

# Regulating Social Problems: The Pokies, the Productivity Commission and an Aboriginal Community

M. Brady

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**REGULATING SOCIAL PROBLEMS: THE POKIES, THE PRODUCTIVITY  
COMMISSION AND AN ABORIGINAL COMMUNITY**

**M. BRADY**

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## ABBREVIATIONS AND ACRONYMS

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ABC	Australian Broadcasting Corporation
ANU	The Australian National University
ATSIC	Aboriginal and Torres Strait Islander Commission
EGM	electronic gaming machine

## ABSTRACT

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Australia has 21 per cent of the world's electronic gaming machines—more commonly known as poker machines. Deregulation of the industry has expanded the availability of gaming machines to an extent unprecedented in the western world. As a result there are estimated to be approximately 300,000 problem gamblers in Australia, an unknown number of whom are Indigenous Australians. This discussion paper documents the first successful Aboriginal use of regulation in order to prevent the installation of electronic gaming machines—a case that took place in South Australia in 1998. At around the same time, the Productivity Commission was conducting an inquiry into Australia's gambling industries. This discussion paper, offered in part because of the dearth of published material on contemporary Indigenous gambling, discusses how the Productivity Commission dealt with Indigenous gambling and draws some conclusions from the South Australian case.

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## INTRODUCTION

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Australia has 21 per cent of the world's electronic gaming machines (EGMs)—more commonly known as poker machines. Deregulation of the industry has expanded the availability of gaming machines to an extent unprecedented in the Western world. However, this explosion of availability has not been matched by concerted attempts to inform people about the price and nature of the product, its risks to their wellbeing, or about sources of assistance for approximately 300,000 problem gamblers (Banks 2002). Although it is now relatively commonplace for Aboriginal communities to pursue legal avenues to restrict the sales of alcohol in order to minimise harm, it is still rare for communities to use formal regulations in order to prevent harm as a result of gambling. This discussion paper documents the first successful Aboriginal use of regulation in order to prevent the installation of EGMs—a case that took place in South Australia in 1998. At around the same time, the Productivity Commission was conducting an inquiry into Australia's gambling industries, and this paper discusses its treatment of Indigenous gambling, as well as drawing some conclusions from the South Australian case.

## ABORIGINAL GAMBLING

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Gambling among Indigenous Australians has been around for well over 200 years. Even if people did not play games of chance before contact with outsiders, we know at least that Macassan visitors to Australia's northern coasts introduced gambling to the Aboriginal people they interacted with, from around 1700 onwards. Macassan loan words that are now part of the Arnhem Land language Yolngu Matha refer to gambling, such as *bothurru* 'count' which derives from the Macassan *boto* 'play dice, gamble', and *dopulu* 'gambling' from Macassan *dobolo* 'gamble' [Dutch: *dobbelen*] (Evans 1992). Campbell Macknight, author of the most detailed study yet of these visitors from southern Sulawesi, refers to the gambling of Macassan crews (Macknight 1976).

It is commonly believed, however, that gambling was introduced by European colonisers from England (Dodd 1985). Gambling was certainly common among Europeans from the commencement of the colony at Port Jackson. The 'pernicious vice of gaming' was mentioned by Judge-Advocate David Collins in 1794, only six years after settlement. He observed that convicts staked and lost 'the very clothes on their wretched backs' by playing cribbage and 'all-fours' (Collins 1971 (1798): 336; see also Karskens 1997).

## PERSPECTIVES ON GAMBLING

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A growing number of studies in the psychology of the addictions problematise gambling. However not all researchers are convinced that excessive gambling has the properties of a psychological addiction; research published in 1996 suggested rather that gamblers are just as strongly *attached* to gambling as drinkers are to drinking (Orford et al. 1996). There are strong links with alcohol consumption, and institutional gambling

is often conducted in venues that also sell alcohol. In South Australia gaming machine licences are always linked to licensed premises, which prevents the establishment of alcohol-free gaming venues.

