

ALSWA



April 1998 No.8

ALSWA JOINS TALKS ON GAY BASHINGS IN NORTHBRIDGE

ALSWA has joined with police, Aboriginal youth organisations, Northbridge businesses and various gay organisations to find ways of avoiding clashes between patrons of gay venues and Aboriginal young people in the Northbridge area.

A spokesperson for Perth's gay community approached ALSWA recently with complaints that some Aboriginal young people had begun to target patrons of those nightclubs and hotels known as meeting places for gay persons, harassing them and, on occasions, using physical violence against them. The spokesperson said complaints had previously been made to police officers on foot patrol in the area had been alerted to the problem, but further action was needed.

At a meeting organised by the gay community to discuss the problem several options were canvassed including the provision of better lighting in appropriate areas of Northbridge and the installation of extra police surveillance cameras. An area needing particular attention was the cultural triangle between PICA, the WA Museum and the Art Gallery.

An Aboriginal spokesperson said that the closing down of the Blue Light Discos in Lindsey Street, due to unreasonable local council regulations which required the events to close at 9pm, had resulted in kids on the streets with nothing to do. There needed to be other activities in the area to attract young people away from violence and crime. The difficulty in finding an appropriate venue in Northbridge remained a major stumbling block. He said crime and violence had increased since the discos had been stopped.

The spokesperson said the establishment of an Indigenous security patrol would help diminish the problem, but funding was needed to get it underway. ALSWA has offered to assist by producing a poster campaign aimed at encouraging Aboriginal youth and the gay community to respect each other, and by providing relevant community legal education to police on patrol and to the proposed Indigenous security officers.

A further meeting is being organised to discuss further options, and to plan the campaign so that it most effectively gets across the message of mutual respect.



Court Officer John Delphin is one of a number of ALSWA Court Officers studying Law

Court Officers undertake legal studies at a distance

A number of ALSWA Court Officers have recently enrolled in legal studies at Deakin University in Victoria.

The Court Officers attend a series of two-week 'blocks' of study in Melbourne and do the remainder of their studies 'on the job' and by participating in telephone tutorial hook-ups. (See picture page 12)

EXECUTIVE MEETING

The next meeting of the ALSWA Executive Committee will be held in Perth from Tuesday April 21 to Thursday April 23.

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ALSWA CEO Dennis Eggington with Derby Court Officer Brian 'Blackie' Shadforth outside the Derby courthouse, during a recent visit to ALSWA offices in the Kimberleys. The visit also included Broome, Fitzroy Crossing, Halls Creek and Kununurra.

Pinjarra Court closure would disadvantage local community

ALSWA has publicly stated its concern at a proposal by the Ministry of Justice that the courthouse at Pinjarra be closed. ALSWA CEO Dennis Eggington said the closure of Court was of real concern because of the distance between the town and the nearest court at Mandurah - some 20 kilometres away.

With the cost and infrequency of public transport between the two towns many people, especially Aboriginal people, would be seriously disadvantaged by the closure. It was another case of the needs of Aboriginal people being considered secondary to the economic needs of the State.

The Ministry would be well aware of the size of the Aboriginal population in the Pinjarra district and of the low socio-economic circumstances that many endured. To oblige them to waste limited resources on travel, either privately or by public transport, was thoughtless and unnecessary. He said a solution would be for the Mandurah court to 'sit' in Pinjarra on a regular basis.

Mr Eggington said this was the plan in Collie, where the Ministry had proposed closure of the Court, with arrangements made for the Bunbury Court to sit at the Collie courthouse once per fortnight. This was the same frequency of sittings as presently held.

ALSWA contributes to policy on Ethics in Research

ALSWA recently accepted an invitation from Murdoch University to contribute to development of a policy on ethics in research involving Aboriginal and Torres Strait Islander people. The policy acknowledges that Indigenous Australians are 'over-researched' and attempts to ensure that all future research will be conducted in an ethical manner.

In an analysis of the policy ALSWA indicated it had three major concerns in the conduct of research on Aboriginal and Torres Strait Islander people:

- ♦ that researchers seek and gain permission from those who will participate in the research;
- ♦ that researchers acknowledge participant ownership of the information collected and gain permission to use or distribute it in any particular way; and
- ♦ that participants have the final say at any stage of the process as to whether it shall proceed and how it shall proceed.

ALSWA accepted that the proposed policy addressed these criteria suitably.

