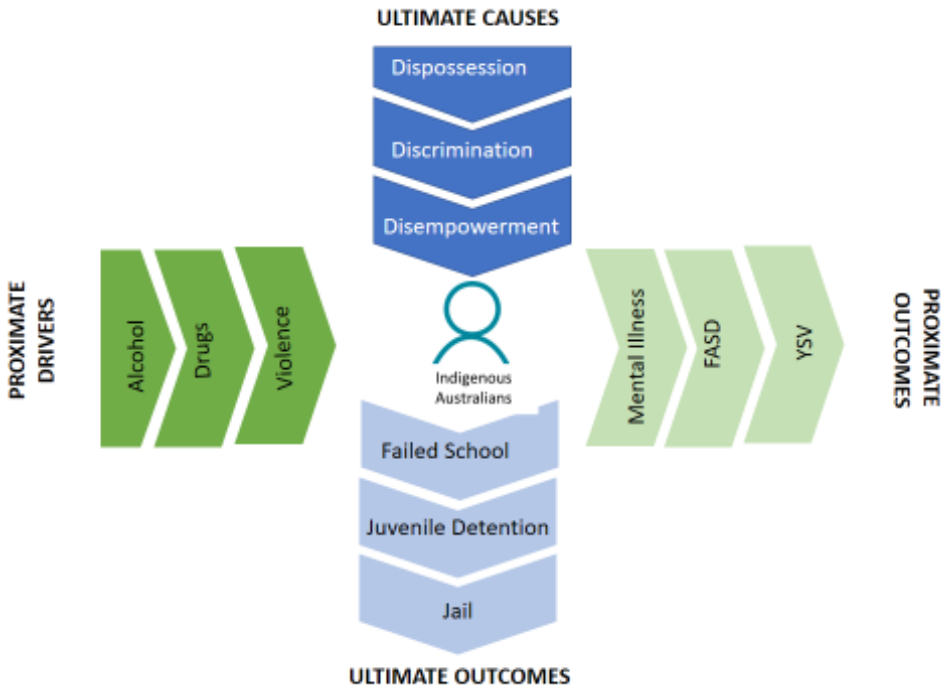
While positive effects immediately flowed from the introduction of alcohol restrictions, much of the damage caused by alcohol in places like Aurukun continues to reverberate over the life-course and through the generations. Australia’s leading criminologist, Don Weatherburn, argues the top long-term priority to Close the Gap and break the cycle of disadvantage leading to the extraordinary rate of Indigenous incarceration, must be the reduction of alcohol and substance abuse. He explains, a reduction in substance abuse

[8] Sutton (2008).
[9] CYWR evaluation (2012), p. 222.
[10] Margolis et al (2008); Margolis et al (2011).
[11] Brownlie et al (2008).
[12] Gray et al (2000); Chikritzhs et al (2007), pp. 181-206.
[13] d’Abbs (1989).

would produce an improvement in maternal and child health, and given the close relationship between substance abuse and child maltreatment, it would also produce a reduction in child neglect and abuse. That, in turn, would set the stage for better Indigenous school and employment outcomes.

Figure 1 illustrates this complex and interconnected nature of the factors driving Indigenous disadvantage. While we cannot only focus on alcohol, effectively tackling alcohol-related problems is clearly key.

**Figure 1 Indigenous disadvantage: complex and interconnected causes and outcomes—alcohol is a key driver**




This means that tackling alcohol harm and misuse requires long-term political commitment to policies that require up-front courage and investment, in order to reap long-term rewards. Even if we had the means to reduce the rate of Indigenous child neglect and abuse within a year, the benefits of reduced offending would not become apparent for several years after that. The benefits of improved maternal health on crime would take even longer to become apparent.

Effectively tackling alcohol abuse requires an unwavering focus and sustained political commitment at the local and state level. Politicians of course are often likely to prefer short-term, populist tactics, rather than ensuring a steadfast commitment to long-term results.

