

The Hon Tim Carmody, SC  
Commissioner  
Queensland Child Protection Commission of Inquiry  
PO Box 12196  
George St QLD 4003

3<sup>rd</sup> May, 2013

Dear Mr Carmody

I have taken the opportunity to provide this short submission to the Queensland Child Protection Commission of Inquiry. My particular focus will be Term of Reference 5(b), which requires the Commission to report on “strategies to reduce the over-representation of Aboriginal and Torres Strait Islander children at all stages of the child protection system, particularly out-of-home care.” My concern is with discrete Aboriginal communities, such as those to be found in Cape York, rather than with the majority of Aboriginal people who live in Queensland’s urban centres and rural towns. Furthermore, I am specifically confining my comments to Aboriginal communities, as I have little relevant experience with Torres Strait Islander families and thus am in no position to come to a concluded view as to whether or not child welfare and protection issues are of a similar scale to those in Aboriginal communities.

As I outline in Attachment A of this submission, I am a social anthropologist with extensive experience in policy oriented research regarding welfare reform, alcohol issues, and governance and other development matters. Much of my experience and research has concerned the remote Aboriginal community of Aurukun, with which I have nearly four decades of experience including some eight years living and working there on outstation support and community development, and nearly two years in conducting the research which formed the basis for my anthropological doctorate. I have an Aboriginal son and step-children from Aurukun, and therefore (as I explain in more detail at Attachment A) I have deep practical experience of the issues in raising children in the social circumstances to be found in many remote Queensland Aboriginal communities, as well as experience in conducting research on such issues.

As I also outline in the Attachment, in 1988 I provided evidence to the Royal Commission into Aboriginal Deaths in Custody regarding the death of a young man in police custody in Aurukun, with a particular focus on the underlying social issues in that community. In 2008, I was engaged by Counsel for the defence of a group of young Aurukun men in an appeal against sentences imposed on them in relation to sexual assaults on a young Aurukun girl (R v KU, AAC, WY, PAG, KY, KZ, BBL, WZ & YC; ex parte A–G (Qld) [2008] QCA 154). Attachment A provides a slightly edited

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**Anthropos Consulting Services Pty Ltd** ABN 18 097 102 657  
[www.anthropos.com.au](http://www.anthropos.com.au)

Senior Anthropologist:  
Dr David Martin  
30 Gardiner Street, Downer Canberra ACT 2602  
Ph: (02) 6248 5598 Fax: (02) 6262 6334  
Mobile: 0417 413 315  
Email: [David.Martin@anthropos.com.au](mailto:David.Martin@anthropos.com.au)

and redacted version of the Expert Affidavit I prepared with regard to that matter.

Key issues I addressed in the Affidavit and which are presented in Attachment A concern the breakdown of social order in Aurukun over recent decades (including through the impacts of high levels of alcohol consumption), a major rupture in relationships between the generations and the intergenerational transmission of norms and values, and the consequent problematic processes of identity formation for men in particular. My summary opinion expressed in the Affidavit was that for some decades now many (although certainly far from all) young Aurukun men have established their identities through problematic practices and values which effectively have become normalised within their peer groups, but which have highly deleterious impacts on those around them as well as on succeeding generations.

I certainly do not claim that the situation in Aurukun is identical with those to be found in other discrete Aboriginal communities in Queensland (or indeed for Aboriginal people across urban and rural Queensland); contemporary circumstances in each context are the products of particular historical, social, cultural and locational factors. Some of these factors may be broadly shared (such as successive government policy frameworks towards Aboriginal people over the years), and others may be particular to a given community or locale. Nonetheless, evidence of social phenomena such as the significant and extremely concerning levels of over-representation reported for Aboriginal and Torres Strait Islander children in notifications of abuse or neglect, in substantiation of such notifications, and in placements in out-of-home care, suggest that the commonalities are at least as important as the differences.

I will turn now to outline the implications for the Commission of Inquiry of the information and opinions which I present in Attachment A, with particular regard to the discrete Aboriginal communities. As I noted previously, my focus is on Term of Reference 5(b), and I will draw upon my own specific experience and expertise (as reflected in Attachment A) to outline in summary form a set of key and interlinked principles which in my view would usefully underpin strategies to reduce the over-representation of Aboriginal children in Queensland's child protection system. The matters which I consider I suggest go to child safety issues arising from acts of both *commission* (such as sexual abuse), and *omission* (such as neglect).

*The critical importance of addressing child safety as a long-term goal*

The first principle centres on the critical importance of addressing child safety issues as a long-term intergenerational goal, not simply as dealing with a contemporary crisis. Of course, the decision by the Queensland government to establish this Commission reflects a broader view of the importance of this issue. Here, I will merely add some perspectives to this existing acceptance of the dimensions of the problem which I suggest can be drawn from the arguments in Attachment A.

In my view, there is a nexus between the demographics of the discrete Aboriginal communities in Queensland, the manifest evidence of complex, multiple and interlinked social problems in many of these communities, and the particular evidence of serious problems confronting Aboriginal children in those communities (such as those manifesting in child safety notifications), which has profoundly disturbing implications for future social sustainability of those communities. As such, these are legitimately matters of high concern to the communities themselves, to

governments, and to the wider public. They are deeply embedded however, and require innovative thinking, not 'more of the same'.

