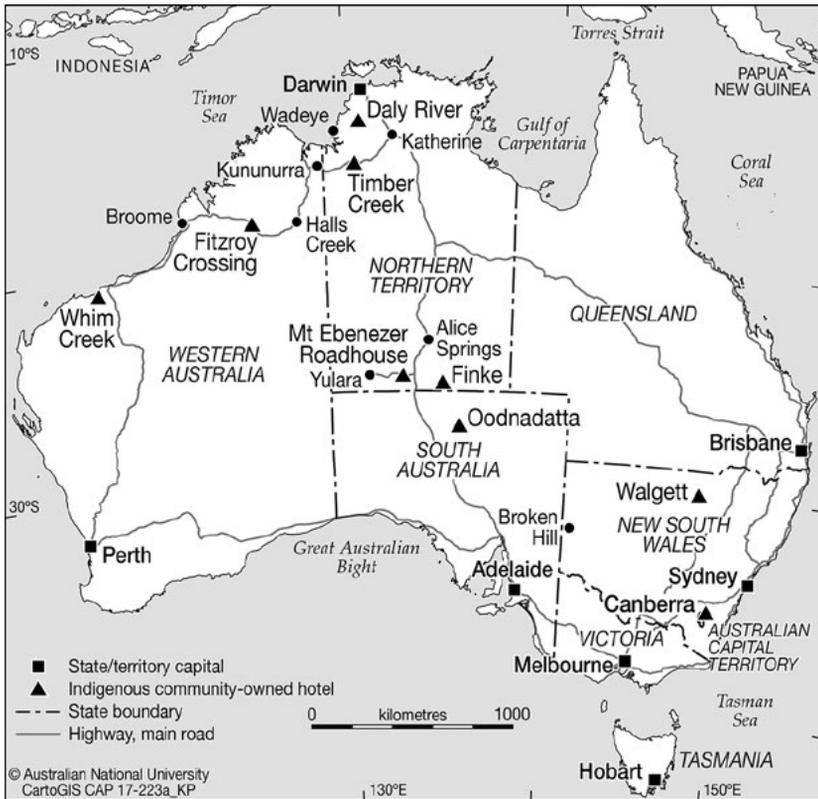


6

Indigenous communities buy hotels

Among the many damaging effects of the prohibition years, the bans on Aboriginal people drinking in hotels alongside other Australians were the most mortifying. When it became financially possible for Indigenous entities to buy hotels for themselves in the 1970s and 1980s, this history of exclusion was influential in the thinking of Aboriginal organisations and government bureaucrats. Eight hotels were purchased by, or on behalf of, Aboriginal community entities over roughly a 20-year period—the first was the Finke Hotel at Finke in the Northern Territory in 1975. This was followed by purchases of the Oasis Hotel at Walgett (1983), the Transcontinental at Oodnadatta (1986), Mt Ebenezer Roadhouse (1987), Woden Town Club, Canberra (1988), the Crossing Inn, Fitzroy Crossing (1989), Daly River Hotel Motel (late 1990s) and the Wayside Inn at Timber Creek (1999). The most recent purchase of a licensed hotel was in 2014, when the Ngarluma Aboriginal Corporation and the Ngarluma Yindjibarndi Foundation, both in the Pilbara region of Western Australia, purchased the Whim Creek Hotel between Roebourne and Port Hedland.¹

¹ The purchase of the hotel (\$1.7 million) includes an accommodation complex (*The West Australian* 2014). The new owners plan to restore and reopen the hotel and provide industry and training opportunities for local Indigenous people.



Map 2 Public hotels owned or part owned by Indigenous entities, 1975–2014

Source: CartoGIS, The Australian National University

Apart from these mostly rural, small-town pubs, in recent years, Aboriginal corporations have bought interests in several high-profile facilities that include the sale of alcohol, such as the Gagudju Lodge at Coinda, and the Gagudju Crocodile Holiday Inn Motel, which are both in Kakadu National Park; the Dugong Beach Resort on Groote Eylandt; and the Ayers Rock Resort (Yulara) in central Australia. However, these hotels and lodges are primarily investment properties. Designed for tourists, they are focused on accommodation, and are intended neither to cater to local Aboriginal people nor to influence their drinking behaviour. By having management leaseback agreements and appointing large management companies for these properties, Indigenous associations have chosen to

distance themselves from the day-to-day issues of running them; they see these enterprises as revenue raising rather than as social enterprises (Simonsen 2006).

In contrast to these investment properties, the purchase of rural public hotels by Aboriginal bodies has been largely, though not entirely, an exercise in social enterprise. A social enterprise is a market-oriented economic activity that serves a social goal, although, as Defourny and Nyssens (2010) pointed out, the definition of a social enterprise varies between countries. Social enterprises are generally defined as businesses that have social aims, such as local employment; are usually based on a commitment to build local capacity; and are answerable to their members for their social and economic effect. Defourny and Nyssens (2006: 6) suggested five criteria that, ideally, characterise a social enterprise:

1. It has an explicit aim to benefit the community and promote a sense of social responsibility locally.
2. It is an initiative of a group of citizens.
3. The decision-making power is not based on capital ownership, but the 'one member one vote' principle.
4. It has a participatory and representative structure.
5. It practices limited profit distribution, avoiding profit-maximising behaviour.

Most of the Aboriginal-owned hotels have aimed to achieve some of these criteria and have achieved varying degrees of success. As well as developmental goals, hotel purchases by Indigenous groups have been driven by a desire to manage previously uncontrolled sales of alcohol, and as an alternative to having a local hotel run by a publican estranged from the Aboriginal community (who may not care about the damage his or her product does). It has been difficult to ascertain—in retrospect, mostly—to what extent Indigenous-owned hotels have made enough profit to allow for distributions. In a departure from the 'ideal' characteristics proposed by Defourny and Nyssens, at least one Aboriginal-owned hotel has focused strongly on maximising profits. Both within and beyond the communities involved, all these hotel purchases have been controversial.

Buying hotels: A response to discrimination

While Aboriginal groups have articulated a variety of social and economic goals for buying licensed premises, one underlying motive has been to overcome the humiliation of having been refused service in public hotels. A letter to Prime Minister John Curtin in 1943 from Mr Mullins of Deniliquin epitomised this feeling:

To the Prime Minister Mr Curtin

Dear Sir

Could you give me any reason why I cannot get a drink of *beer* in any Hotel especially in the town I am now living Deniliquin NSW. I have been advised to state my case to you as soon as possible. Here is my case in full. My Father is a White man and my Mother is a very light half Caste as for my colour its hard for anyone to tell its only that they know my Mother is an half caste. I have served in the AIF [Australian Imperial Force] but was discharged with bad feet. Now that my feet are good I'm willing to serve again. But Mr Curtin do you think its fair that I should be treated this way. I have just received my Enrolment Form for Home Defence so you see I'm treated like a White man in every other way still I'm not allowed to enter an Hotel. I have been on the Electoral Roll for ten years and if Prohibition [sic] came in I would have to vote for something that I'm not receiving. I'm not in the habit of drinking around the town and making a fool of myself but I do like my pot the same as any other man it makes you very small to be refused a drink in front of your work mates. The Police have refused me still they don't know the reason why. Mr Curtin I have one Brother a Prisoner of War in Italy as been for three yeares [sic] and another Brother in camp in Victoria so once again I will ask you do you think it is fair to me. I'm hoping you can do something in this affair.

I am, Yours faithfully SA Mullins,
94 George St. South Deniliquin NSW.²

To be excluded from hotel service was a crippling social disadvantage that drove people to buy inferior types of liquor at black market prices. Writing on race relations on the north coast of New South Wales in the 1950s, Malcolm Calley (1957: 198) explained that:

2 Letter dated 17 February 1943. Australian Archives A461 U/300/1.

Being unable to buy alcohol in any public house is a far more serious social disability than appears at first sight ... The evening 'session' in the bar is the only occasion on which members of every stratum of the community meet on a footing of equality, to gossip, to conduct business and often to arrange and issue invitations to ... social gatherings, sports meetings, functions ... In any small country town the hotel is the hub around which the life of the district revolves.

At around the same time, Jeremy Beckett (1958: 249) observed, succinctly, that the hotel was a 'visible expression' of Aboriginal people's peculiar, underprivileged status. The pub was the locus of power in small towns. As Ann McGrath (1993: 109) noted:

To enter [the pub] freely was a constant reminder of inequality. Only via the patronage of white men (or exempted men, if they dared risk it) could they obtain liquor. Removal of restrictions promised a status alongside white men. Access to alcohol meant access to power.