## Harmful policy drift—no clear policy

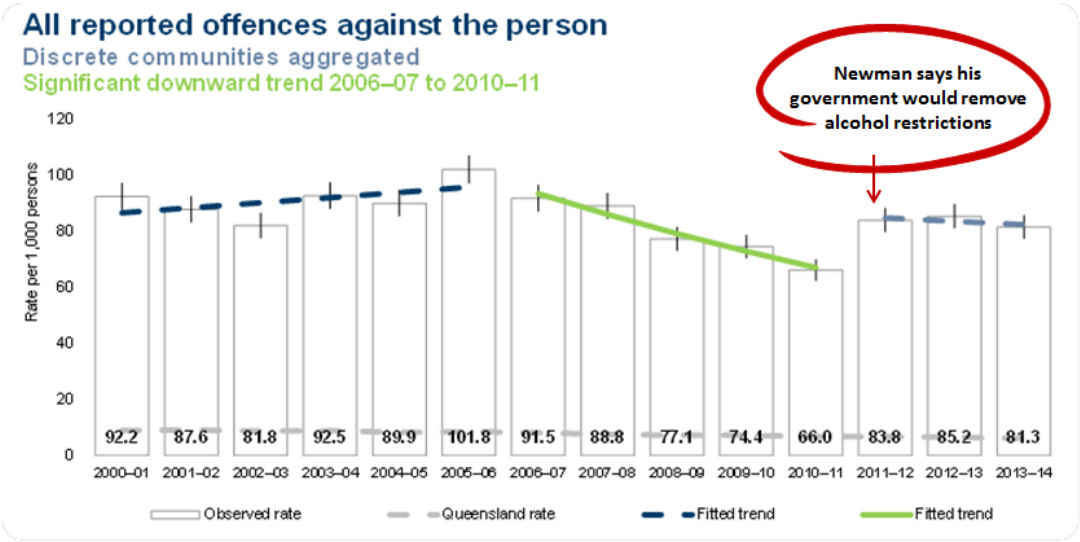
Despite the overwhelming evidence of the need to tackle alcohol abuse as a principal underlying cause of Indigenous disadvantage in Indigenous communities, and immediate positive impact of alcohol restrictions, the Queensland Government has failed to maintain a clear policy commitment to reduce alcohol misuse and alcohol-related harms in Indigenous communities. Political commitment, and enforcement of restrictions has waned over time, and the current Queensland Government position is scandalously weak and ambiguous.

Queensland Government statisticians produced the graph at Figure 2, showing the overall picture after the introduction of alcohol restrictions in Queensland's Indigenous communities. There are two key points to note:

1. Not only does Figure 2 show exactly how far there is to go before violence levels in Indigenous communities are reduced to anything like the normal levels elsewhere, it also shows the clear downward trend in violent offences after the introduction of alcohol restrictions in Indigenous communities. From 2006–07 to 2010–11 this downward trend averaged -9.7% per year.

2. Figure 2 also shows a sudden arrest of the downward trend in violent offences in 2011–12, coinciding with former Premier Campbell Newman publicly signalling a change to the alcohol policy. At the time Newman stated restrictions should be abolished because they were discriminatory, denying Indigenous people their 'right to drink'.[14] He then announced a review of alcohol restrictions and invited Indigenous community councils to lead community submissions seeking to have alcohol restrictions relaxed or removed.

**Figure 2 Overall trend in violent offending before and after alcohol restrictions**




Source: Queensland Government, with adaptation by CYI to show timing of then-Premier Newman signalling a policy shift

[14] There is no such right to drink at law.

Since Newman's announcement and the commencement of the review of the Alcohol Management Plans in 19 discrete communities in 2012, there has been no clear policy of support for alcohol restrictions, and no alternative approach put forward by the Queensland Government to continue to reduce alcohol harm and misuse. Ensuring appropriate resources to support alcohol restrictions is no longer a clear government priority.

As one would expect, the Queensland Government's weaker approach has had a corrosive effect locally. A recent report for the nearby community of Pormpuraaw documents that alcohol restrictions have been under-resourced for some time, and that "the Queensland Government review weighed heavily on the minds of many within the community".[15]

> The responsible community leaders who have developed and implemented various alcohol management strategies at Pormpuraaw for more than a decade have contended with constantly changing policies and funding regimes, alongside regular changes of government and departmental personnel. Constant policy and resource changes, fluctuation and confusion about the intention of policies, such as AMPs are debilitating for the local people, whether residents, police, health professionals and teachers, who contend with the harmful impacts of excessive alcohol consumption in Pormpuraaw and similar communities. Their best efforts are undermined by the failure of successive governments to recognise the value of their leadership and accord them agency and responsibility at the local level.[16]

There can be little doubt that the lack of any clear high-level commitment to the policy from the Queensland Government has changed the behaviour of people on the ground, including drinkers, sly-groggers, some local leaders and police tasked with enforcing the restrictions. The policy has been left to drift. This appears to have led to laxer adherence to, and enforcement of, alcohol restrictions.