Studies have identified the vulnerability of the poor and of particular ethnic groups to what are described as 'multiple addictive behaviours' including gambling (Elia & Jacobs 1993). In 1997, Maori (who constitute 15% of the New Zealand population) were reported to comprise 24 per cent of first time callers accessing a gambling hotline in New Zealand, and were estimated to be at three times the risk of non-Maori for pathological gambling (Sullivan et al. 1997). In the USA researchers found that 22 per cent of Native Americans in alcohol treatment wards in hospital had a pathological gambling addiction, compared to only 7.3 per cent of Caucasians. Research on indigenous groups in the USA has focused largely on casino gambling, as many Indian Nations have established casinos on their land as a means of raising revenue. While many have reaped the financial benefits of casinos, others have rejected their establishment because of concerns over social welfare. The Navajo, for example, held a referendum in 1994 on a casino proposal which was defeated, despite the fact that they have a long tradition of gambling (Henderson & Russell 1997).

Psychiatrist Ernest Hunter problematises Aboriginal gambling in Australia, drawing on research from the Kimberleys in which he highlights that the drain on resources from gambling contributes to patterns of indebtedness and rapid expenditure. Acknowledging that these are part of the network of normative social and cultural exchange, he points out that they also facilitate a climate of dependency for economically marginal populations, that gambling at cards: 'undermines not only the economic means of advancement but also the means of subsistence. Gambling contributes to the stagnation of plans for the future in order to sustain desperate hopes in the present' (Hunter 1993: 252). McKnight (an anthropologist) hypothesised that gambling accords with the optimism of hunter-gatherers: just as people expect to be successful hunters, they expect to be successful gamblers (McKnight 2002: 76). Anthropological commentary has long focused on community-based gambling (usually with cards) which, though a form of gambling with a number of positive attributes, is said by some to divert surplus funds to the purchase of alcohol (McKnight 2002; Stead 1980); to lead to the use of alcohol itself as gambling stakes (Brady & Palmer 1984; McKnight 2002); to distract mothers from feeding their children (Goodale 1987); and to provoke an increase in disputes and violence (Peterson 1991:74). Large winnings can mean that dozens of people have lost most if not all their money for food and household expenses. Those who do not gamble suffer from those who do, according to McKnight (2002: 76). Gamblers badger non gamblers for money which they say they need for food. McKnight comments ironically on the 'redistributive' functions of gambling saying that it 'gives an opportunity for people who do not possess the skills or inclination to obtain money by working from those who do' (2002: 75).

Other forms of gambling have become popular in recent years; a case study from Yarrabah documented that a newly introduced Pub TAB there meant that about 25 per cent of people's income was spent on this form of gambling. It was also associated with a reduction in local card-playing, and the disappearance of funds that would otherwise have circulated through card-playing (Productivity Commission 1999b: E5). EGMs have also become a focus for Aboriginal gambling, with some rural hotels targeting Aboriginal players with



special prizes (quilts and blankets, or children's toys), and devising credit systems for the accumulation of small wins in order to encourage people to keep playing (pers. comm. M. McCabe, Nunkuwarrin Yunti, 26 July 1999).

However, much of the international ethnographic literature presents community-based gambling (as opposed to licensed, commercial gaming) as providing positive, redistributive functions. In a number of small-scale populations it has been said to reduce inequalities in the distribution of cash and other commodities; fulfil important functions in the economy; not interfere with bush food returns or the authority of senior men; extend egalitarianism; and positively maintain cultural practices (Altman 1985, 1987; Foote 1996; Riches 1975). These representations of the meanings of gambling within communities are comparable with some of the ethnographic literature on drinking that emphasises its convivial and sharing functions, its enhancement of group solidarity and its role in constructing social worlds (Collman 1979; Horton 1943; Sansom 1980).