There was also the anomalous (and ridiculous) situation in which an Aboriginal person could legally drink in a hotel in one state and not in another. An Aboriginal taxi driver told Elizabeth Eggleston (1976: 218) that it was marvellous to be free to go into the pub in Darwin, but that when he was back in his home state of Western Australia, his status changed. Once drinking rights were gained, sitting down and drinking in a hotel was seen as recognition of equality and *civil* rights: for people living in the camps and shanty conditions of most town reserves—tin shacks and mud floors—the hotels were warm, dry and comfortable (Kamien 1978, Chesterman 2005). The granting of drinking rights did not eliminate all discrimination: for example, Indigenous ex-servicemen were still refused membership of RSL clubs. This was something that the Student Action for Aborigines' (SAFA) 'Freedom Riders' campaigned against in New South Wales in the 1960s (Curthoys 2002).³ An Aboriginal man may have fought in the war or been fully employed in the post-war years, but he would still be refused service. Those who received service were often served in segregated areas of hotels via a side door. Even if they held exemption certificates, which, in most states, provided legal exemption from the provisions of the Aborigines Act, Aboriginal people

3 Organised by students from the University of Sydney, the Freedom Ride toured country towns in northern New South Wales in February 1965; they picketed and campaigned against discrimination and segregation in swimming pools, rural hotels and RSL clubs.

of mixed descent could still be refused service in hotels because white patrons would refuse to drink with them.⁴ Dress requirements were also used to keep Aboriginal people out.

The patent unfairness of this situation was captured in the experiences of Aboriginal activist and politician Charles Perkins, whose personal history was marked by several alcohol-related incidents; however, he was not a drinker himself. In the 1950s, at a time when Perkins was becoming a significant sportsperson (a footballer and a cricketer), he recalled being refused service of a soft drink in a Port Adelaide pub. The barman served him, grudgingly, through a side window while Perkins's white cricket teammates drank inside (Perkins 1975: 56, Read 2001: 54–5). The humiliation of this incident lasted a lifetime. Perkins's experiences as a member of the Freedom Ride in 1965 confirmed that Aboriginal people in outback New South Wales were experiencing similar humiliations.⁵ He observed that:

They were not allowed in any of the hotels and they had to get their beer and were sold cheap plonk through the back windows at three times the price, through sly-grogging operations. (Perkins 1975: 76)

The Freedom Riders demonstrated outside hotels that discriminated against Aboriginal people; in doing so, they saw their role as 'liberating' hotels and clubs from the colour bar. Perkins described the Freedom Ride as a new idea and a new way of promoting a rapid change in racial attitudes in Australia: 'I felt I might have been lacking courage in the face of this kind of prejudice', he explained, '[so] I decided ... to try and beat the system' (56).

One of the New South Wales towns targeted by the Freedom Ride was Walgett. After World War II, the town had initially welcomed back its Aboriginal servicemen at the RSL club; subsequently, they were banned from drinking there. The Freedom Riders arrived at Walgett 20 years later to find that publicans and the RSL were still discriminating against Aboriginal people; the Oasis Hotel had a sign on the door of the bar lounge that stated 'Aborigines admitted only by invertation' [sic]. The Freedom Riders, mostly students from the University of Sydney, picketed

4 As mentioned in Chapter 3, these Acts were a complex mix of exemption and citizenship, with varying preconditions and criteria in each state (Chesterman 2005).

5 Charles Perkins was president of SAFA; the Freedom Riders took their inspiration from the Reverend Martin Luther King.

the Walgett RSL club and were confronted by a crowd of angry white townspeople: heated debate and heckling ensued. Later that night, as they left the town, a local grazier's son driving a Dodge truck forced the students' bus to swerve off the road (Curthoys 2002). Aboriginal locals found the protest confronting: Ted Fields, a local Aboriginal man, recalled that discussing contentious issues, such as alcohol consumption and other sensitive racial issues, in public 'scared the life out of us' (Zagar 2000: 116). However, in the wake of the protest, *New Dawn* magazine⁶ reported that the Freedom Ride had brought about big changes in towns like Walgett and Moree: at the Oasis Hotel, Aboriginal and white people could be seen having a drink together, 'purely out of friendship' (*New Dawn* 1971: 1). Perkins continued his activism on his return to Sydney, staging a 'drink-in' at the Burlington Hotel in Haymarket. He and a group of Aboriginal men and some Freedom Riders met for a drink there as an act of defiance. Their photograph was printed in the *Sydney Morning Herald*.⁷

Considering this history of overt and covert discrimination against Indigenous people, it is hardly surprising that, with the advent of self-determination policies and emphasis on employment and training, when government support became available, communities started talking about buying pubs themselves. It was believed that owning their own outlets would enable Indigenous groups to tackle racist practices, provide appropriate amenities and welcome Indigenous customers. As it turned out, Perkins was to play a pivotal role in this endeavour. After serving as deputy secretary of the DAA, he became inaugural chair of the ADC in 1980;⁸ he held this part-time position for four years before becoming an acting commissioner. From March 1984 to November 1988, he was secretary of the DAA. Undoubtedly influential, Perkins's personal history and optimism drove his support for the purchase of hotels and clubs.

Evidently, Perkins and other bureaucrats did not perceive any moral hazards in Aboriginal ownership of hotels. Owing to the deregulation trends of the 1980s, alcohol was already becoming more freely available in Australia. The thinking behind Aboriginal ownership was that these sales might as well be in Aboriginal hands, as this would remove the risk of racial discrimination at the point of sale, and enable an Aboriginal

6 *New Dawn* was published by the New South Wales Aborigines Welfare Board.

7 *Sydney Morning Herald* 30 March 1965.

8 The ADC had nine other commissioners, including Gatjil Djerrkura, deputy chairman, and Lois O'Donoghue, who later became chairperson of ATSIC.

entity to reap the financial rewards, rather than an outsider. There was a strongly held view that Aboriginal drinking problems were historically determined—that they derived from past prohibition policies, and from past and present experiences of racism and discrimination in hotels and clubs. Surely, if Aboriginal people themselves owned the premises, this would help to prevent a kind of reactive alcohol abuse?

The idea of Aboriginal people buying into a hotel had been raised in 1971, by Prime Minister John Gorton, who proposed that the Yirrkala Aboriginal community in northeast Arnhem Land buy a share in the new Walkabout Hotel in Nhulunbuy, a mining town on the Gove Peninsula.⁹ However, given that the Yirrkala community had repeatedly, vociferously and unsuccessfully *opposed* the granting of a licence to the Walkabout Hotel, the CAA was 'disgusted' by the suggestion. Interpreted charitably, one could argue that perhaps the prime minister believed that owning a share would confer some control over sales to Yirrkala people.

Case studies

The Finke Hotel, Finke, Northern Territory

The first purchase of a licensed hotel by an Aboriginal group was in 1975 at Finke in the Northern Territory. It was the only hotel in town. A siding on the railway line linking central Australia to the south, Finke had a small population that included several Torres Strait Islander railway employees as well as other gangers and Aboriginal people. The local pastoralists all drank at the Finke Hotel. Uniting Church worker, Margaret Bain, recalled the effect of excluding Aboriginal men:

Many [Aboriginal] men from Finke were stockmen. When the muster was over, they'd be turned off—and the white men who'd been working with them, they'd go into the hotel and drink and the boss would go into the hotel, and the Aboriginal workers weren't allowed in.¹⁰ They [Aboriginal men] thought that what men were doing had a kind of religious significance. It was like a ceremony, part of the cattle business. They could join in everything, except for that last part of the ceremony. They felt inferior, juvenile, if you know what I mean. They had done the ceremony

9 B Dexter, pers comm, 2005.

10 Although Aboriginal people were not allowed to drink at the hotel, one or two local people were employed there as domestics; they received £3 a week plus food and clothing.

all the way until the 'king hit'. They would have had a relationship [with another stockman] and all of a sudden that was chopped off. [After the law was changed] it was *significant* when they were allowed [to drink]—it was more than an invitation—it was 'be one of us' sort of thing.¹¹

Jim Downing, another Uniting Church worker, agreed with Bain that when Aboriginal drinking rights came in 'there was a push from people who thought that now they were citizens they *should* drink—people started to drink like the pastoralists did. [There were] tremendous brawls and injuries'.¹² The Finke Hotel held a 24-hour licence and sold flagons of cheap wine. Heavy drinking among the Aboriginal population undermined work practices, and relations between Aboriginal people and police were said to be worsening in the township, where the only consistent employment was provided by a housing parts factory.

Change came with the innovative Whitlam Labor Government in 1972: the policy of self-determination was introduced and the DAA was established, with Perkins appointed assistant secretary. According to Bain, the idea to buy the Finke Hotel, which had been on the market for some time, came from two local Aboriginal men¹³ and Northern Territory politician Bernie Kilgariff.¹⁴ The 'driving force' behind the purchase seems to have been Kilgariff. He recalled how the two 'old men' asked him for a yarn about the hotel:

'That man at the hotel is a bad bugger, he is killing our people. We want to buy that hotel.' They said: 'you gotta go and get that money from that government man' [Senator] Cavanagh. I knew him from South Australia. I went to see him and told him about the Aputula mob: 'They want to buy this hotel', He said, 'you're kidding'. 'No, they want to bring it under control.' He said, 'all right you can have that money but you've got to be part of the board—when it all goes broke I'll have you to blame'.¹⁵

11 M Bain, pers comm, 2004. Bain had visited Finke regularly with the supply truck that drove across from Ernabella Mission to collect supplies arriving by train; she eventually lived at Finke.