The long (and ongoing) review of alcohol restrictions has been conducted by the Queensland Government behind closed doors. No submissions to the review, or results have been made public. DATSIP's website merely states it received 23 submissions from members of the public and key stakeholders, and "their feedback was incorporated into the general review undertaken by PwC's Indigenous Consulting, which assessed the overall effectiveness of AMPs".

The Queensland Government no longer provides any transparency of the kind that was introduced with alcohol restrictions, in terms of making local data on key indicators of harm in Indigenous communities regularly and publicly available. Since the commencement of the review in 2012, up-to-date local level data has been made more difficult to access, reducing the accountability of leadership at all levels for reducing alcohol harms and misuse. Questions must be asked, why make local level data more difficult to access at the very time

[15] Smith et al. (2019), p. 8.
[16] Smith et al. (2019), p. 9.

the review commenced and alcohol policy approach was shifting and softening? What is the Queensland Government trying to hide?

The only review results published by the Queensland Government, are contained in a 2013 report of the Government Statistician considering whether alcohol restrictions were criminalising residents of Indigenous communities, as some people feared. The report shows although a high proportion of Indigenous community residents had been convicted of alcohol breaches, "Only 449 (7.9%) of the 5,676 persons had a conviction recorded for a breach of alcohol restrictions, and no convictions recorded for any other offence types during the 10 year study period"—confirming a pattern of widespread offending in Indigenous communities (and criminalisation) regardless of the existence of alcohol restrictions.[17]

## A plan is urgently required

There is no sign that reducing alcohol harms and misuse is the top priority for the Queensland Government or for the Aurukun Shire Council. The Queensland Government has failed to insist in any meaningful way that communities, and their leadership must drive harm levels down to normalise them, as the first priority. There is no policy framework in place to support the people of Aurukun to get to their desired destination, and Close the Gap, including by tackling alcohol harms and misuse.

If the proposed alcohol trial event in Aurukun proceeds, both the Queensland Government and the Aurukun Shire Council must be taken to have accepted the extremely high levels of disadvantage suffered by the people of Aurukun in terms of: children in out of home care; poor educational outcomes; violence, crime and incarceration; mental and physical illness; unemployment; and suicide and premature death. Not only will they have accepted the unacceptable, they will have endorsed the further worsening of the situation. Without a compelling plan to tackle disadvantage and alcohol abuse, Aurukun will become a more and more highly concentrated centre of disadvantage, disability, and premature death.

There is an utter disconnect between the weak, ambiguous policy and action of the Queensland Government, and the rhetoric and resources it is otherwise expending to try to address the public relations crisis in areas such as youth justice and detention, incarceration and domestic violence. The government on one hand is saying "the right things", but its actions on the ground in Aurukun show it is failing to take even the most basic steps to support the community's wishes and enable them to deal with the complex of problems connected to alcohol. In Aurukun, the Queensland Government has repeatedly ignored the express wishes of community leaders, and promising reforms that began over a decade ago are also now being dismantled or eroded as a result of decisions being made in William Street. Three examples are provided.

[17] Queensland Government Statistician's Office (2013).

1. Firstly, the response to Youth Sexual Violence and Abuse has been seriously eroded in recent years, and the specialist response that was in place will cease in June 2019. The Queensland Government has been well and truly "on notice" for an extensive period about the need to ensure a comprehensive ongoing response to Youth Sexual Violence and Abuse in Aurukun. In particular:

    - In 2008 the controversy surrounding comments made by the Judge hearing the 'Aurukun nine rape case' brought the issue into stark relief, and highlighted the normalisation of such behaviour in Aurukun.

    - The publication of the Smallbone Report in 2016 highlighted endemic harmful 'peer-to-peer' sexual behavior in Aurukun and West Cairns.

    - In March 2016, the Palaszczuk Government itself, established the Youth Sexual Violence and Abuse Steering Committee led by the Honourable Stanley Jones AO QC, tasked with making recommendation to address Youth Sexual Violence and Abuse in Aurukun and West Cairns. The Youth Sexual Violence and Abuse Steering Committee provided its First Report to government in September 2016, and a Final Report in 2018. Despite the passage of a substantial period of time, the Queensland Government has failed to put in place any clear strategy or long-term response to this very serious issue.