In its introduction, the policy document states: The experience of Aboriginal and Torres Strait islander peoples as a most 'researched' people has been, and often continues to be, exploitative with little or no value being accrued by Aboriginal people or their communities. The Murdoch University Human Research Ethics Committee seeks to establish processes through which Aboriginal and Torres Strait Islander people have a say in the research conducted in relation to themselves or their communities. Issues of consultation, ownership, control and community involvement are of fundamental importance to Aboriginal and Torres Strait Islander People.



APG suggests a model for a sovereign nation

The concept of sovereignty is often discussed in the context of Aboriginal or Indigenous Australians, but is a concept not widely understood. Recently, ALSWA Deputy CEO Colleen Hayward shared her personal views on sovereignty with a small but appreciative audience at the Indigenous Media Forum organised as part of Coexistence Week.

As part of her address, Ms Hayward described the model of an Australian Aboriginal sovereign nation as proposed by the Aboriginal Provisional Government (APG).



Colleen Hayward

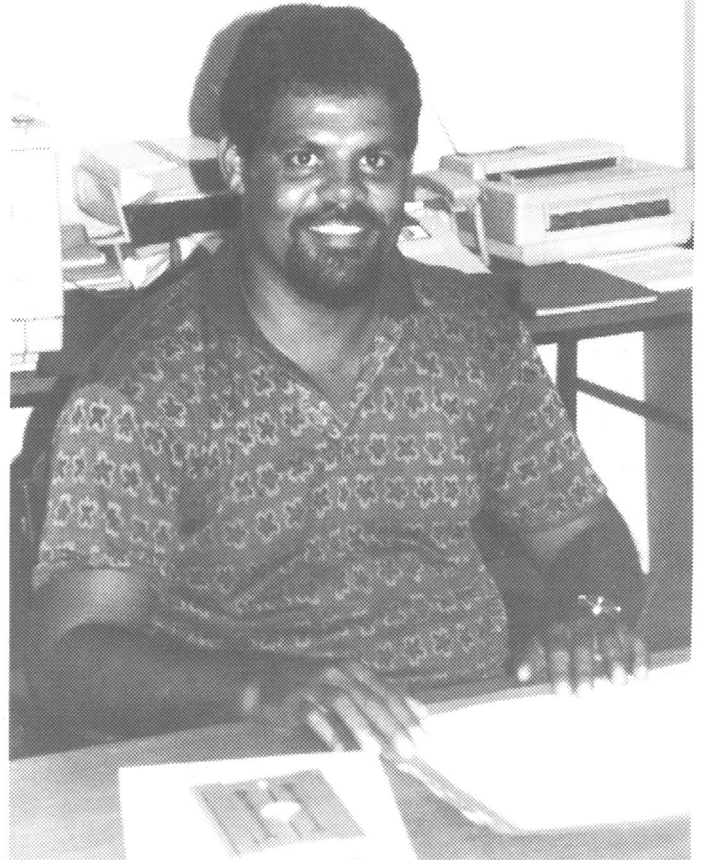
She said such a model "suggests that all Crown lands in the country should be areas over which Aboriginal people exercise absolute control over themselves and anybody who wishes to live there. It follows from this that anybody other than Aboriginal people who may wish to come onto that land and live and make a contribution are more than welcome. This should not be viewed as apartheid - it is Aboriginal people exercising self-determination and choosing to develop their own political structures.

"Within those boundaries and over those boundaries there should be unfettered freedom of movement of all peoples. So, if Aboriginal people wish to leave the territory of the Aboriginal nation, and go to cities, and be bound by Australian politics and law, then so be it.

By the same token, if people wish to come onto Aboriginal land there should be no restriction on them doing so, other than that they should also obey the laws of the land."

Ms Hayward added that the limitation of the model to Crown land only could be seen as a 'soft option', but at least it got the debate underway in a fairly non-threatening way.

(Copies of Ms Hayward's complete address can be obtained from the ALSWA Perth office).



Phillip McCarthy

Court Officer has community approval in Fitzroy Crossing

The rate of appearances by Aboriginal people in the Fitzroy Crossing Court has dropped dramatically since Court Officer Phillip McCarthy came to the isolated town three years ago.

Aboriginal community spokespeople and local police agree that Phillip does an excellent job despite the difficult conditions. They told ALSWA CEO Dennis Eggington during a recent visit that the number of court appearances by Aboriginal people had dropped to less than a dozen a week, a considerable improvement on earlier times.