12 J Downing, pers comm, 2004.

13 One was Toby Ginger, a Pitjantjatjara man.

14 Kilgariff founded the CLP and became the first Speaker of the Legislative Assembly and Member for Alice Springs, later a Senator. Bill Ferguson described him as the 'driving force' behind the purchase of the Finke Hotel. Ferguson later became the manager of the Tyeweretye Club, Alice Springs (see Chapter 5) (pers comm, 6 August 2008).

15 Bernie Kilgariff, interview, Alice Springs, 8 August 2008.

Letters were written to arrange the funds. Jim Cavanagh, Minister for Aboriginal Affairs, agreed to the purchase: this was before the advent of the ADC.¹⁶ With a federal grant of \$30,000, a holding deposit of \$1,000 raised from the community's own funds and Kilgariff's support, the Aputula Social Club bought the Finke Hotel. Senator Cavanagh hoped that owning the pub would help Aboriginal elders at Finke to control the drinking problem, and also improve race relations in the town. He thought the plan had a 'strong chance of achieving its goals providing certain strict conditions attached to the grant were met'.¹⁷ It is important to point out that this purchase took place in the period before Aboriginal groups and liquor licensing authorities began to negotiate in earnest about alcohol restrictions: subsequently, certain conditions of sale were either written into the licences held by individual premises or were informally agreed to by licensees. Arrangements such as these, which usually target takeaway sales, were not common prior to the 1980s.¹⁸ For the Aboriginal community at Finke, buying the hotel was the only solution to the problem of unconstrained sales. Downing believed that, in the case of Finke, most aspirations for ownership cohered around the control over sales:

People said if they bought the pub, then they could control it. Bernie Kilgariff helped. It was the people's idea to buy the pub there so they bought it, and said we won't sell takeaway, we won't sell takeaway to our blokes. The fellas would go off at lunchtime, so they restricted it to evenings only; it worked up to a point.

It was unusual enough for the *Daily Telegraph* in Sydney to run a story on the hotel's Aboriginal buyers, headlined 'Blacks will buy the only pub in town':

If you're clean and decently dressed you'll be welcome to a beer at the Finke Hotel, no matter what the color of your skin. The pub is the only watering hole in Finke, a tiny railway settlement about 321 km south of Alice Springs ... The elder of the Aboriginal community saw the purchase of the hotel as a means of regulating ... drinking. (*Daily Telegraph* 1975)

16 It is unclear whether Charles Perkins was involved in the Finke Hotel decision, although later he fully supported Aboriginal purchases of hotels. His relationship with Jim Cavanagh was fraught (Australian Dictionary of Biography 2007).

17 DAA (1975). Media release, JC/178, 1 May.

18 At the time, the Northern Territory had a Licensing Court presided over by a Licensing Magistrate. The Northern Territory Liquor Commission was established in 1979, along with a new Liquor Act that gave the Commission many flexible powers. In South Australia, the first restricted licence was issued in March 1981 to a hotel at Marla Bore in the far north of the state: at the request of the Aboriginal community, the sale of takeaway liquor is prohibited, except to lodgers or bona fide travellers.

A non-Aboriginal man from Alice Springs was hired as the manager, and a hotel management board, with eight Aboriginal community members, four non-Aboriginal members and two members of the Legislative Assembly of the Northern Territory, was established. The board's first act was to ban off-premises sales of wine and spirits, resulting, reportedly, in a decline in hotel profits and a rise in store profits (Downing 1976: 1147). Four years later, the intensity of violence and the disruption of sleep and work had diminished, and any troublemakers were 'disciplined' by the Aboriginal council.

Significantly, there had been no reference to the hotel becoming a source of locally generated funds or jobs once it was Aboriginal owned. Kilgariff recalled that there were no Aboriginal drinkers *in* the pub itself (in the early days at least); consequently, it appears that the purchase of the hotel was not associated with a campaign to teach 'civilised' drinking on premises. In 1979, Superintendent Symons of the South Australian police claimed that, although there was still intoxication and fighting at Finke (despite Aboriginal ownership of the hotel), the community was more settled; he used the Finke Hotel to support his argument in favour of extending the sale of beer at the Yalata community canteen.¹⁹ A local resident of Finke, Torres Strait Islander Harold Matasia, remembered things differently: there was too much fighting and 'kids crying' when the people owned the pub, he claimed.²⁰

In the long run, the Finke Hotel did not survive. When, in 1980, the railway line (the Ghan) linking Finke to the outside world was rerouted, and the road to another source of alcohol (at Kulgera) was improved, the manager of the Finke Hotel decided to let his stocks run down. The community raised no objections and the hotel eventually closed. The original stone building was renovated and is now the Shire office.

The Oasis, Walgett, New South Wales

In 1983, nearly two decades after the Freedom Riders' confrontation at Walgett, the ADC, with Perkins as chair, acquired the Oasis Hotel for around \$450,000. The hotel was leased to Gamilarai Ltd, an Aboriginal community company instituted for the purpose of managing the hotel.

19 HD Symons, South Australian Police to BJ Powell, Regional Director, DAA, Adelaide, 19 March 1979, DAA files, South Australia.

20 D Nash, pers comm, 2009.

Accounting firm Coopers and Lybrand recommended that the ADC purchase the nearby Imperial Hotel instead, as it had better trading results: also, its relationship with Tooheys Brewery meant that staff would be trained by brewery-sponsored supervisors (Commonwealth of Australia 1989a: 21). However, owning the Imperial Hotel lacked the symbolic value of owning the Oasis; it is difficult not to assume that sweet, symbolic justice, motivated the purchase.

The ADC's stated purpose in buying the Oasis was to provide employment and training for 12 Aboriginal staff and to enhance social and economic development (Commonwealth of Australia 1989a). There was vague talk of controlling sales, but this seemed an illogical rationale to some local Aboriginal people. Echoing the early arguments of temperance advocates against the establishment of community or 'Gothenburg-style' hotels, one Aboriginal town councillor in Walgett commented that he could not 'understand why they'd want to buy a hotel in Walgett ... if you're going to try and resolve the alcohol problem you wouldn't go and buy a pub!'²¹

Almost from the outset, there were problems of governance and management at the Oasis Hotel, with sales either not charged or undercharged, cash receipts not going into the till and stock being removed from the premises. There were eight different (non-Aboriginal) managers over a five-year period and the hotel lost around \$10,000 per month. The Commonwealth Audit Office found that Aboriginal directors had interfered in the day-to-day running of the hotel—to the point of harassment of managers; had paid themselves unauthorised sitting fees; and had breached their statutory duties by failing to lodge company tax returns. The Audit Office rebuked the ADC, commenting that public funds of around \$1 million dollars could have been spent 'more carefully and productively' (Commonwealth of Australia 1989a: 23). The Oasis Hotel continued to require financial assistance until it was sold to non-Aboriginal interests.

The Transcontinental, Oodnadatta, South Australia

In 1986, the ADC was involved in another hotel purchase, this time at Oodnadatta in South Australia. Like Finke, Oodnadatta was an outback railway town that had provided limited employment for Aboriginal

21 ABC Radio National, AM, transcript, 13 January 2000.

people until it was bypassed by the railway in 1981. The town had a small population of between 100 and 200, more than half of which was Indigenous. Buying the hotel was the initiative of George and Maude Tongerie, a local Aboriginal couple who were qualified welfare workers. When the Department of Community Welfare withdrew from the town, George Tongerie became the community adviser, setting up a self-help program of ‘outstanding enterprise’ (Mattingly 1988: 212).²² The Tongeries (both non-drinkers) conceived taking over the Transcontinental Hotel as an alcohol-control measure—a solution to the upsetting number of alcohol-related deaths in the town. The purchase seemed ‘all in God’s plan’, according to George Tongerie:

Well, Charlie Perkins was at a meeting at Port Augusta. But we didn’t know that. And we were at a meeting at the other end of the same building. And anyway, we came out of the meeting and bumped into Charlie Perkins, and of course we said, ‘Charlie, we don’t know what to do! [about the drinking]. They haven’t given us any funding, we haven’t got anything there we can start with ... the only thing we can do is buy the hotel to have control’, and he said ‘well, how much do you want to buy the pub?’ and I told him, and he got his secretary to go and get his briefcase ... He was secretary of the ADC. He’s like us, he was brought up in the camp, like us. So we bought the pub, we set up a board of directors, and Maude and I are still on it.²³

Perkins was an acting commissioner at the ADC at the time and secretary of the DAA.²⁴ Whatever the truth of the matter, it is clear that the Tongeries *believed* that Perkins was the person who made the purchase happen. The Oodnadatta Aboriginal Housing Society, which had been a driving force behind local social improvements, was renamed Dunjiba Community Council; it became the owner of the hotel on behalf of the community. With the backing of the community, Dunjiba also bought the licensed general store and post office, the railway station and several houses. The ADC Annual Report does not give details of the cost of the hotel, merely noting that it was ‘funded’.