    Since the Aurukun nine rape case, Aurukun has had the benefit of work done by the Griffith University Forensic Service providing specialist clinical services in response to Youth Sexual Violence and Abuse. From this, the Griffith Neighbourhoods Project emerged, with a focus on prevention. However, despite the fact that they are considered to be world leaders in their field, and are well supported by the community and the council, for years the Queensland Government has prevaricated and provided only very limited and uncertain support for this ongoing work in Aurukun. The final report of the Justice Jones led Steering Committee recommended that the Queensland Government support the expansion of the Griffith Neighbourhoods Project—yet DATSIP has discontinued funding and there is currently no plan and no alternative support provided in Aurukun. This will significantly, negatively impact on the community.

2. Secondly, the Queensland Government has recently discontinued support for the dedicated in-community parenting designed with Aurukun's people and delivered by CYP in Aurukun as part of the innovation introduced through Cape York Welfare Reform.

    Of course, to Close the Gap in Aurukun, you need to start by improving developmental outcomes in infancy, childhood and adolescence. If you want to Close the Gap you need to support parents so they can help break the cycle. So how is the Queensland Government improving this area? It is engaging in a classic case of "buck passing", shifting responsibility between different government departments, with a short-term focus on cutting costs through providing a more highly centralised approach, which has

taken Aurukun backwards. For Aurukun, this had meant it no longer has a fulltime in-community parenting program employing both local people and those with expertise to help build capability, but a much weaker form of parenting support.

DATSIP is no longer funding any dedicated in-community parenting support, such as had been developed and tailored over a number of years for Aurukun. The Department of Communities is now responsible for the provision of "Aboriginal and Torres Strait Islander Family Wellbeing services". RAATSICC won the contract to provide this service in Weipa, Napranum, Mapoon and Aurukun for $700,000 each year for 5 years. This necessarily means that resources are spread very thin across an area that has very high needs. CYI understand that recently RAATSICC have not been present in Aurukun for a period of 5 weeks.

The Queensland Government is guilty of false economy. The decision to discontinue CYP's Strong Families program came as it was supporting 20 families referred by Child Safety. If these families end up with a child in out of home care, this would mean an increase in the costs of the Child Protection system of $5M, as every child in out of home care costs the state $250k per year.

3. Thirdly, the future of the highly successful Family Responsibilities Commission (FRC) in Aurukun is highly uncertain. The first major change announced under the Queensland Government's new *Thriving Communities* approach has been to unilaterally decide it will be "transitioning the FRC and welfare reform communities Aurukun, Hopevale, Mossman Gorge, and Coen, and Doomadgee from the existing FRC welfare reform model to what we are calling the *Thriving Communities* approach".

   The FRC itself is an example of local Indigenous empowerment, achieved by giving life to a structure designed by Cape York people for Cape York people. It is the only extant example of a structural reform in Queensland that shifts real power and responsibility that would otherwise be held by government, to respected local elders and leaders acting as local Indigenous Commissioners, so they can assist their own people to change their behaviour. Through a set of 'family responsibilities' triggers, the FRC gives local Commissioners, the power to call people in and conference them if they have failed to send their children to school, been the subject of a child safety notice, committed a crime, or failed to pay their rent, for example. During an FRC conference local Commissioners can have difficult conversations and they can make decisions about how a person or the family, can be supported to improve their lives. Importantly, local FRC Commissioners have real power to impose Income Management orders, for those that need it the most.

   As recently as late 2018 a Strategic Review of Cape York Income Management, led by Queensland University of Technology's Professor John Scott, reports "There is a clear

view in the current CYWR communities that the FRC should continue in some form".[18] The communities themselves who have developed and operated the FRC, including Aurukun, have not endorsed the change proposed under the Queensland Government's *Thriving Communities* approach. There remains little progress or detail about *Thriving Communities*, although it is said to respond to the Queensland Productivity Commission inquiry announced in late 2016 and for which the Queensland Government was provided the Final Report in December 2017. In contrast to the Queensland Government, the Australian Government's support for the FRC is clear. Prime Minister Scott Morrison MP clearly affirmed his government's position and commitment to the FRC model in federal parliament on 18 November 2018.

*Thriving Communities* is not policy. It provides slogans but no substantive plan. The approach taken by the Queensland Government to the FRC shows *Thriving Communities* will be yet another government-led, top-down, attempt to impose the government's own cookie-cutter agenda on Indigenous communities.