ABORIGINAL FLAG FLIES AT NEW CURTIN LIBRARY

The Aboriginal Flag is to be permanently flown outside the new John Curtin Centre at Curtin University in Bentley. ALSWA CEO Dennis Eggington participated in a flag raising ceremony on March 26 to celebrate the opening of the new complex and to mark the release of Curtin University's statement of reconciliation and commitment to the Noongah community and Aboriginal people.

The statement reads: "Curtin University commits itself wholly to a vision of a united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all.

"In aspiring to be Australia's world class University of Technology we are dedicated to the advancement of knowledge and the enrichment of culture. Accordingly we reaffirm our commitment to cultural diversity including an informed respect for Indigenous peoples, and the observance of the principles of ethics and social justice.

Curtin has always valued the presence of Indigenous peoples from across Australia as part of its community. We acknowledge that our main campus, near the confluence of the Canning and Swan rivers, is of particular significance to the Noongar people of Western Australia. We also acknowledge that other Curtin campuses are situated in areas of cultural importance in Aboriginal traditions.

"The Curtin community recognises that one effect of the settlement of Australia in the past two centuries has been the dispossession of Indigenous peoples. It is acknowledged that Australian Aboriginal people continue to face social and economic disadvantage, accentuated by prejudice and racism.

"Curtin does not tolerate prejudice, racism or harassment in any form. In pursuing our education mission we remain dedicated to the principles of social justice and will act in consultation with the Aboriginal community."

The statement carries the endorsement of Curtin students, staff and Academic Council.



Former Wildcats Basketball star Cal Bruton was one of a number of celebrities who dropped by the ALSWA stall at the recent JOY '98 State Government Youth Expo on the Perth Esplanade. With him are ALSWA staffers Damien Yarran (left) and Ashley Truscott. Damien orchestrated ALSWA's appearance at the expo assisted by Ashley and other staff members.

ALSWA takes weekly timeslot on Aboriginal Radio 6AR

WAAMA Aboriginal Radio station 6AR has arranged with ALSWA to interview members of our legal staff each week on topics of educational interest to the Noongar community. The weekly half-hour programs will commence on Thursday March 26 and will be broadcast from 3.30pm.

6AR's on-air journalist Adrian Shaw said the weekly legal education programs would be of great value to the community. They could include coverage of a wide variety of legal issues, some directed primarily at Aboriginal young people.

Mr Shaw said the WAAMA station was enjoying very good ratings, particularly with local Aboriginal communities. He said it was likely in the future that the segments could go 'talk-back' so that information could be more directly targeted towards the issues that people were dealing with, as they arose.



Media personality Terry Willesee signs the Sorry Book at Pioneer Park, as ALSWA's Colleen Hayward, psychologist Joyleen Koolmatric and ex-footballer Bill Dempsey look on.

Saying sorry is not a difficult thing to do

Signing the Sorry Book is not difficult. After a brief ceremony at Pioneer Park, opposite the State Parliament, members of the audience stepped forward to sign their names and perhaps leave a comment, saying sorry to the Stolen Generation.

Before them, media, church, commerce and political representatives had done the same. There was an air of sharing a sadness, tempered by a quiet determination to ensure that the Stolen Generation never becomes the Forgotten Generation.

The Sorry Books are currently in the Vincent, Subiaco and Fremantle libraries, and anyone is welcome to record their apology to those affected by the infamous removal policies of successive Governments in this State. It's not a difficult thing to do.

PLAIN ENGLISH GUIDE

A Plain English Guide to the new ATSIC guidelines on what services ALSWA can provide its clients has been prepared and will be distributed to ALSWA offices soon for the information of Aboriginal people. The guide attempts to provide clear and concise details of ALSWA policies and services. It will be published in booklet form, though a poster series will possibly be produced at a later date.

Miriuwong-Gajerrong claim at final stage

As this edition of ALSWA went to print ALSWA solicitors Anne Sheehan and Harriet Ketley were instructing Counsel (Michael Barker QC and Professor Richard Bartlett) in preparation of the closing address in the Miriuwong-Gajerrong case. The Native Title claim in the East Kimberley is about to be decided - after 30 years of struggle by the Miriuwong and Gajerrong peoples for their country, and after four years of legal battle within the Native Title process. All the evidence has been placed before the Court and it is simply for the Court to determine the facts of the case.