22 George Tongerie (1925–2013) was brought up at Colebrook Home, which moved from Oodnadatta to Quorn. He knew Charles Perkins from their time together with the Aboriginal Progress Association in Adelaide in the 1960s.

23 George Tongerie, interview, 11 March 2008.

24 Shirley McPherson was Chair of the ADC at the time of the Transcontinental Hotel purchase.

George Tongerie and other senior community members at Oodnadatta saw owning the hotel as a means of controlling sales, especially the sale of fortified wine (port) that came in 2 L glass flagons. With its high alcohol content and sweet taste, port was the (troublesome) drink of choice for many Aboriginal drinkers. Maude Tongerie recalled that the drinkers 'were having flagons for breakfast'. A local doctor reported that alcohol-related injuries and trauma were common causes of visits to the Oodnadatta hospital (Johnston 1991). Once it owned the hotel and the general store, the first action of the Dunjiba Community Council was to get rid of the flagons that were being sold from the store in the hours before the hotel opened for on-premises drinking. The council staged a spectacular and symbolic act of destruction:

The first job—we had to get someone to dig a hole, a great big pit. We brought out all the plonk from the store. The boys lined them all out and guess what they were doing all day, for half a day? Shooting them down this big hole! The damage—the 'red ned'—all down the big hole!

After this, both the hotel and the store were restricted to selling a maximum of two bottles of beer per person per day over the counter, and the premises were closed at 8 pm. It was agreed that wine and spirits would be available to non-Aboriginal patrons of the hotel dining room only. No formal training or advice was provided to the Aboriginal board on alcohol policy, governance matters or hotel management—'we just used common sense', Maude Tongerie explained. She recalled that they actively encouraged people to eat before drinking alcohol: 'I said, if you're going to have your drinkies, have your *mai*, have your *mai*'.²⁵ She also advised patrons to have a rest and a shower before going for a drink; however, apart from this, there is little evidence of any conscious attempt at teaching moderation. Instead, Maude and George led by example:

We were the only two non-drinkers [at first]. It was only down the line that we got more non-drinkers on there, because once we went there and we were their auntie and uncle drinking lemonade and cold water.

Two years after buying the hotel, the Dunjiba Community Council applied to declare the areas in town where the children played 'alcohol free' (*Adelaide Advertiser* 1988: 4). These early attempts at harm reduction were accompanied by welfare strategies and other initiatives, such as arranging for people to have better access to second-hand clothes, and

25 *Mai* = food from plants or food generally, or 'whitefella' food.

providing curtains for their houses to give people a psychological ‘lift’. The extent to which these strategies worked can be seen in the report of the Royal Commission into Aboriginal Deaths in Custody (Langton et al. 1991), which noted that the Aboriginal community at Oodnadatta had moved from relative dependence with no land and no economic base in the 1950s, to a position in which they owned business enterprises and 40 houses and had a strong community council.²⁶ The store and the hotel both employed Aboriginal people, even though they were managed by non-Aboriginal people. Although there have been no formal evaluations of the effect of Aboriginal ownership of the Transcontinental Hotel, the restrictions were judged successful by observers who commented on Aboriginal people’s improved health and drinking habits (Shaw & Gibson 1988: 170, Mattingly 1988: 212).

The purchase of the Transcontinental Hotel owes more to George and Maude Tongerie’s temperance leanings, and fortuitous connection with Charles Perkins, than any considered government strategy to regulate alcohol sales or support Aboriginal self-determination. George Tongerie knew Perkins from their time together in the Aboriginal Progress Association in Adelaide in the 1960s. George was an ex-serviceman, Justice of the Peace and Member of the Order of Australia: he was celebrated enough that when he died in 2013, the Premier of South Australia attended his memorial service. Maude was a non-drinker who, while not being an official member of the WCTU in South Australia, was clearly known to them, as she features in a WCTU publication celebrating Aboriginal women pathfinders who served their communities (Beeson 1980: 61); she was also a Member of the Order of Australia.

Woden Town Club, Canberra, Australian Capital Territory

In 1988, the ADC guaranteed loans for the development of a licensed Aboriginal club in Canberra, the Woden Town Club—a controversial decision enabling returns not only from alcohol but also from poker machines.²⁷ Several government offices, including the DAA, were located in Woden, and the club was designed to attract Indigenous public servants

²⁶ Comments made by Commissioner Elliott Johnston (1991).

²⁷ I have included the Woden Town Club in this discussion of hotels as it differs from other Aboriginal social clubs that are primarily within discrete, remote Aboriginal communities.

from around the country who lived in Canberra. Perkins supported the development of the club and became its president, thus fulfilling his long-held desire for a club for Aboriginal people. Aware that there were numerous clubs for different ethnic groups in Australian cities (e.g. Croatian clubs, Italian clubs, Greek clubs), Perkins had long wanted a similar-style club for Aboriginal people.²⁸

The ADC approved a grant of \$286,300 to the Aboriginal Corporation for Sporting and Recreational Activities, and a loan of \$100,000 for refurbishment and renovation of the club premises. Established in the windowless basement of Bonner House, a building owned by the ADC, the club opened in June 1988. The premises soon ran into serious financial difficulty, incurring losses of \$10,000 a month. Subsequently, the club, and Perkins himself, became enmeshed in controversy over the role of the ADC in the purchase of poker machines for the premises (Christie & Young 2011).²⁹ The Minister for Aboriginal Affairs, Gerry Hand, asked for an audit and an investigation into the ADC's role in the purchases of the Woden Town Club and the Oasis Hotel in Walgett. As a result, Perkins's actions were subjected to intense scrutiny by the Senate Estimates Committee and the Audit Office.

Characteristically, the Audit Office was more interested in the viability of these enterprises than their social benefits; it found that the ADC had not satisfied itself that the Aboriginal owners were capable of engaging in the enterprise, as required by the *Aboriginal Development Commission Act 1980* (Commonwealth of Australia 1989a, 1989b). At the Senate Estimates Committee hearing, CLP Senator Grant Tambling (Northern Territory) was particularly unrelenting in his pursuit of Perkins, suggesting that it was irresponsible to have used 'taxpayers' money' to start the Woden Town Club when so many other clubs were failing. Perkins replied, with asperity, that 'Blacks are taxpayers as well, which some people tend to forget'. Further, he argued that the club had only just opened, that it usually took around two years for such a venue to get on its feet, and that the original grant had been spent on renovations because the previous owner had left the place in a 'shambles'. Teething problems were only to be expected. Another senator's question, about who the club was for, gave Perkins an opportunity to explain the club's purpose:

28 See *Fire Talker*, a documentary about Perkins's life by Ivan Sen (2008).

29 The club acquired 47 poker machines, something that would raise eyebrows today in view of current concerns about the damage caused by Aboriginal people's use of poker machines.

It is a club for Aboriginal people and their friends. Everybody is welcome down there. You have two other clubs near there which compete for clientele, and that is natural enough ... There is not one Aboriginal club in Australia. We want to start one because we think it is important for Aboriginal people to have some facility where they can go, where they know there are standards set, in terms of dress and behaviour, by Aboriginal people, by the board.³⁰

Unconvinced, the Audit Office criticised the ADC for funding projects that placed 'undue' emphasis on employment opportunities and on creating social facilities for Aboriginal people, rather than focusing on business activities. As Perkins explained, the club was intended, at least partly, as a venue for inculcating moderation and standards of social behaviour. However, the Audit Office did not attach importance to these social goals. The Woden Town Club went into liquidation and closed after six months, making it impossible to observe its social impact, either beneficial or detrimental (Christie & Young 2011). Unlike the 'Aboriginal' hotels in rural communities such as Oodnadatta or Finke, and the community-based licensed social clubs in discrete remote communities in the Northern Territory or Queensland, the Woden Town Club lacked a local community of interest that could mobilise to support the project.³¹

Mt Ebenezer Roadhouse, Northern Territory

In 1987, the Pitjantjatjara-speaking community of Imanpa in the Northern Territory bought Mt Ebenezer Roadhouse on the Lasseter Highway. The highway took tourist traffic from the Stuart Highway south of Alice Springs to the motels and resorts at Uluru. The Imanpa community made the purchase with no assistance from the ADC.

Imanpa was a new community, formed when local pastoralists, the Kunoths, offered to excise a living area for Pitjantjatjara-speaking people from their station; they chose an area away from the highway and roadhouse in the hope of dismantling a drinking camp that had developed there. The roadhouse had a monopoly on sales of alcohol

30 Perkins was omitting the 'clubs' located on remote communities in the Northern Territory and the taverns in Queensland communities in saying that there was not one Aboriginal club in Australia, parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:committees%2Festimate%2Fecomd881026a_ece.out%2F0025.