## The proposed alcohol trial is a backward step

There are many obvious reasons that the Aurukun Shire Council's proposal for an "Alcohol Trial Event" at the old tavern should not proceed.

The question must be asked, why is this proposal being put forward now?

Is it that there has been a recent reduction in the very high levels of violence, other trauma and disadvantage in Aurukun which could justify the trial? It is that none of Aurukun's people have died premature deaths in recent months? Or because of an absence of suicide, crime, violence or sexual assaults? Is this trial being proposed because of marked recent improvements in Aurukun's school attendance or performance, a decrease in the numbers of local people being incarcerated, or an increase in employment?

There have been no such improvements to suggest such a trial can safely and responsibly be proposed. In terms of timing, it is notable only that Aurukun's local council election will be held next March.

### An Aurukun Shire Council proposal, or just one man's campaign?

The flyer outlining the alcohol trial proposal distributed in Aurukun suggests the proposal has been agreed by the council. However, the extent to which Aurukun councilors, other than the Mayor, support the proposal is not clear. The Council Minutes of 19 February 2019 record that "Councillors advised that alcohol will create problems, they have concerns about the proposed alcohol trial event". The Minutes go on to state, the "Mayor advised he still wished to continue discussions… but will take on board the Councillors concerns".

[18] Scott et al (2018), p. 84.

Other than the Mayor, the councilors are all local Commissioners of the Family Responsibilities Commission, and have worked hard for many years to help individuals and families in their community to try and overcome the devastating and complex problems caused by alcohol in their community. One of the councillors, Ms Ada Panawya Woolla OAM, was a member of the Premier's Special Taskforce on Domestic and Family Violence, which reported in 2015. The Taskforce recognised that alcohol in domestic violence is an issue within Indigenous communities, as the risk of an Indigenous person becoming a victim of domestic or family violence increases with high risk alcohol use.[19] It would be surprising indeed if in the face of all the facts, these reform leaders were to support the alcohol trial event.

## Is the alcohol trial event an appropriate priority for Aurukun?

In the circumstances there are serious questions regarding the policy priorities of the Queensland Government and the council.

- How can the use of police resources to support the proposed trial be justified as a priority? The proposal would need to be supported by the deployment of substantial police resources in terms of escorting the licensee with alcohol in and out of town, policing the event and afterwards, and ensuring the alcohol is secure throughout.

- How is it morally acceptable that a commercial business, most likely the licensee/s of the Albatross Hotel in Weipa (according to Council meeting minutes), should be invited into Aurukun to further profit from selling alcohol to Wik people—when alcohol is a key cause of ongoing extreme disadvantage that still must be overcome in Aurukun?

- Or, if has been suggested by the Mayor, the event will be a fundraiser for council, how is this not a return to the same old conflicted situation of the past, in which council raises money through means that are exacerbating the very suffering and disadvantage it should be leading Aurukun away from?

- How can this event provide a meal and six alcoholic drinks for $50 in Aurukun, when the price of a piece of meat at the Aurukun shop can be as much as $70? What is being done to address the cost of food in Aurukun so that people can eat properly day-to-day? When will food affordability and security be accorded a greater priority than this alcohol trial by council and government?

[19] Special Taskforce on Domestic and Family Violence in Queensland (2015), p. 154.

## Introducing alcohol for the State of Origin would be seriously misguided

The proposal states the trial would be an event to be held on a Saturday afternoon from 3-5pm. CYI understands the Mayor is enthusiastic for the alcohol trial event to coincide with a State of Origin match, if possible. On the basis of all the evidence, any such suggestion is seriously misguided.

In the mainstream the State of Origin is associated with a peak in violence that leaves women and children battered and bruised. Recently published research, for example, concludes:

> It's crystal clear that the State of Origin fixtures are leading to a surge in domestic violence. It's happening on the National Rugby League's watch and women and children are being harmed as a direct consequence of these games.
>
> The drivers of domestic violence are complex and many, however, the disturbing findings released today suggest the State of Origin's particular celebration of heavy drinking, masculinity, tribalism, and the toxic level of aggressive alcohol promotion have collided in such a way as to encourage drinking to excess and domestic violence.

There is nothing to suggest there is any benefit that would outweighs the risks of holding an alcohol trial event to coincide with the State of Origin. On the contrary, it can be almost guaranteed that the safety of women and children in Aurukun would be jeopardised.