## LEGISLATIVE CONTROLS OVER GAMBLING LICENSES

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Jurisdiction over liquor and gaming licences rests with the Liquor Licensing and Gaming Commissions or Boards in each state.<sup>1</sup> All state jurisdictions have provisions that allow community members to participate in liquor licensing matters (Bourbon, Saggers & Gray 1999), and Aboriginal communities have made use of the liquor objection provisions with increasing enthusiasm since the early 1970s, when Yirrkala leaders contested a licence being granted to the new Walkabout Hotel in Nhulunbuy in the Northern Territory. In the last decade, Aboriginal organisations have succeeded in regulating the sale of liquor in numerous locations by appealing to the relevant state body (d'Abbs & Togni 2000; Gray et al. 2000). It was not until 1998—25 years after the first liquor objections—that there were Aboriginal objections to a gaming licence. These constituted the South Australian case to be described here.

The criteria for objection to a gaming licence are relatively narrow, and are derived from the South Australian liquor licensing legislation. Most of the criteria to be satisfied relate to the applicant being a fit and proper person, the suitability of the premises, the layout of gaming machines, and the adequacy of security of the premises and the gaming area. There is no need for the Commissioner to take into consideration the number of gaming machine licences already in the locality. Any person may object to an application, but again most of the allowable objections are to do with the physical layout and security. However, under section 15(4)(d) the applicant has to satisfy the Commissioner that the conduct of the gaming machine operation on the premises would be 'unlikely to result in undue offence, annoyance, disturbance or inconvenience to those who reside, work or worship in the vicinity of the premises.' This was the only point on which legal counsel for the Aboriginal objectors could make any substantive case (Office of the Liquor and Gaming Commissioner 1998). The definition of 'vicinity' is at issue here. In this case, and in many others, an Aboriginal community may be hundreds of kilometers from the licensed premises, but still experience significant impact. The legal team had to argue that 'the vicinity' extended much further than normal.

However, the legal team could also rely on Section 24(1) which reads: 'Subject to this Act, the Commissioner has an *unqualified discretion* to grant or refuse an application for a licence on any ground, or for any reason, that the Commissioner thinks fit' [author's emphasis]. To pursue these discretionary powers, the legal team sought to provide the Commissioner with information from Aboriginal residents and commissioned the present author to prepare an anthropological report that would provide supporting evidence of the negative social impact of the granting of a gaming machine licence (Brady 1998). The history of gambling and drinking was thought to be of relevance as well.

The forebears of the Western Desert people who were instigators of the objections described here learned to gamble at cards from around 1912 when they encountered fettlers working on the Trans-Australia railway line near Ooldea in South Australia. The fettlers also supplied them with alcohol at that time. In 1923 a railway worker observed their 'extraordinary' ability at cards:

Card playing forms one of their night-time amusements, and by the light of the camp fires, they play late into the night. They understand the value of the cards and the points of the game they are playing, and they play in all seriousness... [the Aborigine] does not stop at money stakes, for when his money supply is exhausted he will not hesitate to stake his shirt on the result of a game. The young men are also given to playing 'two-up' (Bolam 1978 (1923): 95).

Both two-up and card playing continued after the population was moved further south to reside at Yalata, a Lutheran Mission newly-established in 1952, and in 1968 the Lutherans instituted a licensed canteen selling a ration of beer in cans. This soon became the site for games of two-up in which Aboriginal men used their two-can rations as gambling stakes (Brady & Palmer 1984). The winner won more beer; losers had to buy beer from winners at inflated prices. By an accident of history, the new mission was located on land intersected by the Eyre Highway, allowing easy access to licensed premises selling alcohol.

## THE NUNDROO POKER MACHINES CASE

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Early in 1998, Silenus Pty Ltd, the holder of a hotel licence at the Nundroo Hotel Motor Inn on the Eyre Highway, applied for a gaming machine licence. The hotel is situated on an isolated stretch of the highway, has no associated township, and is located 90 minutes drive beyond Ceduna, 50 kilometres from the Aboriginal community of Yalata. The application attracted several objectors: Yalata and its associated community at Oak Valley (320 kms north on the Maralinga lands), the Uniting Church, the Lutheran pastor, the Yalata school principal, and the Koorabie Association. With the assistance of the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal Legal Rights Movement, the Aboriginal communities obtained legal representation to make their objections.