31 After this episode, Perkins was dismissed from his DAA position by Gerry Hand, but was later exonerated of any wrongdoing.

to Aboriginal people in the region. By 1980, Aboriginal drinking had become sufficiently problematic for the Liquor Commission to persuade the licensee to suspend takeaway sales. At one stage, the Aboriginal community considered establishing a licensed club at Imanpa, as a way of counteracting the sale of beer from the roadhouse, and they asked the Liquor Commission for advice on setting one up. Their request was not answered, and the community lost interest. Instead, in 1987, the community bought the Mt Ebenezer Roadhouse by raising funds for a deposit through profits from the store at Imanpa, and via contributions from a community 'chuck-in' system (Tangentyere Council 1991: 97–8). The store had been established with help from Uniting Church advisers; its purpose was to pay for the community's essential services and maintenance. Imanpa's financial integrity qualified it for a bank loan of \$500,000. This was paid to the community's company, Lisanote Pty Ltd, which became the owner of the roadhouse. The people of Imanpa were proud of managing this without any government support.

The aims of the purchase were threefold: to help Imanpa people secure an economic base; to raise funds for the purchase of a nearby cattle station; and to reduce the harm from alcohol sales (Pitjantjatjara Council 1990: 35–9): in other words, a mixture of economic and social goals. Once the community owned the premises, new rules were put in place; the non-Aboriginal manager was directed to de-emphasise liquor sales and to focus on catering to tour buses by improving the décor, providing food and selling locally made Aboriginal artefacts. Lisanote's additional liquor restrictions included a six-can takeaway limit for Imanpa people, restricting alcohol sales to the late afternoon and stopping all sales on request during ceremonies or community festivities. Ownership of the premises gave community members the freedom to introduce a harm-reduction strategy that, while unusual, was culturally appropriate; a list of names of non-drinkers who had *asked the licensee to prevent them from buying alcohol* was posted so that they could not be pressured to buy alcoholic beverages for their drinking relatives (Pitjantjatjara Council 1990: 39). This request represented a peculiarly Aboriginal form of social control, in which individuals externalise authority—by giving it to an individual or a regulation—to take the socially awkward step of refusing requests (Brady 2004: 116). It is unlikely that any ordinary hotel or roadhouse that was not community owned would agree to implement such a policy.



Fig. 23 Mt Ebenezer Roadhouse, Lasseter Highway, 2009

Source: M Brady

Unknowingly, the Imanpa community's priorities—to de-emphasise liquor sales and to improve sales of food—echoed the ideals of the Gothenburg system of alcohol control. However, these locally created social-control initiatives were soon undermined by the liberal sales practices of two competing roadhouses. In 1988, a roadhouse at Curtin Springs to the west, changed its previous, more restrained practice, and began selling greater volumes of takeaway beer to local Aboriginal people. In 1989, Erldunda Roadhouse, located to the east of Imanpa, applied for a takeaway licence. In a vain attempt to keep the region relatively 'dry', the Imanpa community and the Pitjantjatjara Council objected to Erldunda's application. However, given that the Imanpa community owned a similar outlet at Mt Ebenezer, its objection was complicated to argue and difficult to sustain. The Northern Territory Liquor Commission was not sympathetic. It noted, derisively, that the community had 'its own liquor outlet'; that out of 40 adult males, only two were non-drinkers; and that most of the drinkers had severe alcohol problems. Disagreeing that the addition of a takeaway licence at Erldunda would attract Aboriginal people, the Liquor Commission granted Erldunda an unconditional takeaway licence (Rae 1989). Alcohol-related injuries to Imanpa people

increased following the end of the virtual monopoly that Mt Ebenezer had enjoyed. The uncontrolled sales of takeaway beer along the Lasseter Highway precipitated a long campaign for sales restrictions led by the NPY Women's Council (Lyon 1991, d'Abbs et al. 1999, Brady 2005: 132). The Women's Council eventually succeeded in prompting an inquiry by the Race Discrimination Commissioner into non-discriminatory mechanisms for restricting alcohol sales to residents of Aboriginal communities in the region. The Women's Council eventually persuaded the roadhouse at Curtin Springs to try various restriction regimes (Race Discrimination Commissioner 1995).

Imanpa faced many problems in the 1990s, not all related to alcohol consumption or ownership of the Mt Ebenezer Roadhouse. For example, there were governance and accountability problems related to debts accruing from the purchase of a cattle station; community indifference regarding governance; stealing from the community store; and problems with staff. The community board continued to instruct the roadhouse manager to implement alcohol-management regimes; however, at least one manager expressed frustration that he did not have the freedom to apply any of his previous experience of running a licensed club in an Aboriginal community—he was 'just the publican' with no power. By May 2009,³² a four-can limit of full-strength takeaway beer was in place, and the arrangement worked well; a community member managed the list of names of ineligible drinkers as well as a list of those who were banned for bad behaviour. For such an arrangement to work, the keeper of the lists has to be tough and consistent: inevitably, they had to deal with either close kin or long-term companions. Imanpa was fortunate in having competent leaders, including several women, who were prepared to involve themselves in these roles. The community council also put in place a number of other limitations. For example, it was decided that Aboriginal people should not use the roadhouse dining room and should consume their beer allowance away from the roadhouse—partly to prevent them importuning tourists for more beer. Another limitation put in place by the Aboriginal council was that alcohol could not be supplied to residents of the Anangu Pitjantjatjara Yankunytjatjara lands. These limitations undoubtedly affected the profitability of the enterprise.

32 The author made a field visit to Mt Ebenezer in 2009; further information and background was provided by Norman Steele, Glendle Schrader and Matthew Ellem of Wana Ungkuntjja, and Richard Preece.

By the late 2000s, Mt Ebenezer Roadhouse was not trading well, and was using all surplus funds to clear a large debt that had accrued over several years. As well as having difficulty creating the economic base that people had hoped for originally, the roadhouse suffered from the Global Financial Crisis, which resulted in a change in the type of tourists it attracted. After 2008, there were fewer international visitors, and more Australian ‘grey nomads’ who tended to cater for themselves. In March 2012, the roadhouse became insolvent and closed. It reopened in October 2013. In conjunction with the Ngaanyatjarra Council, the Imanpa community decided to try a new arrangement in which it still owned the land and the roadhouse buildings, but was no longer involved in the business itself. The business was leased to a branch of the Ngaanyatjarra Council (Indervon), which employed managers and took over the liquor licence.³³

The aim was (and is) to use the lease money to pay off old debts; once the business becomes viable again, it will be returned to community ownership. Ngaanyatjarra Council is an Aboriginal organisation concerned with the wellbeing of Aboriginal people. This means that, although the Imanpa community no longer has a direct role in running the roadhouse, the present managers still act in the interests of Aboriginal people. By mutual agreement with the community, they stopped selling takeaway alcohol as a separate item. To be eligible to buy four cans of beer, all customers (including those on tour buses) must first purchase hot food to be consumed on the premises. Owning the roadhouse has not been easy, and the expected financial rewards have not been forthcoming; however, as has been the case in several other instances, Aboriginal ownership has enabled a measure of local control over alcohol sales. The roadhouse artefacts shop and gallery cuts out unscrupulous traders, and gives Aboriginal craftspeople a fair return for their work.

Another instance of a community attempting to constrain a troublesome outlet by buying it was at Daly River, where, in the late 1970s, two Aboriginal communities, Peppimenarti and Daly River, had objected to the renewal of the liquor licence at the Daly River Hotel Motel. They argued that any licence in the area should be under Aboriginal control to regulate consumption. When the hotel was offered for sale, the Peppimenarti community applied for funds so that an Aboriginal association could purchase the facility as part of a tourism venture (Stanley

³³ Indervon Petroleum Pty Ltd, is the fuel distribution arm of the Ngaanyatjarra Council (L Hewson, Manager, pers comm, 2014).

1985: 34). Their offer failed. In the late 1990s, the Nauiyu Nambiyu Aboriginal Corporation at Daly River purchased the Daly River Roadside Inn and caravan park.³⁴

The Wayside Inn, Timber Creek, Northern Territory

In 1999, Aboriginal organisations bought into two licensed hotels at Timber Creek, a small remote township on the Victoria Highway between Katherine and Kununurra in the Northern Territory: the Wayside Inn and the Timber Creek Hotel. The township of Timber Creek lies between the East Kimberley of Western Australia and the Victoria River District of the Northern Territory, two regions popular with tourists. Timber Creek is also in the heart of pastoral country. Hence, hotel customers were often ringers, stockmen and cattle-truck drivers, as well as tourists and local Aboriginal people.