The irony of the timing of the closing address, with the Native Title debate underway in Parliament House in Canberra is not lost on the Aboriginal community in Western Australia. As ALSWA made its closing address in the Federal Court in Perth, the Howard Government is attempting to change the rules and take away some of the rights that the common law has said are the rights of Native Title holders.

The Miriuwong-Gajerrong claim made history at a number of levels. It was the first Native Title claim in Western Australia and one of the first in Australia. It is also the first case where the Federal Court ordered that gender-restricted evidence could be given confidentially, a decision that was later upheld by the High Court. The Miriuwong-Gajerrong hearings were held over a period of eleven weeks, on traditional country.



Solicitor Harriet Ketley and Justice Lee listen to the Brolga story told by Gypsy Nyirrmol, Sheba Dignarl and Mignonette Djarmin. Photo by Anne Sheehan.

IMPRISONMENT RATE DROPS - BUT STILL TOO HIGH

Figures recently released by the Crime Research Centre at the University of Western Australia show that Aboriginal imprisonment rates in Western Australia decreased from 5076 per 100,000 persons in 1990 to 3030 per 100,000 in 1996. However, while Aboriginal prison receivals decreased in 1995 they had increased again in 1996, while the receival rate for non-Aboriginal people continued to decrease. In that year WA had the highest rate of Aboriginal imprisonment in Australia.

The figures show that Aboriginal people comprised 40.6 percent of all prison receivals in 1996 (or 38.7 percent of distinct persons received) and that Aboriginal people were 23.7 times more likely to be imprisoned than non-Aboriginal people.

In Police lockups, Aboriginal people comprised 47.8 percent of the total number of sentenced prisoners, a slight increase on the figures for 1995. The number of Aboriginal persons held in lockups for fine default decreased dramatically from 2519 in 1994 to just 33 in 1996. Aboriginal people made up 95 percent of all detentions for drunkenness.

Statistics show that of all community service orders issued in 1996 27.4 percent (445) were issued to Aboriginal people; as were 25.7 percent (640) of all probation orders; 26.1 percent of intensive supervision and community based orders; 29.2 percent of State parole orders; 8.5 percent of work release orders and 43.1 percent of home detention orders.

In 1996 Aboriginal people comprised 14.2 percent of all victims of crime and were over five times more likely to be victims than non-Aboriginal people. Of Aboriginal victims 69.5 percent were female. In that year arrests of adult Aboriginal males increased by 20 percent from 3717 (1990) to 4448. Arrests of adult Aboriginal females increased by 63 percent from 1063 (1990) to 1730. One in five distinct persons arrested was Aboriginal; 18.7 percent of adults arrested were Aboriginal and 33.3 percent of juveniles arrested were Aboriginal. Aboriginal people were nine times more likely to be arrested, more likely to be held in custody after arrest, and less likely to be summonsed.

In 1996 15.2 percent of the Aboriginal population was arrested compared with 1.7 percent of the non-Aboriginal population. Of all charges, 26.9 percent involved Aboriginal people with 21 percent of that figure involving Aboriginal juveniles. Aboriginal people were charged with more offences per person (3) compared with non-Aboriginal (2). They were more likely to be charged with vehicle theft (47.5 percent of charges) and burglary offences (39.6 percent). Of all charges against juveniles (10,586) 42.6 percent were against Aboriginal juveniles. The number of cautions issued to Aboriginal juveniles increased over the period 1992 (14.4 percent) to 1996 (17.9 percent).

In the Children's Court 17 percent of juvenile appearances were Aboriginal and Aboriginal juveniles before the Court were younger. Aboriginal males were more than twice as likely to be placed in custody, less likely to receive a non-custodial sentence, and less likely to be fined. Female Aboriginal juveniles were less likely than non-Aboriginal people to be fined and more likely to be placed in custody.

In 1996 Western Australia had the highest rate of juvenile detention in all States (52.5 per 100,000) - 1.4 times higher than the national rate of 38.8 per 100,000. After NSW, WA had the highest rate of Aboriginal juvenile detention - 734.5 per 100,000, and Aboriginal juveniles were 31.6 times more likely to be placed in detention than non-Aboriginal people. Over 20 percent of police referrals to Juvenile Justice Teams were Aboriginal and 16.4 percent of Children's Court referrals to the teams were Aboriginal.