The basic justification for this view is set out in paragraphs 57-59 of Attachment A. To summarise and extend from those arguments, the populations of these communities are youthful and expanding in comparison with that of the Australian population as a whole. They are youthful both because there is a relatively high birth rate, and because there are relatively fewer older people as a result of the well documented reduced life expectancy for those living in such communities. Concomitantly, there has been a major breakdown in the transmission of norms and values between the generations in many of these communities, with younger generations disengaged from both their own community and the broader Australian society.

This has led to a situation in which rather than the core values and norms necessary for the social (and cultural) sustainability of a group or community being transmitted from senior to junior generations, values and norms which are seen as aberrant both within the particular community and by the broader society are inculcated through socialisation and enculturation within peer groups themselves. This is a classic 'wicked problem', not amenable to easy solutions. I will make two further key points here.

#### *The need for linkages with other government policies and programs*

For the Queensland Government's child safety measures to be more than 'band-aid' measures addressing immediate crises in Aboriginal children's lives, they must be embedded in a wider framework aimed at facilitating transformation of the circumstances in which those lives are lived. This of course encompasses a vast array of issues well beyond the scope of this Commission of Inquiry; the Royal Commission into Aboriginal Deaths in Custody and the Fitzgerald Inquiry into justice and alcohol issues on Cape York's Aboriginal communities provide instances of Inquiries into broader sets of relevant issues, and my submissions to those Inquiries are discussed in Attachment A. However, the particular matter I emphasise here is the critical need for linkages to be established between child safety measures, and other policy and programs directed at improving the circumstances in the discrete Aboriginal communities.

As an illustration, it is my view that the measures being introduced in the Cape York Welfare Reform Trial communities (which include Aurukun) instance just such a set of linkages across different measures and arenas. Where Queensland Government child safety measures are being introduced to those communities, it would be my strong recommendation that they link into the measures and local institutions that have been established through the Welfare Reform Trial initiatives. For example, in Aurukun with its entrenched problems facing children amongst a not insignificant proportion of family groups, I understand that a 'safe house' for children at high and immediate risk of harm has been established, and I would support this measure irrespective of the fact that in some respects, such an institution repeats elements of the dormitory system originally instituted by the Presbyterian missionaries.

I am not familiar with the operational model of the 'safe house' but, in my view it would be a mistake for it to be a stand-alone institution, implemented as part of a 'silo' State government program. At the very least, the decision as to whether or not a particular child should be placed in the safe house would most appropriately in my

view be made by the Families Responsibilities Commission (FRC) in Aurukun, as part of the repertoire of measures it is able to adopt. This would have the additional advantage of linking child safety measures to other measures to address the wider issues confronting the Aurukun community, through an institution which in my own experience has gained significant legitimacy within Aurukun itself. This leads to my next recommendation, which is that to achieve maximum effectiveness and long-term sustainability, child safety measures need as far as possible to be embedded within the relevant communities.

*The need to embed child safety measures within the relevant communities*

It is my strong view, based on years of both practical experience and research, that sustainable social change ultimately requires the willing and informed participation of those involved in that change. There is a conundrum here however, because the evidence from many discrete Aboriginal communities (in Queensland and beyond) concerning the kinds of issues which lead to notifications of Aboriginal children being at risk indicates that addressing such issues is beyond the capability of the community itself. For example, the important role of grandmothers in raising Aboriginal children is well documented, but as illustrated by the schematic demographic profile in Attachment A, there is only a small cohort of grandmothers potentially available to care for the large numbers of children, and the scale of problems amongst children in many communities is manifestly beyond the capacity of the grandparental generation to address.

The conclusion I draw from this is not that the solution lies essentially in particular forms of government intervention. Again, I will draw on the lessons to be learned from the Cape York Welfare Reform Trial, including what I see as the critical institution of the FRC. The Welfare Reform Trial illustrates a sophisticated combination of initiatives, institutions and processes drawing on both externally-generated initiatives and institutions (government and other) and on local ones. It does not rely on some naive assumption that nothing should be done until 'community consensus' in accordance with self-determination principles is reached, but neither does it simply involve unilateral interventions by external agencies. I recognise that the Cape York Welfare Reform Trial framework currently only operates in a limited subset of Aboriginal communities, but I suggest that there are important principles to be learned from this which are relevant to this Commission of Inquiry.

I trust the ideas outlined in this brief submission are relevant and helpful to the Commission in its important deliberations.

Sincerely



Dr David F Martin

30 Gardiner Street  
Downer  
ACT 2602

## Attachment A

Materials drawn from my Expert Affidavit in R v KU, AAC, WY, PAG, KY, KZ, BBL, WZ & YC; ex parte A–G (Qld) [2008] QCA 154