Both Aboriginal communities have had a long and troubled association with the premises concerned.<sup>2</sup> Nundroo gained a liquor licence in 1976, and had become the nearest source of alcohol (mostly fortified wine sold in flagons) to Yalata community. Nundroo was singled out for unfavourable mention in the final report of the House of Representatives inquiry into *Alcohol Problems of Aboriginals* in 1977 (House

of Representatives Standing Committee on Aboriginal Affairs 1977: 12). Takeaway alcohol purchased at Nundroo is implicated in an upward trend in alcohol-related mortality over the subsequent 20-year period (Brady, Byrne & Henderson 2003), and a series of hotel managers had refused overtures from several different Yalata community councils to negotiate some informal restrictions. After the deaths in 1991 of five Yalata people in an alcohol-related motor vehicle accident, the community successfully initiated proceedings in the licensing court to restrict off-premises sales from Nundroo and two other outlets.

## ARGUING THE CASE

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The anthropologist's report (Brady 1998) prepared for lawyers representing the Aboriginal groups argued as follows:

- that there is a long historical association between these populations and gambling at cards, which is social and culturally normative;
- that people are habituated to gambling, particularly playing cards; and
- that a possible likely outcome of gaming machines so close to the communities would be negative effects on income redistribution, social wellbeing, and public order at the premises themselves.

The report identified the significant differences between gambling at in-community card games and gaming using EGMs at licensed premises. It stated that money gambled at card games within the communities circulates between the players as it is won or lost. Small wins are often given to children or other relatives on the spot to buy food; intermediate winnings are used by drinkers for alcohol purchases; and substantial winnings are used for large cash purchases which are otherwise impossible, such as vehicles, electrical goods, bikes and toys for children, or long trips. Some play with the intention to accumulate money for a particular purpose, such as 'gambling for car'.<sup>3</sup> In the social circumstances of these communities, the report suggested (as have other anthropologists) that winnings allow people to demonstrate their generosity and their ability to accrue resources, and to provide credit to relatives. In discussing in-community card games, the report pointed to the open and communal nature of the games, with people sitting on blankets with their children and others around them, playing intensively, with others stopping by to watch. Because they are group events, conducted in the open, with witnesses, interpersonal tensions are less likely to erupt into physical confrontation.

The report proposed that long familiarity with card games would make EGMs based on card images particularly attractive. Having established that in-community card games constituted a transparent and public style of gambling, it suggested that in contrast poker machine gambling is designed to be played by individuals, not by groups. EGMs are played by individuals with only a few known others around, and in a relatively private and enclosed space compared with the large group gambling schools in the home settlement. It was suggested that if an individual were to win a substantial amount of money he or she would likely be accosted immediately outside the premises by other community members. Prior debts

would be called up, loans demanded, and pressure exerted, and this scenario together with the presence of alcohol and the separation from normal checks and balances within the community would be likely to lead to discord and possible violence. It was also suggested that when people realised that the money lost on gaming machines goes to the owners of the licence rather than to another community member (as with a card game), that this too would cause problems. A statement from a community member to one of the lawyers on 8 May 1998 reiterated this:

I think that there could be fights if people put a lot of money into poker machines. The fights will happen at Nundroo and Yalata. I'm also afraid that people who lose money on poker machines could smash up the machines if they get angry when they are drunk.

Yalata people travelled to Adelaide to appear at the hearing, although they were not able to give evidence directly. Their objections to the EGMs were that people in the community were already poor; that they gambled at cards but the winnings were distributed through the community and no one went hungry; and that if EGMs were introduced the money would be lost to the community and everyone would go hungry.

## THE OUTCOME

On 21 August 1998 the Liquor and Gaming Commissioner turned down the gaming machine licence application. In his decision, the Commissioner paid attention to the nature of alcohol problems that already existed in the communities, and noted the long associations between the premises concerned and the communities. He was fully aware of these, having visited Yalata in previous years at the community's request and been a party to their earlier instigation of restrictions on off-premises sales. His decision presented the communities as being dysfunctional and already at risk with high levels of social problems. He stated:

I am ... satisfied that many of those who will be attracted to Nundroo for the purpose of gaming will be able to ill afford to do so. If gaming machines are introduced at Nundroo they will act as a magnet to residents of Yalata and Oak Valley ... I do accept that the machines have the potential to drain a substantial amount of money from communities that are already hurt by money spent on alcohol. The result of this could be a significant increase in anti-social behaviour in and around Nundroo caused by Yalata and Oak Valley residents...