Fig. 24 The Wayside Inn, Timber Creek, 1991

Source: M Brady

The Timber Creek Hotel, which grew out of an original outback store known as Fogarty's, had a single air-conditioned front bar, a restaurant and a convenience store. Next door was the Wayside Inn, a licensed

³⁴ At Fitzroy Crossing in Western Australia, the Aboriginal communities of the Fitzroy Valley purchased the Crossing Inn in 1988–89; this case is discussed in the next chapter.

roadhouse with a beer garden, petrol bowsers, tourist camp and small supermarket. The Wayside Inn was licensed to cater 24 hours a day to long-distance travellers. Its extended opening hours, limited restrictions, cheap grog and outdoor facilities where smoking was permitted made it popular with Aboriginal drinkers.

Two organisations representing Aboriginal communities in and around Timber Creek, the Ngaliwurru-Wuli Association and Gunamu Aboriginal Corporation, entered into a joint venture with the non-Aboriginal couple who owned both the Timber Creek Hotel and the Wayside Inn. The Aboriginal entities took a 50 per cent share in the Timber Creek Hotel and took over full ownership of the Wayside Inn, with the licence being issued to the Timber Creek Wayside Inn Joint Venture Pty Ltd. In what the Licensing Commission (2008) later referred to as an ‘unusual’ joint venture, two ostensibly competing, and adjoining, hotels were owned or part owned by the same Aboriginal entity, and were managed by the original owners and joint-venture partners. This complex arrangement was further complicated by the involvement of the two Aboriginal organisations, one of which (Gunamu Aboriginal Corporation) owned the title for the land on which the Wayside Inn stood,³⁵ while the other was responsible for management.

In previous years, the owner of the Timber Creek Hotel, Mr Fogarty, after consultation with the local community, had limited takeaway sales to six cans of beer, banned sales of wine and spirits to Aboriginal people and prohibited ‘book up’ (selling on credit). These initiatives had cost Fogarty 25 per cent of his sales (Legislative Assembly of the Northern Territory 1991: 151). Nevertheless, both outlets were lucrative. The gross profit from a small number of poker machines alone earned the Wayside Inn \$133,000 (Northern Territory Department of Justice 2009: 119–26). In purchasing the Wayside Inn, the Aboriginal community entered into a business arrangement; additionally, it sought to use the opportunity to deal with binge drinking. The Inn’s new owners barred unruly customers and experimented with alcohol-management strategies, such as restricting troublemakers to light beer for a certain period, as determined by a ‘tribunal’ led by an Aboriginal policewoman (who was also a member of the main landowning family) (*Weekend Australian* 2000: 1–2). New rules proscribed abuse of staff, fighting, refusing to leave the premises, bringing

35 The Indigenous Land Corporation transferred title for the 2 ha of land to Gunamu Aboriginal Corporation in July 1999 when the joint venture commenced.

weapons into the town, spitting, theft, humbugging, supplying to barred persons, bad debts, damage to property and disturbing the peace. The Inn was closed for ceremonies and funerals, as directed by the traditional owners (Bartlett & Duncan 2000: 229). It is difficult to know whether these interventions made a difference, because Aboriginal people drank at both hotels, which were virtually side-by-side.

The Wayside Inn had to repay a substantial loan, which meant that there was pressure on the manager to make money. It is unclear whether there were any profits remaining after expenses had been paid that could have been distributed for the benefit of local people, or upkeep of the property. The property, which was under attack from white ants (i.e. termites), did not get the maintenance it required.

In 2009, the original 10-year joint venture came to an end, and the traditional owners decided they wanted to own the Wayside Inn independently. The Ngaliwurru-Wuli Association announced on its website that it planned to take over management of the supermarket, tourist camp and adjoining Wayside Inn. However, according to the Licensing Commission, the previous licensee (i.e. the joint venture) had failed to transfer the licence to any new entity before it dissolved, and had also failed to submit redevelopment plans for the building itself. One or both Aboriginal organisations were responsible for material alterations, renovations and redevelopments, which (for licensed premises) required the agreement of the Liquor Commission. Licensing inspectors and lawyers repeatedly tried and failed to resolve these issues (Northern Territory Licensing Commission 2010a). Meanwhile, white ants, which are endemic in the Northern Territory, continued to eat the Wayside Inn, transforming what was already a complex situation into a disastrous one. A decision was made by Ngaliwurru-Wuli to pull down the dilapidated building and restart the business in another form.

The situation descended into farce. The building was demolished but Ngaliwurru-Wuli failed to obtain building permissions or a properly qualified project manager; a new concrete slab poured at the site of the demolished pub turned out to be non-compliant and unusable. No one, including the Licensing Commission, knew who held the licence of the (non-existent, white-ant consumed) hotel. Without informing or consulting with its lawyer, Ngaliwurru-Wuli decided to relinquish the liquor licence; in July 2010, in a fax to the Licensing Commission,

it announced that the board did *not* wish to continue with the transfer of the licence.³⁶ On these instructions, in September 2010, the Licensing Commission cancelled the gaming machine and liquor licences of the Wayside Inn under a section of the Liquor Act that states that cancellation can occur if the premises have not been used for the sale of alcohol for a period of 90 days.³⁷ Why Ngaliwurru-Wuli surrendered its valuable liquor licence rather than organise an interim arrangement for alcohol sales, or transfer the licence to another entity, is unknown. There is no annual fee for a liquor licence, which means there was no financial disincentive for the organisation to have the licence suspended rather than cancelled. The decision appeared illogical to both Aboriginal and non-Aboriginal observers, not least because a 24-hour liquor licence is worth a considerable sum. An Aboriginal community member who had been positive about the extra controls made possible by local ownership, was taken aback at the demise of the licence:

I don't know why the licence got sent back! We had restrictions in our own way because we [were] the licence holder. We say 'don't serve to particular people'; if [there were] domestics, leader would come up and say 'you are banned from the pub'. It was really good. Now if you want to not serve people it's complicated. [After a death] people would ask 'you mob shut down while we grieve, one or two days?' It happened quite often. I don't understand why Ngaliwurru gave it back ... We got bad advice from legals and I know the community wanted the development because the building was falling apart, we wanted to make a more welcoming 24-hour licence. At the time when [joint-venture partner] and his family had it, the building was run down. The directors said we're not renewing the agreement in 2009 because of this. We got a floor plan drawn up, concrete etc. I told [Ngaliwurru-Wuli director] 'We can keep licence on hold until we build a new setup'. But the CEO they had, gave bad advice and let the licence go. I was in Darwin when this happened. They didn't get any advice. I was not called to give evidence at the cancelling hearing.³⁸

The disappearance of the Wayside Inn deprived the travelling public of the four basic services that such licensees are required to deliver 24 hours a day (food, accommodation, fuel and hospitality). Wayside inns are still

36 The President of the Ngaliwurru-Wuli Association sent a fax to the Liquor Commission on 22 July 2010 to this effect (Northern Territory Liquor Commission 2010b: 3).

37 The Timber Creek Wayside Inn Joint Venture Pty Ltd was finally deregistered by ASIC in 2011 (ASIC Gazette A064/11, 5 August 2011).

38 Brady fieldnotes, 12 August 2014.

important in the outback because of the lack of population centres and service points, even if their need has diminished in recent years (Racing, Gaming and Licensing Division 2003).

Only one source of alcohol remained in the township, the Timber Creek Hotel, which had an indoor bar with minimal features (e.g. a pool table), and restrictions on takeaway times and types of alcohol.³⁹ Drinkers could no longer move to an alternative drinking place with longer opening hours and a beer garden, as had happened in the past. However, despite having no involvement in the ownership of the hotel, the community was able to negotiate restrictions and other arrangements with the licensee, such as closing the bar to Aboriginal people when ceremonies or funerals were on. The hotel manager agreed to maintain an incident register and a banned person register (Northern Territory Licensing Commission 2010b). As it turned out, it was not necessary for Aboriginal people to *own* the premises to negotiate alcohol controls. However, such controls were only possible because the community had a longstanding relationship with the licensee; there are no guarantees that the controls would survive a change of licensee.

While some local Timber Creek people resented the hotel for making money out of 'us blackfellas' 'who buy all year round' (unlike seasonal tourists), other Aboriginal community members were ambivalent. One spoke about the original purchase of the Wayside Inn:

We wanted to buy it to reduce alcohol intake but it created more problems, people drank more. [We] wanted to get a business to make money—and alcohol makes more money. Now we want to buy a block and make an art and craft centre, sandwiches and coffee, make a facility we can use to have meetings in.

Although the Wayside Inn has gone, an Aboriginal association, Gunamu Aboriginal Corporation, owns the businesses on the site—the Wirib⁴⁰ tourism park, caravans, fuel pumps and a store—and has sought professional advice on management and finance. Plans have been drawn up for a new supermarket on the site, but there is to be no liquor licence there. All that remains of the Wayside Inn is a concrete slab, on which the hotel's original coolroom has been cemented as a memento; a mural above it depicts the dingo dreaming, painted by the grandson of a senior traditional owner.

39 Prices for takeaways are extremely high; for example, \$80.50 for a carton of 24 cans of full-strength beer and \$20.50 for a sixpack (as at August 2014).