1. I am a social anthropologist, working as an independent consultant through my own company, Anthropos Consulting Services. Until July 2006, I held a position as Visiting Fellow at the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University. I previously worked as a Research Fellow at CAEPR from 1995–2006, and before that time as a full-time consultant. From 1991–1993, I was a Manager in the then Queensland Department of Family Services and Aboriginal and Islander Affairs, primarily concerned with implementing the Queensland Aboriginal Land Act. However, during that period I also played a role in providing advice to Government in relation to issues arising at Aurukun, including instances of major community disorder and in relation to the development of a statutory scheme under the then *Local Government (Aboriginal Lands) Act* for controlling alcohol availability in that community.
2. I hold a Masters of Science in Social Anthropology with First Class Honours, granted from the London School of Economics in 1984, and a Doctorate in Anthropology from the Australian National University, granted in 1993. Originally, I trained and worked as a Chemical Engineer, graduating from the University of Queensland in 1971 with First Class Honours.
3. My Doctoral thesis concerned the Wik people of Aurukun. It focused on such matters as child rearing practices and the socialisation of children, the nature of gender relations, conflict and fighting, the use, abuse and impacts of alcohol, and the use and impacts of welfare payments. My field research coincided with the opening of an alcohol outlet in Aurukun, and my thesis provides detailed documentation of the impact of alcohol sales in such areas as community order, expenditure patterns, and family, gender, and intergenerational relations. I will outline relevant findings from my thesis later in this annexure.
4. In my research at CAEPR, I focused on such matters as welfare reform, alcohol issues including policy options directed at controlling the supply of alcohol, consumer issues for Aboriginal people in remote regions, Aboriginal demographics, and Aboriginal governance issues.
5. In 1988, while still a doctoral student, I provided evidence to the Royal Commission into Aboriginal Deaths in Custody in relation to the death of a young man in the Aurukun Police Station. My report and evidence on this matter concerned not just the family background of the deceased, but also a range of underlying issues including the establishment of identity by young Aboriginal men in contemporary Aurukun. My opinions expressed in that report and my evidence to the Royal Commission are referred to below.
6. As noted above, I have had a long-term research and policy interest in the effects of alcohol abuse on Aboriginal communities, and this was a major theme of my doctoral research in Aurukun. In 1998, I undertook a study into the political economy of alcohol in Cape York Aboriginal communities, including

Aurukun, which found that alcohol consumption levels in those communities were up to four times the national average. I published a CAEPR discussion paper on this subject that made a number of policy recommendations with regard to controlling the supply of alcohol in remote Aboriginal communities. I provided pro bono advice and written submissions on alcohol issues to the Fitzgerald Inquiry into justice and alcohol issues on Cape York's Aboriginal communities (whose findings were published in 2001 as the 'Cape York Justice Study'). Supply-side measures which I had recommended in my 1998 CAEPR publication, and in my submission to the Fitzgerald Commission, formed an important component of the Inquiry's own recommendations into this matter.

### **Experience in Aurukun**

7. Following a year's self-funded travel around remote Aboriginal Australia in 1975, I worked for the Aurukun community from early 1976 to August 1983 as a community worker, primarily focusing on support for those people living on outstations on Aurukun lands. The Aboriginal people of the region in which Aurukun lies are known as the Wik and the Wik Way peoples, and constitute the significant majority of the Aboriginal people normally now resident in Aurukun.
8. Early in my time there, I was adopted into a family in Aurukun, and in a relatively unstructured fashion over time learned much about Wik culture and society including becoming fluent in the local lingua franca, Wik Mungkan. I and my Wik partner had a son in July 1983. I left Australia in September 1983 when my son was an infant to undertake a Masters degree in anthropology in London, returning to Aurukun in late 1984.
9. I spent much of the period between 1985 and 1986 living in Aurukun and conducting research towards my doctorate in anthropology, having been awarded a scholarship from the Australian National University. Prior to and during this period, I lived in the Aboriginal sector of the Aurukun township. I raised not only my own son, but also four young stepchildren. As is common in this and other Aboriginal societies, I was also at varying times entrusted with the care of cousins of my children and other young relatives in my partner's extended family. Thus, during this period I was not only conducting anthropological research on such matters as child rearing and socialisation, but also conducting my own domestic life within that cultural and social milieu, operating mostly in Wik Mungkan. This provided me with a detailed 'insider-outsider' perspective on such matters.
10. During the period up to the end of 1987, social conditions in Aurukun became increasingly problematic, in no small part because of the growing levels of alcohol consumption following the opening of an alcohol outlet by the Aurukun Shire Council in late 1985, with support from the then Queensland Government.
11. I continue to maintain close relationships with Aurukun, my adoptive family and my former partner, her family and my stepchildren, and to my recollection would have visited there at least once a year up until the present. Most of those visits have been for professional reasons, including in my role as one of the anthropologists on the Wik native title claim and more recently in providing

advice in negotiations between the Aurukun community and bauxite mining companies.

12. My own observations and discussions with Aurukun people, including my family there, have made me well aware of the deteriorating situation in Aurukun and in particular of the serious problems being faced by successive generations of young people, and more generally concerning the difficult situation which they are facing in trying to address the multiple problems facing the community.
13. I therefore have extensive direct and personal experience of the issues surrounding the raising of Aboriginal children in Aurukun, as well as a particular expertise through my anthropological studies and research there. I also have nearly four decades of personal experience of living and working with the people of Aurukun against which I can assess the changes that have taken place there, and in particular the increasing problems in many aspects of social and family life in Aurukun.

### **Outline of changes in Aurukun over the past 3-4 decades**

14. I have seen very significant changes in Aurukun over the more than three decades with which I have had association with it. This period has coincided with the transition from a remote, poorly serviced and largely inaccessible church-administered mission to a small township managed under a form of mainstream local government with vastly increased access to the outside world and the wider society.
15. At its broadest level, I have seen Aurukun transform over this period from a vibrant Aboriginal community with a strong sense of its distinct cultural identity and traditions, to one where alcohol abuse and its consequences impact directly on every person whether drinker or not, where violence is commonplace, and where there has been a quite catastrophic breakdown in social and cultural life.
16. The changes in Aurukun have included a considerable overall population increase, although my observation is that there are now relatively fewer older Aboriginal people and a much higher proportion of children. There are also greatly increased numbers of non-Aboriginal people working as staff for the various agencies in Aurukun and as contractors. I will discuss the implications of the Aboriginal demography of Aurukun below.
17. A particularly significant change compared to the mid-1970s (when I first went there) is the ready availability of cash, primarily through welfare and Community Development Employment Projects (CDEP) payments. While objectively most of Aurukun's Aboriginal residents are severely disadvantaged in socio-economic terms when compared to Australians as a whole, my research and observations indicate that a considerable proportion of the overall personal income flowing into Aurukun has been spent in the past two decades and more on alcohol consumption, gambling, and other such pursuits which are given high social value, but which my research demonstrates – not unexpectedly – have many negative social consequences.
18. Both the overall level of alcohol consumption and the number of those Aurukun Aboriginal people who drink heavily and regularly have increased markedly