# The process is flawed, including community consultation

There are many individuals and community-controlled organisations in Indigenous communities such as Aurukun who are deeply committed to improving the wellbeing and health of all residents, but they experience extreme policy, planning and consultation fatigue. It is unfair that senior women, in particular, are so poorly supported, and that they should yet again be asked to try and hold the line and stem the tide of alcohol that has brought their community to the brink. The liquor industry is a politically powerful one, and there are many vested interests at work that these community women must again now stand up to, in order to have their basic human right to be safe and free from violence protected.

It is unfair too that the council or the Queensland Government should purport to ascertain or rely on community views about the proposed alcohol trial, in the absence of even the most basic information needed being made available to all, so that informed debate and decision-making can occur. There is no choice, no empowerment, and no informed decisions, without improved access to information:

1. Community members should have access to up-to-date data so they are properly informed as to how Aurukun is faring in relation to alcohol abuse and alcohol-related harms before any decision is made.

2. Community members should also have information about the large body of evidence from Australia and elsewhere regarding what initiatives may help to reduce or worsen alcohol-related problems.
3. Community members should have full access to information about alcohol events in other communities, including in relation to any associated crime, violence or community unrest that has occurred.
4. Community members should be have access to the evidence regarding the general mainstream surge in domestic violence associated with the State of Origin.

The views of a large number of Aurukun residents on alcohol have been repeatedly documented over many years. For example, a report published in 2019 states that the community had not requested any removal or reduction of restrictions, and this view was communicated by the Aurukun Shire Council.[20] The independent evaluation of the Cape York Welfare Reforms published in 2013 also suggested support for restricting alcohol supply among community members in Aurukun. Anthropologist, John von Sturmer, reports there had been a shift in attitude towards alcohol in the communities in recent years. Where previously people saw drinking as 'the very sign of personal liberty', he now notes that 'at no time in our interviews did anyone say curtailment of drinking was a bad thing'.[21]

## Has the role of the Community Justice Group been usurped?

When Bligh and Beattie finally took action to support those in Indigenous communities fighting for the right to be safe and free of violence, the role of Community Justice Groups was elevated, for good reason. This elevated role was enshrined in legislation for those Community Justice Groups statutorily recognised, such as Aurukun's. CJGs were viewed as a key plank in the roll out of the responses to reduce levels of harm and crime associated with the consumption of alcohol, and the rate of criminal justice system contact.

The Community Justice Groups are made up of elders and respected community members with traditional authority in communities. Their role is focused on increasing safety and reducing offending. The *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* prescribes the power and functions of statutory Community Justice Groups, while the *Liquor Act 1992* prescribes the role of statutory CJGs in relation to alcohol restrictions in communities. Under the Liquor Act, Community Justice Groups have a clear role in advising the Queensland Government in relation to alcohol restrictions. CYI understands the Community Justice Group does not support the proposal, and their advice should be highly authoritative.

As with AMPs, the Community Justice Groups have not been well supported by Queensland Government policy or practice. They too have been largely left to drift rather than

[20] Smith et al (2019) p. 19.
[21] von Sturmer (2012), p. 4.

supported to fulfil their potential. Nonetheless, there is nothing to suggest that the role of the Community Justice Group with regard to alcohol restrictions has been, or should be diminished. An evaluation of the community justice group program, for example, found that "Generally stakeholders considered that in the discrete communities where alcohol restrictions were in place, these CJGs should continue to have an additional role under the Liquor Act 1992".

Again, there is utter disconnect between the government's rhetoric and what is unfolding on the ground in Aurukun. On one hand, for example, the Queensland Government has endorsed implementation of all the recommendations of the Premier's high-profile Special Taskforce on Domestic and Family Violence, which included that the:

> Queensland Government works with discrete Indigenous communities to develop and support an effective local authority model to respond to crime and violence in those communities, with a priority focus on addressing domestic and family violence. As a part of this work, consideration should be given to resourcing and expanding the role of community justice groups, JP Magistrate's courts, and related local justice initiatives as appropriate, as well as examining the specific role that community justice groups could play in conferencing, mediation, and criminal justice system support.

On the other hand, however, the Queensland Government appears to be supporting an approach in Aurukun which downgrades and subsumes the role of the Community Justice Group in reducing alcohol harms and misuse?