I am concerned that gaming machines would result in an increase in violence in and around Nundroo.

Under the circumstances I am not satisfied that the requirements of section 15(4)(d) of the Act has been met and therefore I refuse the application.<sup>4</sup>

The ABC news (26 August 1998) hailed the decision as setting a precedent, and one of the community's lawyers said the decision could have important future ramifications. The owners of the Nundroo hotel immediately appealed the decision, and the appeal was heard and dismissed in October 1998, this time by Mr Justice Kelly of the Licensing Court. He re-examined and upheld the Liquor Commissioner's original reasons for refusing the application. In doing so, he defended the role of the 'discretion' section of the Act. In this

case he did consider wider issues as the subject of evidence, and accepted that the concept of vicinity with respect to undue annoyance or disturbance could be broadened: 'It is perfectly clear in this case that these distances are not seen as posing any great problem to those of the Aboriginal community who wish to go to these places.'<sup>5</sup> He endorsed the Commissioner's fear of a potentially deteriorating situation in which people would congregate at the hotel because the gaming machines would act as a magnet and the impact of this on the travelling public, and referred to earlier years at Nundroo as 'bedlam'.

On dismissing the licensees' appeal, Mr Justice Kelly stated:<sup>6</sup>

The case before me is quite exceptional and the socio economic [sic] impact upon these extremely deprived people is a matter that should be examined when the exercise of discretion under S.24 is contemplated.

His final remarks were that:

These communities have suffered enough both by way of self-inflicted harm and harm done to them in the many and various ways set out in the evidence. The time, in my view, has come to say 'stop'—or at the very least, 'pause'.

Less than two weeks later, on 11 November 1998, Nundroo applied once more for a licence for six EGMs as an 'extra facility' for passing tourists. Lawyers representing the communities considered this a clear case of abuse of process and appeared once more, to oppose the application. Fortunately for all concerned the matter then lapsed, as the owners sold the premises.

## THE PRODUCTIVITY COMMISSION INQUIRY INTO AUSTRALIA'S GAMBLING INDUSTRIES

Coincidental with Yalata's objections to the Nundroo licence application, in August 1998 the federal Treasurer referred the Productivity Commission to enquire into Australia's gambling industries. The Commission conducted an independent public inquiry composed of a draft report, public hearings and roundtables with experts and community and government groups. A draft appeared for comment in July 1999 that relegated Indigenous issues to an appendix, despite evidence that Indigenous people show greater participation in institutional gaming. Further, the draft barely mentioned the use of EGMs by Indigenous people, representing them as being primarily in-community card playing gamblers. Most of the literature on Aboriginal gambling up until 1998 derived from anthropological research on card-playing, and the authors of the draft report drew, rather selectively, on this literature. They cited Altman's (1987) work showing that gambling has a redistributive function in Aboriginal communities (which were in fact mainly isolated outstations where kin-based relations of production were dominant), where it can be a source for accumulation enabling a person to purchase items of personal or social value (they did not go on to mention the post-gambling conflicts also described by Altman). The Commission also cited statements that community gambling was sociable; that no shame or distress accompanied losses; that there was no need to cover up one's gambling activities; that it

did not compromise the collection of bush food; and that (in one case) the introduction of TAB had reduced alcohol consumption (Productivity Commission 1999a).