since the opening of a Council beer canteen in late 1984. It is particularly noteworthy that this is the case also for women, given their central role in the nurturing of small children and in the maintenance of domestic arrangements; when I first lived in Aurukun in 1976, there was only a small handful of women who consumed alcohol at all.

19. The increasing levels of alcohol abuse, and the nexus between this, the availability of welfare payments, and the lack of opportunities to establish socially and economically productive activity have in my opinion led to profound, and damaging, changes to Aurukun society.
20. I am aware from many conversations with Aurukun people that there is the perception of a quite substantial illicit drug problem amongst young people in Aurukun, and that there has also intermittently been a petrol sniffing problem. However, these were not features during the time when I lived and worked in Aurukun or when I undertook my research there. I am not in a position to offer an expert opinion in relation to these phenomena.
21. Compared to the decade between 1975 and 1985, there are very few Aurukun Aboriginal people now who spend any length of time living out bush. During that earlier decade, it was common to have 300 or more people living for extended periods at outstations on or near their traditional lands or camping at key locations around the township, particularly in the dry season. Even many of those who remained in the township of Aurukun would spend weekends fishing in the rivers of the area, or gathering bush foods and materials for handcrafts and artefacts for both ceremony and sale.
22. One consequence of this was that for most Aboriginal people in Aurukun the diet of basic store-purchased foodstuffs such as flour and meat was supplemented relatively regularly by bush foods, with its consequent health and other benefits that I observed over my time living and working for those people then living on outstations.
23. Another consequence was that as children, teenagers and young adults, many people now aged in their 40s and 50s – the parents of today's teenagers – learned something of the cultural geography of their traditional lands, and of a range of bush craft and other skills for living on country from their then senior generations, most of whom are now deceased. My observation is that this is not the situation now. Aurukun people today are far more sedentarised within the township itself than was the case three and four decades ago. In particular, very few young people and children now spend much time out bush. Overwhelmingly, my doctoral research demonstrated, children's and young people's values and behaviours are formed within the exigencies and the realities of life in the Aurukun township itself, with all its social problems.
24. It is my view, developed over my years of living in and association with Aurukun and my research there, that many young Aurukun people see neither the cultural and religious knowledge of preceding generations, nor most of the knowledge and skills offered by the school and more generally the wider society, as being of much relevance to their lives. There has been a quite fundamental breakdown in relations between the generations, and young people's values are increasingly established within their peer groups. They are growing up in a social environment in which heavy consumption of alcohol and



substance misuse, violence and abuse, and other manifestations of a deep social malaise which for them have become normalised behaviours. These matters will be discussed further below, with particular emphasis on the implications for young men.

25. However, in my opinion it is important to note that infrastructure, basic services, and access to the wider region have improved since 1975. There is now water, power, and sewerage available for all residences, mobile and fixed line telephones are widely used, internet access is available, there is road access to the Cape York Development Highway for most of the year, and Aurukun is connected to Cairns by a regular air service. While much of the contemporary housing stock is not in particularly good repair and overcrowding continues to be a major issue, it is mostly of a considerably better standard than was the case in 1975 when the majority of Aboriginal residents lived in small two room dwellings without power, cooking facilities, bathrooms, and other such facilities.
26. The Aurukun School is now part of an integrated campus linking it with schools at Weipa and Mapoon and has considerably improved facilities than was the case in 1975. The Aurukun hospital operates from far better premises and is much better equipped than was the church-run clinic of 30 years ago. A recently built general store offers a somewhat greater variety of food and other items than has hitherto been the case, although prices are very high.
27. Yet, while infrastructure and services in general have improved over past decades, they are still of a significantly lower standard than rural townships of a comparable size I have seen elsewhere. Furthermore, it is my considered opinion based on both my long experience and my expertise, that the failure of successive governments to adequately invest in social infrastructure, and human capital development, while facilitating the increasing availability of alcohol, are major factors underlying the social problems apparent in Aurukun.
28. By social infrastructure, I am meaning such areas as governance support and training including with the Aurukun Shire Council and the Community Justice Group, sporting and recreation facilities and workers, community and youth workers, alcohol rehabilitation and counselling services, and mental health services. By human capital development, I am referring to such areas as ensuring that Aurukun children receive at least a good basic education and that there are effective youth and adult education and training services.
29. I am aware of recent moves in Aurukun to begin to address some of these social infrastructure and human capital deficits, such as attempts to revitalize and refocus the work of the Aurukun Primary School, and the provision of additional human and capital resources arising from the signing of an agreement for the feasibility stage for a possible development of bauxite mining on Aurukun land. However, it is my opinion, based both on my observations of Aurukun over 30 years and my research, that governments' failure to invest in and support these areas in the critical decades following 1978, while simultaneously failing to work with Aurukun people to address the social problems which were emerging and which to my certain knowledge were well known to successive governments, have been major contributors to the current levels of those problems, including those pertaining to young people.