Adult court records show that in the higher courts (Supreme and District) Aboriginal people comprised 4.7 percent of appearances with 3.5 percent of charges being laid against them. In 32.4 percent of cases pleas of 'not guilty' were entered. Of all charges, 78.6 percent resulted in conviction, 13.2 percent in acquittal, 6.4 percent were withdrawn and 1.8 percent were adjourned, remitted or terminated. Less than half of the 'not guilty' pleas resulted in conviction while 85.6 percent of all charges resulted in convictions.

Half of the charges against Aboriginal people involved offences against the person with a third of these involving sexual offences and 43 percent involving assault. Nearly 40 percent of charges involved property - fraud and theft (46.5%) and burglary (50%).

Election '98 : Survey of political opinions gets underway

In the lead up to an anticipated Federal election in 1998 ALSWA has asked all Federal politicians to respond to a questionnaire on Aboriginal issues. The responses will be featured in the June edition of ALSWA. The questionnaire was preceded with the following statement:

"The prospect of a Federal Election in 1998 is very real. Aboriginal and Torres Strait Islander peoples and their supporters, like all Australians, are naturally interested in your views, and the views of all politicians, on a wide range of cultural, social and economic issues. As one means of monitoring what you and others have to say about such issues we will be carefully examining media coverage of the election campaign, and look forward to receiving any information that you may wish to send to us directly. Naturally, our primary focus is on issues of particular relevance and importance to Indigenous Australians.

"As you would be aware Aboriginal and Torres Strait Islander peoples, on all major social indicators (such as health, education, employment and so on), continue to languish behind the wider community to a degree that often equates with the position of peoples in third world countries.

"Political parties, despite the rhetoric of election campaigns, have largely failed to deliver on these issues, and while we acknowledge the efforts of

some individual politicians to effect positive change in policy, we have generally been disappointed with the lack of commitment and resolve at party and parliamentary level.

"Foremost among our concerns, of course, is Native Title. Despite recognition by the High Court of Indigenous rights in land, the current Government has sought to ensure that we remain dispossessed of our lands and appears set to make this a major focus of its election campaign. The Opposition, on the other hand, could be said to be ambivalent about what its position will be, should it win Government.

"Indigenous Australians are aware of the power of the vote"

"Indigenous Australians are aware of the power of the vote. To make an informed choice about which of the major parties it would prefer to see in Government, we seek to know your views, and those of your colleagues, on Native Title and related issues.

"To assist us in this regard we have developed a questionnaire that fulfils a dual purpose. Firstly, it alerts you to the issues that are regarded as particularly important from an Indigenous viewpoint, and secondly it enables us to collect the information we need to assist our decision as to how our vote should be cast.

"We intend, as a service to the Indigenous constituency, to compile responses and publish them in the June edition of the ALSWA Newsletter which is distributed to all Aboriginal organisations in WA and to all media. Your absence from the list could be construed as an indication of your disinterest in Aboriginal affairs".

(See questionnaire on page eight)



Opposition Leader Dr Geoff Gallop and Kimberley MLC Tom Stephens at a recent meeting with ALSWA CEO Dennis Eggington and Deputy CEO Colleen Hayward.