In short, by relying largely on a particular kind of ethnographic commentary reporting primarily in-community gambling at cards, the Commission's initial foray into the indigenous arena constituted an exercise in 'problem deflation', for many of the same reasons that this phrase was coined. The phrase was used by sociologist Robin Room as part of a critique of the role that anthropological research has played in minimising the pathological consequences of heavy drinking (Room 1984). He charges that anthropologists, in using a functionalist paradigm or some latter-day transformation of this, have underestimated the problems associated with alcohol in the myriad communities where they work. He ventures that the ethnographic method may be better attuned to measuring the pleasures rather than the problems of drinking, and his comments struck a chord with several anthropologists (Beckett 1984; Marshall 1990). Earlier, in the 1960s, Graves (1967: 319) had suggested that there was among anthropologists an 'unspoken taboo against exposing a behavioural pattern that is so manifestly dysfunctional'. It is possible that the treatment of gambling in the ethnographic literature bears a similar interpretation. Because anthropologists tend to work in 'communities' and small-scale societies they have focused on understanding the huge amounts of cash circulating at card-games, the absorption of the players, the ubiquity of the games, and have searched for agency, adaptation and meaning. In my view, these accounts have tended to play down the attendant problems, and anthropologists have been slow to take up the study of electronic and commercial gaming as subjects of enquiry.

The draft Productivity Commission report presented in-community gambling as relatively benign, and failed to draw attention to the rapid growth in Indigenous involvement in electronic gaming taking place away from home communities. To its credit, the Commission's final report accepted further commentary and input on the circulated draft, and was more strongly worded (Productivity Commission 1999b: E2). It included several new paragraphs that warned against overstating the 'protective function of gambling with peers' in community-based gambling, noted that card games are no longer the predominant form of gambling, and that institutionally-based gambling now includes former non-gamblers. In the context of considering the extent of community consultation in decisions, the final report also twice referred to the success of Aboriginal leaders in the Nundroo case.

Overall, the inquiry's substantive conclusion was that liberalisation of gambling industries had generated major social costs as well as benefits, but that the social impacts of problem gambling had not been adequately addressed in Australia. It attempted to quantify the social costs of gambling as well as the benefits, finding that (contrary to conventional wisdom) unleashing a previously constrained industry like gambling does not in practice create many new jobs. What it does accomplish is to enable people to spend more on gambling and less on other things (Banks 2002: 5).

## LESSONS TO BE LEARNED

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The formal gambling industry realises an enormous profit from individuals and the community by selling economic hope and mistaken notions of accumulation. In its submission to the Productivity Commission, Nunkuwarrin Yunti (the Aboriginal health service) in Adelaide argued that because of this, the industry requires a special amount of regulation and control. The health service (which employs a special gambling project officer) believes that communities need to have the ability to set the pace and mix of gaming activities, and to define the major beneficiaries of gambling at a local level. Resources are particularly needed to allow Indigenous community groups to participate in the regulation process. In the Nundroo case, the communities were fortunate in having previous experience of the processes involved, as a result of their involvement with a licensing matter with the Commission. Success for other community groups may depend on factors associated with community mobilisation and development, such as being aware of their right to object, being able to access legal advice, and having the ability to marshal local resources and to commission qualitative or quantitative social impact research. Combating resource-rich industries also requires resources.

The licensees at Nundroo continued to apply and reapply for a gaming licence (as well as applying for an extension of their liquor licence), notwithstanding earlier dismissals by regulatory bodies. Such vexatious activity arguably constitutes an unwarranted degree of pressure on the communities concerned and a clear case of abuse of process. On each of these occasions the community was forced to lodge further objections and obtain funds for legal advice, and was subjected to the repeated anxiety and disruption of having to deal with such applications. The industry, on the other hand, has no difficulty in sourcing funds to brief legal counsel.

The Yalata–Nundroo case was hailed in the press as setting a precedent. However, the Judge stated that the case was 'exceptional' and that the 'socio economic impact upon these extremely deprived people is a matter that should be examined when the exercise of discretion under Section 24 is contemplated'.<sup>7</sup> The communities concerned were dependent upon the Judge exercising his discretion to accept what was, in effect, *the potential* for further social harms. Indeed, in another case, the Judge stated that he would 'not permit evidence that poker machines were potentially addictive and that their use had a deleterious effect on the lower income groups particularly'. The Commissioner and the Judge both had local and regional knowledge of the social and alcohol-related problems in these communities, and of the role of the nearby licensed premises.