30. In the following sections, I will elaborate on what, in my opinion, are key matters that underlie social problems amongst young people in contemporary Aurukun, particularly young men.

### **The breakdown in social order in Aurukun**

31. As referred to previously, in 1989 I provided evidence in the form of a Background Paper on underlying issues and oral evidence to the Royal Commission into Aboriginal Deaths in Custody regarding the death of a young man who died in the Aurukun police cells.
32. In that Paper, I analysed incidents recorded in the Aurukun Police Station charge sheets for a sample year, 1987. I also analysed these data in my doctoral thesis (pages 178-183). I classified the various incidents into five categories; alcohol related, property, assaults, firearm, and other. This last category included sexual offences (such as rape and sexual offences against minors), resisting arrest, and sundry other offences.
33. In my Report to the Royal Commission, and in my doctoral thesis, I gave little attention to the category of 'other' offences. This was because the various incidents which I aggregated into this category comprised only a very minor proportion of all those recorded. They further only pertained to young men between the ages of 15 and 24, and young women between the ages of 20 to 24. I think it reasonable to infer from this 12 month sample data that incidents involving sexual offences against minors were not common during this period, although not unknown. This is consistent with my own experience of Aurukun at that period.
34. My analysis of the charge sheets showed that close to 45% of males between 15 and 19, and virtually all males between 20 and 29, were arrested at least once during the sample year. A further noteworthy point is that overall, arrests of women for all categories of offences including drunkenness was less than a fifth that of men. Drunkenness however was overwhelmingly the most common reason for being arrested for both men and women, with the only exception being for young men between 15 and 19 years old, for whom property offences were equally common. Young men aged between 15 and 24, comprising some 16% of the population at that stage, were responsible for virtually a third of all incidents recorded. Young men from this cohort were by far the most frequently arrested for drunkenness, property damage, and assaults, and for all the incidents I have categorised as 'other', including sexual offences.
35. It is this cohort of young men aged between 15 and 24 in 1987 who would comprise a significant proportion of the fathers, and some of the grandfathers, of today's young men between 15 and 19 years.
36. I have not undertaken research to update the data on which I based my findings in my Background Paper to the Royal Commission and my doctoral thesis. It is my view however, based on my regular visits to Aurukun and my conversations with Aurukun staff and Aboriginal people, both adults and children, over the years that the situation has if anything deteriorated, particularly as regards the numbers of children coming before the Courts. I have examined information in the recently released *Annual Report for the*

*Magistrates Courts of Queensland* for the 2006-2007 financial year, to see if these views could be substantiated to any degree by that Report.

37. For each community or centre on which data are presented, the percentage of the state total for that category of data is also presented. This allows for the relative rate of the given category to be calculated. From online data from the 2006 census of the Australian Bureau of Statistics, I calculated Aurukun's Aboriginal population in 2006 as comprising 0.024% of the total Queensland population. Thus, for example, if the incidence of a particular category of matter coming before the Magistrates Court was 0.24% of the state total, this would be 10 times the state average.
38. Appendix 10 on page 166 of the Report presents a statistical summary of criminal matters dealt with by the Court for both Indigenous and non-Indigenous communities throughout Queensland, including Aurukun.
39. This indicates that for 2006-7, there were a total of 605 defendants in Aurukun facing 1,313 charges. As noted below, almost 21% of the defendants were children, the fourth highest proportion in the State. It should be noted that this does not mean that there were 605 unique individual defendants, as individuals who have charges lodged against them in the Magistrates Court on multiple occasions are counted as an additional defendant each time. The 1,313 charges comprise 0.37% of the state total, which means that more than 15 times as many criminal charges per head of population were laid in the Magistrates Court in Aurukun than in the State of Queensland as a whole.
40. Appendix 12 presents data on domestic and family violence applications and orders for the year 2006-7. A total of 71 applications were made for such orders, and a total of 67 orders were made, being 0.29% of such orders made in Queensland. This means that more than 12 times as many domestic and family violence orders were issued per head of the Aboriginal population in Aurukun than in the State of Queensland as a whole.
41. On page 71 of the Report, it is noted that in the previous year's report, Aurukun was one of four centres identified as being of particular concern because of the high level of juvenile offending. Although it is stated that this had improved for the 2006-7 year, Table 5 still identifies it as having the fourth highest proportion of child defendants, at 21%. Table 6 on page 75 presents the numbers of child protection events recorded for Cape York Indigenous communities in 2005-6, and 2006-7. In 2005-6, a total of 57 child protection events were recorded for Aurukun, almost 50% of the total for the whole of Cape York that year, although figures from my own research would indicate that Aurukun comprises less than 17% of the total Indigenous population of Cape York. The Report notes that the situation had improved significantly in 2006-7, falling to 12 events recorded for Aurukun.
42. It is my considered opinion that this data provides indicative support for the view I had reached on the basis of my visits to Aurukun over the years, that the situation if anything has deteriorated for young people in that community over the past two decades since I conducted my own research there on such matters.