40 *Wirib* = 'dingo', 'a significant local dreaming'.



Fig. 25 Remains of the Wayside Inn, Timber Creek, 2014

Source: M Brady

The Indigenous community hotels: Hopes and outcomes

Most of the hotels discussed here were purchased during the 1980s, a decade when serious alcohol problems were becoming evident in the Indigenous population (cf. Hunter 1993), as shown in Table 2. Aboriginal people and government officials had anticipated that Aboriginal people would exert control over alcohol consumption, but this did not always develop. Funding agencies, such as the ADC, as well as the Australian Government, promoted self-management, self-determination and economic and social development for Indigenous people. These goals at times contradicted the motivations that led Aboriginal people and organisations to seek licences to sell alcohol, such as a desire for social improvement and economic development; to prove that Aboriginal people were capable of running economically viable enterprises; to provide employment and training; to enable Aboriginal people to socialise, set their own standards and learn to moderate drinking behaviours; and to gain a degree of control over their own lives.

Table 2 Public hotels purchased by Indigenous groups, 1975–2014

Year	Licensed premises	Aboriginal organisation	Sponsorship	Stated aims
1975–80	Finke Hotel, Northern Territory	Aputula Social Club	Federal Minister for Aboriginal Affairs, Jim Cavanagh	Control the drinking problem; improve race relations
1983–?	Oasis Hotel, Waggett, New South Wales	Gamilarai Ltd – Barwon Aboriginal Community Ltd	ADC; Charles Perkins (\$428,211)	Commercial venture, training, control of sales
1986	Transcontinental Hotel, Oodnadatta, South Australia	Dunjiba Community Council	ADC; Charles Perkins	Control sales of fortified wine
1987	Mt Ebenezer Roadside Inn, Northern Territory	Inanpa Community (Lisanote Pty Ltd)	Bank loan (\$500,000)	Gain secure economic base, accumulate assets, control supply of alcohol
1988–88	Woden Town Club, Canberra, Australian Capital Territory	Aboriginal Corporation for Sporting and Recreational Activities	ADC guaranteed loan; Charles Perkins (\$386,300)	Create an Aboriginal social environment; set standards of dress and behaviour
1988	The Crossing Inn and Fitzroy River Lodge, Western Australia	Leedal Pty Ltd (40% ownership)	ADC loan	A development project; reduce harm from takeaway alcohol
c. 1998	Daly River Hotel Motel, Daly River, Northern Territory	Naiyiyu Council	Not known	Regulate drinking, tourist enterprise, have Aboriginal control of outlets
1999–2010	Wayside Inn, Timber Creek, Northern Territory	Ngalwuru-Wuli Association and TC Hotel Wayside Inn Joint Venture Pty Ltd	Indigenous Land Corporation	Commercial venture; greater control over sales
2014	Whim Creek Hotel, Pilbara, Western Australia	Ngarluma Aboriginal Corporation and Ngarluma Yindjibarndi Foundation	\$1.7 million	Promoting Indigenous tourism, employ local Indigenous as chefs, barmen and tourist operators

Source: Author's data

Social improvement and economic development

Indigenous and non-Indigenous community-hotel enterprises had their philosophical origins in sometimes idealised notions of social improvement and self-help, as described in Chapter 2. In the Barossa and the Riverland regions of South Australia, where notions of self-sufficiency were deeply embedded in Lutheran communities and agricultural cooperatives, community ownership of the local hotel was seen as an integral part of fundraising for the betterment of the town. Many, if not all, of the non-Indigenous run South Australian hotels seem to have achieved this goal; they distributed substantial sums to local community and educational activities, town parks and gardens, and charities and sports associations. However, an obvious influence on their profitability, and thus their ability to be generous to local causes, was the size of the population base. Towns such as Ceduna, Nuriootpa, Loxton and Renmark—whose community hotels raise enough revenue to make substantial financial donations to local organisations and facilities—have resident populations ranging from 3,000 to 7,500 people, and these numbers are boosted by tourists and other travellers. By contrast, several of the Indigenous-owned hotels were in towns with very small resident populations. Timber Creek and Imanpa – Mt Ebenezer have resident populations of around 250. Even though both locations are supported by substantial through traffic and visitors, much of their customer base is seasonal and can be affected by economic downturns. As a result, they made minimal (if any) distributions of revenue for the benefit of their communities, and Mt Ebenezer Roadhouse became bankrupt.

Despite the aspirations for social improvement and job creation that accompanied Indigenous purchases, none of the hotels profiled here provided much Aboriginal employment. It was their considered decision *not* to employ local Aboriginal people in direct sales of alcohol, and not one had an Aboriginal manager. Aboriginal people tended to be employed as groundsmen, gardeners and cleaners, rather than front of house staff.⁴¹ Indeed, as employers of local people, Indigenous community-owned hotels compare woefully with their non-Indigenous counterparts. The Loxton Hotel in the Riverland, for example, employs 85 local people; the Nuriootpa Vine Inn, a community-owned hotel in the Barossa Valley, has a staff of 120. As well as having bigger populations, these non-

41 At the Crossing Inn in the Kimberley, backpackers work behind the bar.

Indigenous premises are located in relatively rich tourist towns, operate substantial accommodation and restaurant facilities, and have a work-ready local population from which to draw their workers. The Oasis Hotel in Walgett was said (optimistically) to have been purchased to provide hospitality training and employment for local Aboriginal people. This failed to eventuate because the training program was poorly planned and implemented, and neither the ADC nor the hotel license holders, took any responsibility for it: no trainee learned how to tap a keg or run a cellar and no Aboriginal person was enabled to engage in business to the point of self-management and self-sufficiency (Commonwealth of Australia 1989a, 1989b).

The goal of controlling sales

In 2001, Justice Tony Fitzgerald identified control over alcohol supply as a major priority for Indigenous communities: it was the major determinant of Indigenous submissions to the licensing authorities regarding nearby liquor outlets (Fitzgerald 2001, Brady 2004). However, there are impediments to any community group—especially an Indigenous group—attempting to regulate sales from ‘normal’, commercially run premises: the legislation is complex, the criteria for objections are narrow⁴² and the procedures involved are often protracted (Bourbon et al. 1999). Licensees vigorously contest any attempt to ‘unfairly’ limit their trade (Pitjantjatjara Council 1990: 18). Some licensees have started petitions objecting to community moves to change sales practices (Wright 1997, Brady et al. 2003: 67) and some have argued (ironically, in view of their history) that they could not impose certain restrictions on sales because these would be racially discriminatory (Lyon 1991, Race Discrimination Commissioner 1995).⁴³ In their access to licensing authorities, Aboriginal groups and licensees are not equal. Not all Aboriginal groups can afford legal representation to present their case, and many lack the resources to

42 For example, harm minimisation has only been an explicit objective of the South Australian Liquor Licensing Act since 1997 (Bourbon et al. 1999: 13, Brady et al. 2003). In 2014, a CLP Government announced that it would abolish the Northern Territory Licensing Commission (to save ‘red tape’) and hearings (thus reducing the opportunity for community objections) (Vangopoulos 2014).

43 Actions that would otherwise be unlawful can be exempted if they constitute a ‘special measure’. However, there is a dilemma; normally, special measures treat a disadvantaged group advantageously but, in the case of alcohol restrictions, they treat the disadvantaged group *disadvantageously*—that is, by restricting a person’s rights to purchase ‘goods’. The dilemma is addressed by the fact that the restrictions confer a group or collective right (Calma 2004).

present supporting evidence for their submissions.⁴⁴ Conversely, liquor industry lobby groups support licensees; have contact with ministers, policy advisers, policy writers and the liquor licensing authorities themselves (Secker 1993); and tend to be antagonistic to Indigenous and government harm-reduction initiatives.⁴⁵ In view of these factors, it is understandable that some Indigenous groups have found it easier to become licensees themselves than to object to the practices of other licensees.



Fig. 26 Notice at Mt Ebenezer Roadhouse, 2009

Source: M Brady

44 In its submission to the Sessional Committee on the Use and Abuse of Alcohol by the Community in the Northern Territory in 1990, the Pitjantjatjara Council wrote that while it had been successful (before the South Australian licensing court) in obtaining changes to licence conditions reflecting community desires, in the Northern Territory, it had had to rely on a mix of formal and informal arrangements, some of which were not noted on the liquor licence concerned 'depending on the proclivities of the licensee and the prevailing philosophy of the Liquor Commission at the time' (Pitjantjatjara Council 1990: 16).

45 For example, the Australian Hotels Association. Other liquor industry groups, such as the Brewers Association and Distilled Spirits Industry Council, have also objected to National Health and Medical Research Council drinking guidelines, and to health warning labels on alcohol containers (Ford 1988: 5, *ABC News* 2004, 2007a, Stark 2008: 7).