South Australia itself may be a special, exceptional state. EGMs were introduced there in July 1994 and the state has a 'No Pokies' MP, Nick Xenophon, who campaigns on the issue. The industry (in the form of the Australian Hotels Association) was sufficiently alarmed by his election that it rapidly assembled a fighting fund with which to counter his lobbying. In 2004 the state government announced moves to reduce EGM numbers by 3,000 (down from 15,000) (Roberts 2004).

The role of anthropological research in this case deserves some mention. Perhaps it is best posed as a dilemma. Through their tendency to be working with small-scale populations, based in communities and observing activities in them (primarily groups playing card games), anthropologists often amplify the positive features associated with gambling, rather than deflate them. Anthropologists are seeking to appreciate emic understandings, the movement of cash, demand sharing, the intensification of social relations and the management of boredom. As participant observers, they also confront something of an ethical dilemma as to how best to study and report on these relatively private behaviours. Their treatment of gambling may be likened to the notion of problem deflation raised some years ago by Room, Graves and others with respect to alcohol use.<sup>8</sup> Naturally, not all these studies are unequivocally positive, but some readers and selective users of the literature (including, perhaps, the Productivity Commission) will come away with this impression. On the other hand, being asked to prepare a report to support community objections to a gaming licence, as the present author was, led to an implicit exploration of the imagined negative consequences of another type of gambling activity, and in a sense to a pathologising of the community, in order to persuade the authorities to take (sensible, required) action. The value of anthropological work is that it can provide empirically-based local studies that tease out local values, beliefs and practices, and it can provide cultural analyses in relation to gambling. However, these now need to occur in a wider range of settings (casinos, clubs, the internet)—not just the in-community games of 'kunt', 'koencan' and 'butakat' mentioned in the literature.

This discussion highlights the need—in any attempt to assess the positive or negative impacts of gambling for Indigenous people—to make clear distinctions between in-community and out-of-community gambling, and between different gambling mechanisms. It is important to acknowledge the diversity of perceptions of gambling within Indigenous communities, including an overall lack of stigmatisation of gamblers, and the social benefits that surround the card schools. However, there is no doubt that, like some researchers, Aboriginal communities and organisations are now problematising out-of-community gambling. In putting up arguments against institutional gaming they must confront the difficult area of regulating social behaviours. Like drinking—considered a matter of free will and personal decision-making—gambling is something that people do to themselves. Gamblers engage in voluntary risk-taking, based on the value they attribute to an experience (the pleasures of hope, risk-taking and social interaction), followed by the experience of winning or losing.



## NOTES

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1. It is noteworthy that access to gaming and sales of alcohol are metaphorically and legislatively linked in these bodies—one of many associations between drinking and gambling. Another is that, like the liquor industry, the gaming industry denies causal connection between gamblers' problems and gambling, and/or sees the impacts as being the product of 'rational choice', and thus as having no regulatory implications (cf. Banks 2002: 2).
2. In October 1997, shortly before applying for the gaming licence, the licensee of Nundroo had applied for extended trading hours for both on- and off-premises sales including having the premises open from midnight to 5 am, Monday to Saturday.
3. This suggests that gambling is a means of personal accumulation used by people who are poor, rather than acting as a means to reduce inequalities by redistributing cash—as many anthropologists argue.
4. Order of the Liquor and Gaming Commissioner (Gaming Machines Act 1992), 21 August 1998, re application no. 14094 for Gaming Machine Licence.
5. Mr Justice B. St. L. Kelly, 'Reasons for decision in the Licensing Court of South Australia in the matter of an appeal against the decision of the Liquor and Gaming Commissioner lodged by Silenus Pty Ltd', delivered 30 October 1998.
6. Mr Justice B. St. L. Kelly, 'Reasons for decision', delivered 30 October 1998.
7. Mr Justice B. St. L. Kelly, 'Reasons for decision', delivered 30 October 1998.
8. Sutton's (2001) article is also relevant here.

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