## **The impacts of high levels of alcohol consumption**

[Note: since preparing the original Expert Affidavit from which this Attachment is drawn, the Alcohol Management Plan was strengthened and there is now a zero carriage limit. Aurukun is in theory (but certainly not in practice) a dry community with no home brew allowed either. Councils were also divested of their liquor licenses at that time and prevented from being licensees in the future (although there can still be liquor outlets on communities that are not dry)]

43. Over the nearly four decades I have been involved with Aurukun, many of the most significant and detrimental changes I have observed have been associated with increasing levels of alcohol availability and consumption. This was a major focus of my doctoral thesis, and an area of my research at the Australian National University.
44. In my Background Paper to the Royal Commission (pages 18-20), I presented data from my doctoral research on the proportions of each segment (by age and gender) of the Aurukun Aboriginal population who in 1988 were non-drinkers, occasional drinkers, and regular drinkers. My data showed that with increasing age, there was a decreasing proportion of men who drank only occasionally to the point where virtually all adults under the age of 60 were regular (and heavy) drinkers. There were overall fewer women at this time who drank, and further proportionately more women drinkers did so only occasionally. The involvement of men in regular, heavy drinking had many deleterious impacts, one of which was their withdrawal from culturally recognised roles in relation to young boys and men. I shall discuss this matter further later in this Affidavit.
45. One area of my research at the Australian National University concerned policy options for addressing the extremely high levels of consumption in the Cape York Aboriginal communities. While the identity of the communities concerned was not disclosed in my published findings, one of them was Aurukun.
46. Data for Aurukun came from my doctoral research, and showed that in 1985-86, the alcohol consumption level of Aurukun's Aboriginal residents was around 20 litres of pure alcohol per year for the population aged 15 and over, including both alcohol purchased from the Council's beer canteen and illicit alcohol or 'sly grog'. At this time, there were still many residents, especially women and those under 20, who did not consume alcohol or did so only occasionally, so the actual consumption figures for drinkers would have been considerably higher. At this time, the safe, responsible level of alcohol consumption recommended by the National Health and Medical Research Council was less than 14.6 litres of pure alcohol per year for males, and 7.3 for females.
47. My doctoral research and observations in Aurukun demonstrated that heavy drinking has had a major and extremely detrimental impact on Aboriginal social and familial life there. Alcohol consumption, and dealing with its consequences, have increasingly become core activities around which much of economic, social and political life revolves. It also has significant financial implications. My doctoral research, referred to in my Background Paper for the Royal Commission, showed that over a 12-month sample period almost 25% of net total cash income for Aurukun residents, overwhelmingly from welfare payments, was devoted to expenditure on alcohol, both legal and illicit. My doctoral research also documented decreasing expenditures on food once the

Council alcohol outlet opened, and an increasing propensity for caregivers to provide cash to children to buy takeaway food rather than to prepare food for them as had been the practice previously.

48. My research showed that dealing with the consequences of alcohol consumption, even for those who were themselves non-drinkers, demanded a considerable investment in time and emotional and physical energy. Protecting drinking kin from harming themselves, trying to remove them from fights or supporting them when they did get involved, supplying food to drunken kin when they demanded it, caring for the children of those who were drinking, and more basically coping with chronic disorder, conflict and fighting with few avenues of escape, placed considerable stress on the Aboriginal people in Aurukun, including on family life and the care of children.
49. I have not conducted detailed research on drinking patterns in Aurukun since my doctoral research, the data for which had been collected by 1988. However my frequent visits back there indicate that significant direct and indirect alcohol-related problems have continued over the subsequent two decades, despite the introduction of an Alcohol Management Plan (AMP), effective from December 31<sup>st</sup>, 2002. For example, my observation is that many more women, including young mothers, now drink heavily and regularly than was the case two decades ago.

### **The establishment of a masculine identity by young Aurukun men**

50. In this section, I refer to relevant findings from my doctoral research, and to evidence I presented to the Royal Commission's Aurukun hearings, regarding the processes by which young men established a masculine identity in the late 1980s.

51. At pages 171-172 of my doctoral thesis, I state:

[As data from my own household surveys showed], significant numbers of children lived in households with their maternal grandmothers. As parents became younger, and as men withdrew from economic support and other responsibilities for the rearing of their children, grandmothers played ever more crucial roles in maintaining household viability and in the nurturance of their grandchildren.

Wik youths therefore no longer became men through a socially validated process where power was represented as being mediated through mature men, where social identity was established progressively through childhood by means of the processes of care and nurturance, and where the establishment of an independent domestic unit had a fundamental place in the development of autonomy and status. Rather, they grew to maturity in a world where most older men essentially played little direct part in rearing them, and where there was no formal, socially legitimated means by which they were removed from the indulged world of women.

In such circumstances, they created their own worlds of meaning and significant practices, such as fighting, drinking, and damage to staff or 'community' property. Bands of young boys and adolescent youths repeatedly broke into the school, the store, Council chambers, maintenance workshops, and staff houses. Over the Christmas period in 1986 for example, the Aurukun Community Incorporated store was broken into on 28 occasions, and its offices on six. The houses of White staff were frequent targets. Not only were food and alcohol often taken, but the houses were regularly ransacked, and on at least one occasion smeared with excrement. The store,

workshops, and virtually every staff house was surrounded with high fences, and many had guard dogs. On numerous occasions, young men stole motor bikes, cars or even large Shire Council trucks and went on wild high-speed drives through the village streets, with little apparent regard for potential damage to themselves or to others. It became an almost regular occurrence that in the course of disputes, young men carrying loaded firearms would run through the village firing them into the air, scattering everyone and causing a preternatural quiet to descend in place of the normal clamour.