All the case studies discussed in this chapter followed similar patterns: after taking control of the hotel, the community group limited trading (Saggers & Gray 1998). The hotels at Finke, Oodnadatta, Mt Ebenezer, Daly River and Timber Creek were purchased to 'control the drinking problem' or 'reduce harm'. At Mt Ebenezer Roadhouse, a sign on the outside wall of the premises explained some of the background to the community-instigated controls over sales: 'By arrangement with the Pitjantjatjara Council, the licensee [sic] will not sell "takeaway" alcohol to persons who are residents of or travelling to Pitjantjatjara lands in South Australia'. These publicly displayed notices were needed to quell disputes with disappointed drinkers and to clarify for naive tourists—who might otherwise be persuaded to buy beer for Aboriginal people—that the rules were put in place by the Aboriginal community. Some of these rules might appear authoritarian to outside observers; however, decisions about what is acceptable and unacceptable that are made by Aboriginal owners or communities represent a more legitimate form of authority than those made by (possibly racist or unsympathetic) non-Aboriginal licensees.

Vague plans to moderate drinking

Some government advisers and many Aboriginal people who advocated for licensed clubs mentioned wanting to teach Aboriginal customers moderate and 'civilised' drinking patterns—as an alternative to explosive binge drinking. This was never a *defining* rationale behind the purchase of hotels by Indigenous associations: rather it was a vague hope, occasionally voiced. Once owned by Indigenous groups, hotel enterprises paid more attention to controlling sales than changing drinking *behaviour*. In fact, it is difficult to find any examples of Indigenous-owned hotels introducing behavioural change programs *for on-premises drinking*, although some attempted to implement harm-reduction measures, such as providing good quality food and diversionary activities that might have contributed to minimising the demand for alcohol. Examples of what could have been done include the 'Sober Bob', or designated driver, programs that police sometimes run in hotels; providing sober drivers with free non-alcoholic drinks; installing a breathalyser machine so that customers can see how rapidly their alcohol levels can rise; demonstrating the effects of intoxication on perception by showing people 'drink goggles'.⁴⁶ In some

46 Drink goggles = goggles used in health education, which can be worn to simulate alcohol impairment.

instances, such as the Finke Hotel (in its early years) and Mt Ebenezer, local Aboriginal community members were actively *discouraged* from drinking on premises, which meant that no attempt was being made to use the premises as a venue for cultural change in drinking. As will be discussed in the next chapter, at Fitzroy Crossing, Aboriginal drinkers were at liberty to buy takeaway beer from their community-owned hotel and consume it off premises, in an adjacent park; this went on for many years. Most Aboriginal customers followed this practice: only a minority of Aboriginal customers drank in the hotel. When takeaway sales were finally banned in 2007, these unrestrained outdoor drinkers were forced, under protest, to drink on premises. In an ironic reversal of the civil rights struggle to repeal drinking bans and to force licensees to accept Aboriginal people into their pubs, many of the outdoor drinkers of Fitzroy Crossing objected to having to drink in their own hotel.

Rather than trying to re-educate drinkers or engage with customers about reducing the harm caused by heavy drinking, Aboriginal community-owned premises have relied on a plethora of signage—what might be called ‘arms-length instruction’. There seem to be more signs in Aboriginal-owned hotels, and in the social clubs in remote communities, than in other licensed premises. Dress requirement signs once kept Aboriginal people out of hotels: now they are prominent in Indigenous-owned premises—‘No singlets. No thongs. Sleeved and collared shirts only after 6.00 pm’. Numerous signs deal with proscribed behaviours: ‘No spitting in the garden bar or you will be banned from the Inn for 3 months’; ‘If you hit a staff member the pub will close immediately’. There are signs explaining the (often elaborate) barring rules: life bans, barring until further notice, barring for different periods of time—‘drunk and refusing to leave: 1 to 7 days; aggressive arguing: 1 to 7 days; humbugging: 1 week’. It is difficult to know how strictly some of these are applied. There are also signs about who is allowed where: ‘Children most welcome in lounge’; ‘When you are allowed back in the pub, you will only be allowed back in for 3 hrs (12 noon to 3 pm) for the first week’; ‘No open drinks to leave the bar’.⁴⁷

47 Signs seen at Indigenous-owned hotels at Fitzroy Crossing and Oodnadatta.

The challenges inherent in community ownership

There is little evidence that Indigenous community-owned hotels have become truly social enterprises. Most have struggled to achieve the basic aims of benefiting the community, promoting a sense of social responsibility and having a workable participatory structure (Defourny & Nyssens 2006). Most have also struggled financially, except for one hotel, which is economically viable but whose profit-maximising behaviour makes it atypical of social enterprise. This case is discussed in the next chapter, together with an analysis of the complex reasons underlying developments in this instance.

Before buying a hotel, a community group should, ideally, engage in long-running consultation and should be prepared for a polarising and bitter debate (Lang 1994: 223). It must then form a proprietary company, organise business plans and obtain loans, set up management structures, arrange community representation and decide on policies. Such an organisation and the hotel itself must be compliant with the features of the relevant state or territory's Liquor Act. This is just the beginning: there is much more to running a hotel than this. The case of the Wayside Inn at Timber Creek illustrates how Indigenous organisations (which are often small, unskilled and isolated) and the communities they represent are sometimes badly advised about the legal structure and joint partnership arrangements for their purchase: the Wayside Inn closed, at least in part, because government, quasi-government and non-government bureaucracies with the potential to provide competent advice and ongoing guidance failed to do so.

The Australian Hotels Association, a peak organisation that represents the interests of its hotel members, does not provide Indigenous-owned hotels with any special help or advice on governance or management matters. It offers its members general assistance on industrial issues, such as policy documents on responsible service and the hiring and firing of staff.⁴⁸ State licensing authorities restrict themselves to providing random checks on staff, weights and measures, infrastructure (i.e. exits and toilets) and compliance issues (i.e. serving underage and intoxicated drinkers); they have no capacity to assist community hotels (either Indigenous or

48 Information provided by the Australian Hotels Association, South Australia.

non-Indigenous) with governance issues and appear to have no interest in taking on this responsibility. It is unfortunate that licensing authorities (or other agencies) do not offer such help, for Indigenous community-owned hotels are subject to many of the same challenges and difficulties as their non-Indigenous counterparts in South Australia, but they have fewer resources to deal with them. Exacerbated by living in small, interwoven, rural or remote communities, these challenges include staffing and governance issues and the pressures of remaining financially viable.

Indigenous-owned hotels find it difficult to recruit and retain competent staff, including managers, because of the isolation, remoteness and particular stresses of dealing with alcohol sales and Indigenous people—an issue fraught with historical, social and cultural sensitivities.⁴⁹ The manager's job is more complex in an Indigenous-owned entity, for he or she must liaise with a board that is usually made up of community members who have no special training or experience in the hospitality industry, may not be fully literate and may themselves have ambivalent attitudes towards drinking. Board members are usually untrained in governance matters; research into Indigenous organisational management has highlighted the need for boards *and* managers to have adequate governance training and guidance (Mantziaris & Martin 2000, Brady 2002, Sharma 2005). At times, boards misconstrue the boundaries of their role and that of the manager, as was the case at the Oasis Hotel at Walgett where there was no articulated 'separation of powers' between the manager and the directors. Arguably, a manager needs to be able to operate independently of his or her community board. A manager should have the authority to caution staff who break the rules—for example, by giving free drinks to relatives—and to bar customers from service. However, in an Indigenous context, these powers carry advantages and disadvantages that vary greatly and depend on the qualities of the manager. Managers inexperienced in Indigenous contexts need to be monitored by board members and pulled into line if necessary.

Another difficulty peculiar to community-owned premises rests on the misinterpretation of what 'community ownership' means. This confusion was manifest at Walgett; some Aboriginal directors initially believed that their ownership of the Oasis Hotel gave them the right to make free use

49 In one case, a newly appointed manager at Mt Ebenezer Roadhouse claimed he had been threatened by a community member with a spear and had jumped out of a window to escape, 'running for his life' (Phelan 2012).

of the hotel's stock (Commonwealth of Australia 1989a: 21). It seems that non-Indigenous residents of Ceduna had the same idea when the community bought the hotel there in 1949: some thought the drinks would be free (Larkins & Howard 1973). Local staff at Indigenous and non-Indigenous premises are sometimes pressured to give special privileges or free drinks to their friends and relatives. Several of the South Australian community hotel managers dealt with this by having daily stocktakes and spot checks. Indigenous hotels have attempted to avoid or circumvent some of this pressure by hiring non-Indigenous workers—'neutral' people from beyond the community—or by displaying signs that prohibit unwanted behaviours. Nevertheless, it might have been useful had the Indigenous hotels and their governing boards or corporations known of the existence of the non-Indigenous community-owned hotels in South Australia; perhaps both groups could have benefited from networking and exchanges of experiences and strategies? Indigenous-owned hotels have struggled with numerous dilemmas: keeping turnover high, repaying loans, keeping customers happy and distributing profits, while simultaneously maintaining some social responsibility to minimise alcohol-related harms among their local population.

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