## What should happen instead?

There must be a renewed focus on how to tackle alcohol and drug abuse and harm in Indigenous communities. The number one priority must be to continue to improve the effectiveness of the approaches to reduce alcohol and drug related harms and misuse further in Aurukun.

The philosophy that local communities must be empowered to respond to alcohol-related problems is absolutely supported by CYI, but there are fundamental prerequisites that must be in place for such empowerment to occur. The current approach does not establish these prerequisites. Justice Fitzgerald in the Cape York Justice Study was highly critical of government's 'canteen' policy because the underlying structural conditions of the licensing of Shire Councils were contradictory. Councils were required to uphold law, order and welfare while simultaneously seeking profits through promotion of the sale of alcohol. Similarly the current lack of unambiguous Queensland Government alcohol policy means the structural conditions required for Aurukun to drive down alcohol harms and misuse are not present. The notion of assessing a community's 'choice' when it comes to alcohol restrictions and this proposal is problematic when the basic ingredients for empowerment are not present, yet the ingredients for exploitation are. There is no choice, no empowerment in the current context.

For the people of Aurukun to be empowered to make properly informed choices that can help to continue to drive alcohol abuse and alcohol-related harm down to normal levels, the following must occur.

1. The Queensland Government must clarify its policy position on reducing alcohol abuse and alcohol-related harm in Indigenous communities.

2. The clear goal for all Indigenous communities must remain normalisation of levels of alcohol and drug related harm. This is a matter of basic human rights.

   It is only with this goal firmly in place that whatever approach is pursued locally, rights and responsibilities are kept in proper balance and the perceived 'right to drink' will not negatively interact on the basic human right of community members, including children and other vulnerable ones, to be free from violence and fear, and to grow up safe and healthy, to go to school, to be educated, and to enjoy high standards of physical and mental health.

3. Without compromising on the goal of normalising levels of harm, there must be a clear and effective plan or framework put in place for the staged, medium to long-term approach to transition from alcohol restrictions.

   One option, as previously suggested by CYI, is for the Queensland Government to provide serious financial incentives for communities, so that individuals and community leaders have real skin-in-the-game when it comes to leading the reduction of alcohol harms and misuse.

4. Transparency and accountability must dramatically improve. As above, community members do not currently have access to even the most basic information needed to make properly informed decisions as to how Aurukun is faring in relation to alcohol-related harms.

5. Avenues must be created for greater local level involvement in enforcement of local alcohol restrictions. Including:

   - Ensuring Community Justice Groups are supported to continue to play a leading role in the reduction of alcohol-related problems.

   - Greater local level control of sanctions and other responses to those who are responsible for alcohol and drug-related harms, such as can currently occur in a small number of communities (including Aurukun) through the authority of local elders and respected leaders acting with real powers as Local Commissioners on the Family Responsibilities Commission (FRC).

6. There must be a clear process and authority by which alcohol restrictions, if relaxed or removed, can also be re-introduced according to the wishes of the community if an increase in the level of harm occurs. Community interests have little ability to successfully influence liquor licensing decisions to limit the availability of alcohol

anywhere in Queensland, and more responsive systems must be introduced before it can be said that Indigenous communities are empowered to drive the approach.

## Conclusion

Reducing the extraordinarily high levels of alcohol abuse and alcohol-related harm is essential to the reversing the downward spiral of compounding disadvantage suffered over generations in Aurukun. To tackle the endless cycle of passive welfare, failed education, crime, arrest and imprisonment, and prevent Indigenous children following the same pathway—the clear long-term policy priority must be supporting the people of Aurukun to effectively tackle the problem of alcohol.

But where is the Queensland Government or Council's focus on this? Where is the compelling plan to tackle the devastating problems that have afflicted generations of Aurukun's fine families and clans, and to tackle the central role played by alcohol?

The reality is, there is no plan. There is merely the Council's proposal for the reintroduction of alcohol. There should be no alcohol trial in Aurukun until the following questions can convincingly be answered:

- How is government fulfilling its responsibility to normalise the extraordinarily high levels of alcohol-related harm in Aurukun? What is the plan?
- How is government increasing local Indigenous responsibility and authority to tackle alcohol abuse and alcohol-related harm?
- How can the community leadership for reducing alcohol-related harms be supported and strengthened?
- Can success in driving down alcohol harms and misuse to more acceptable levels be demonstrated?

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