Many Wik adults were upset by these events; one older woman for instance said to me, "They think it's fun, but easy they have accident." While women however worried, sometimes wept, and anxiously watched the vehicles tearing through the township, hordes of children would pour on to the streets, cheering and whistling as the drivers gunned the engines, screeched around corners and blew the horns. Many of the older men disparaged such practices and the chronic drunken brawling of the young ones. "Ah! They fuck-all, they just like bloody women!" remarked one old man to me, watching teenage drunks fist-fighting outside his home. Yet, as I have argued, conflict was inherent in Wik social life at all levels, and was involved in the practices of the older as much as of the younger generations. What was objected to, and disparaged, by the mature men was more the seemingly haphazard, uncontrolled and mostly drunken nature of the strife, rather than fighting itself."

52. I argued further, on page 173, that young Wik men attributed their own meanings to such activities. I stated:

In particular, the almost inevitable result of involvement in [particular behaviours] was court and, for repeated offences, dispatch to a correctional institution, and this was itself a reason frequently advanced by young men for undertaking the actions. For instance, one particular youth, threatened by a magistrate that one more offence would lead to his being sent out to an institution, ensured that he would be by breaking into the store that very night. Despite the excitement and stimulation of the fighting, the drinking, defeating the electronic alarm system in the store yet again and so on, many young Wik men were hugely disenchanted with life in Aurukun, and being sent out to gaol or some other correctional facility got them away from it for a while at least.

53. At page 210 of my doctoral thesis, in a section on the religiously and ritually-based power traditionally seen as underpinning masculine identity in Aurukun, I further stated:

The last initiations however took place in the late 1960s, not long after [the missionary] MacKenzie had left Aurukun. It was no accident that this period presaged an inter-related complex of major changes for Wik in Aurukun. One consequence of the removal of the dormitory system at this time and the system of control over sexuality which it entailed, was an expanding demographic base which by the 1980s had profound implications for the control of younger generations by the older ones. With the introduction of cash, and latterly of even more consequence alcohol, new and powerful symbolic forms were available through which younger Wik men in particular could seek to establish autonomy, unmediated by senior generations. The original transcendent realm was becoming increasingly irrelevant, and no longer informed and explained the objective realities of contemporary mundane life for young Wik men in any substantive sense. They thus grew to maturity in a world where older men played little direct part in rearing them, and where masculine power was no longer underpinned by a ritual domain which mature men controlled. In this world, Wik youths created their own worlds of meaning essentially independently of older Wik, centred on such practices as the destruction of 'community' and staff property, fighting, and drinking; worlds where personal style and public presence increasingly defined the

self. Personal power and potency were no longer referred to a transcendent ritual realm, but were matters of image and presentation.

54. I had earlier presented a statement and oral evidence bearing on these themes in the Aurukun hearings of the Royal Commission, which are referred to in the *Report of the Inquiry into the death of the young man who died at Aurukun on 11 April 1987*. In my statement, I said:

.... young men growing to maturity in contemporary Aurukun confront a crisis of personal and social identity at adolescence. There are many and complex reasons for this ... in this crucial period of adolescence, young men are attempting to establish an adult masculine identity vis-a-vis others around them, and a sense of self in what is at many levels a very fluid and chaotic world. The route to a socially and personally valued male adulthood in the pre-contact society lay primarily through the series of initiations, which were essentially under the control of older men. Through this difficult but socially sanctioned process, young boys were made into men. Through these initiations, young men were given access to ritual knowledge and the power believed to flow from it, could legitimately have wives and rear children and so on. Initiations were still performed in relatively recent Mission times, although to my knowledge none have been carried out for 15-20 years. In Mission times however, other socially legitimate and valued routes to male adulthood were introduced, particularly through employment in the North Queensland and Aurukun's own cattle industries, and in the trochus shell and pearling industries in the Torres Straits.

... The contemporary initiation rituals have for many young men become the consumption of large quantities of alcohol, car theft and other property offences, and being sent to institutions such as Stuart Creek prison and Westbrook. These 'initiation rituals' however while they may lead to peer group esteem, are not socially legitimated in either Aurukun society or the wider one. There thus arises the problem of subsequent integration for individuals into Aurukun society.

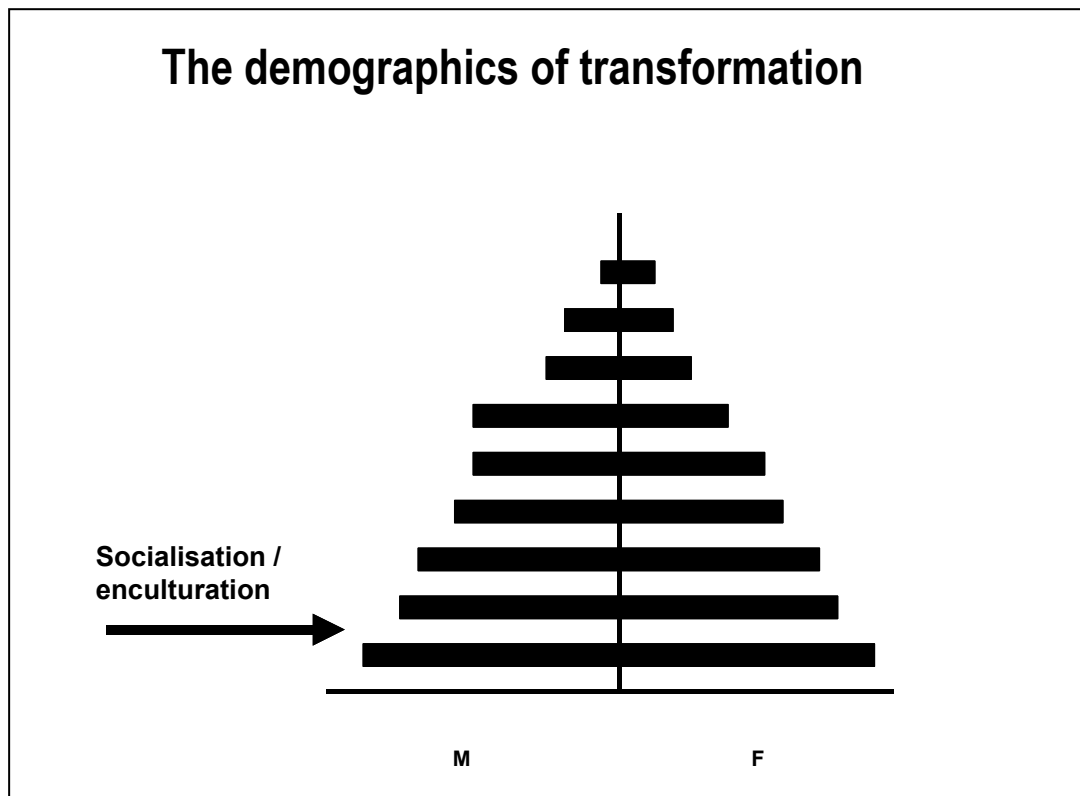
55. In my oral evidence to the Commission's Aurukun hearings, I returned to the question of young men actively seeking custodial sentences. I said:

[W]hen they come back [from Stuart Creek Prison] they are bigger, sleeker. People talk all the time about how people go out skinny and come back big from the Stuart Creek food. ... They come back having gone through what I term one of the new sorts of initiation ritual, the modern initiation ritual. They go out as boys and they come back in a very real sense as men. ... [E]very conversation I have had with young people about gaol has been in terms of the good food, the television, yes, the hard work but it makes you strong and healthy and the fact that it holds no fears for them, so I've heard, and many occasions in fighting, the young men say: "I'm not frightened to go back to Stuart" or in a couple of cases: "Stuart's my home." So in terms of – if there's a kind of attempt to dissuade young men from performing antisocial acts through prison, it most certainly is not having that effect, quite the contrary, one might argue.

56. I have noted previously that these young men in the late 1980s constitute the cohort from which the fathers of today's teenagers and young adults are drawn. It is my opinion that the processes I recorded and analysed 20 years ago by which that generation of young men established their identities, and to which I have referred above, have been reproduced even more problematically in succeeding generations of young men.

57. Cumulatively, the opinions I have presented above indicate a major breakdown in the transmission of knowledge and values between the generations in Aurukun society, particularly that pertaining to their own traditions. I have also noted that for many young Aurukun people, knowledge and skills offered by the

school and more generally the wider society are not seen as being of particular relevance to their lives. I have further outlined my opinion that for some decades now, young Aurukun men have established a masculine identity through practices which while problematic are given value and have become normative within their peer groups. In my opinion, these social phenomena can be usefully interpreted against the demographic characteristics of the Aurukun population.



58. I have referred previously to the demographics of Aurukun, which has a very youthful population compared to that of Australia as a whole, with a high birthrate, and because of very poor health and a life expectancy at least 17 years less than that of Australia as a whole, has proportionately far fewer older people. A schematic representation of the demography of the Aurukun Aboriginal population, based on that in my Background Paper to the Royal Commission, is shown above. The phenomena outlined previously can be characterised as having involved the transformation of a situation in which values and norms of a group or society are transmitted from senior to junior generations, to one in which there is a sundering of intergenerational relations and the mechanisms for transmission of those values and norms through the generations. That is, socialisation and enculturation proceed within peer groups across the generations, horizontally in the diagram above, rather than vertically down them.

**Summary: aberrant behaviour becoming the norm**

59. I have outlined above certain historical, cultural and social factors which in my opinion are relevant to understanding the situation of young Aboriginal men in



Aurukun. In doing so, I have sought to explain aspects of the social circumstances in which their values are formed. This is not to be read as constituting agreement with or support of these values or as excusing the practices in which many of these young men engage. Rather, it is to give substance to what in my professional opinion is a key insight of anthropology as a social science; an individual's values are not formed nor are their activities conducted in isolation, but in the social and cultural context in which that individual is socialised, and to which they in turn contribute.

60. This is not to say that is my opinion that individuals raised in and living as part of communities such as Aurukun suffering major social problems are not in a position to exercise choice, including moral choice, as to their practices. Nor is it to claim that all individuals within those communities, or within subgroups such as young men between 15 and 24, have aberrant values or exhibit antisocial and aberrant behaviour. It is very clear to me from my own knowledge of Aurukun that despite increasing social problems, especially for young people, not all that happens in Aurukun can be categorised as dysfunctional, and neither are all Aurukun families dysfunctional. For instance, many Aurukun people I know actively seek to maintain domestic order and care for their families in circumstances of considerable adversity.
61. However, it is my summary opinion that there has been a major breakdown in intergenerational relations within Aurukun society, and that as a consequence, for some decades now many young Aurukun men have established their identities through problematic practices and values which effectively have become normalised within their peer groups, but which have highly deleterious impacts on those around them as well as on succeeding generations.