FUNDING SOUGHT FOR COURT OFFICER CONFERENCE

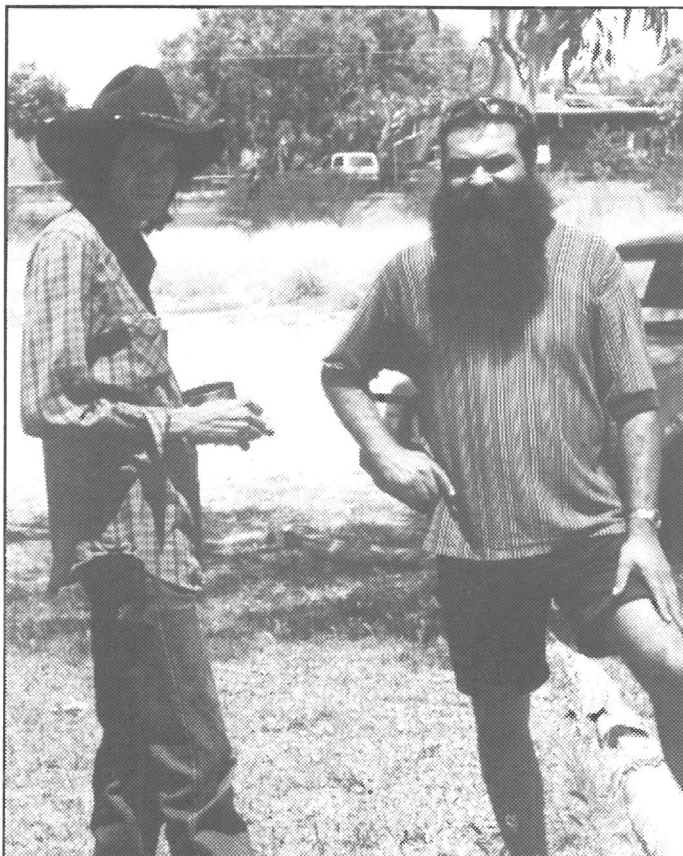
ALSWA has made a submission to the Lotteries Commission of Western Australia seeking a grant for training and organisational development. The one-off grants are available to community service providers and for organisations working on broad-sector development on a non-profit basis.

ALSWA intends to use the money to fund a training and development workshop for Court Officers and Solicitors in line with its policy of ensuring employees have the opportunity to up-date skills so that the best possible service is provided to ALSWA clients.

Politicians surveyed (from pg 7)

1. If your party is returned to Government what is your intended action in relation to the current Government's proposed amendments to the Native Title Act 1993?
2. Do you agree that Indigenous people, unable to make claim to traditional country, should be financially compensated, and to what extent?
3. Do you support provision of financial compensation to Indigenous persons affected by past Government policies that resulted in removal of children from their families?
4. Would you support an official Federal Government apology to those above, as has recently been provided by the Canadian Government to Indigenous peoples in that country?
5. What is your attitude to Indigenous self-determination. If supportive, how would you ensure that the concept is actively reflected in Government policy?
6. Do you support increased funding of and autonomy for Indigenous service providers such as Aboriginal legal and medical services, or do you favour the concept of 'mainstreaming'.

7. In Government, what do you intend to do about ameliorating the social and economic disadvantage suffered by Australia's Indigenous peoples?
8. What is your response in relation to One Nation Party's racist political agenda?
9. In a rewritten constitution, as would be required if Australia was to become a republic, would you support a Bill of Rights with recognition of the special rights of Indigenous Australians?
10. What solutions would you seek to reduce the over-representation of Australia's Indigenous peoples in the criminal justice system?



Halls Creek Court Officer Steve Carter meets with CEO Dennis Eggington during the latter's recent visit to the Kimberleys. Steve, like his Fitzroy counterpart (see page 3), is regarded as an asset to the town by communities and local police.



ALSWA Secretary Sherrol Tremlett hard at work in the Kununurra office. Sherrol says she will miss Solicitor Margie Bourke (who is moving to South Australia) but is keenly awaiting the arrival of her replacement.

ALSWA suggests preamble to new constitution

In a submission to the Indigenous Constitutional Convention in March ALSWA suggested a preamble for a revised constitution that would be required should Australia become a republic. The preamble to the present constitution is outdated and inappropriate. It contains no reference to Aboriginal and Torres Strait Islander Peoples and makes no mention of Western Australia, the Northern Territory or the Australian Capital Territory as parts of Australia.

The ALSWA proposed preamble reads: *"Australians affirm their Constitution as the foundation of their commitment to and aspirations for constitutional government. Our nation dedicates itself to a responsible and representative system of government that is inclusive of all its peoples; upholds fundamental human rights; respects and cherishes diversity; and ensures full participation in its social, cultural and economic life."*

"The Aboriginal and Torres Strait Islander Peoples of Australia, being the first to govern this land, have the right to promote their languages, cultures and traditions and to ensure the integrity of their societies, and their governments and to ensure that their government constitutes one of the orders or government within Australia."

"The manner in which settlement was achieved in Australia and the effect of the continuing dispossession on Aboriginal and Torres Strait Islander people is recognised by the citizens of Australia. That the British Government took possession of the land and seas without the consent of the Indigenous inhabitants is acknowledged."

"The current diversity of the Australian population and the rich variety of the faiths, traditions, languages and cultures that exist have contributed to the wellbeing of Australian society. The unique cultures and societies of Indigenous Australians have a significant place within the nation's heritage. The authority for this Constitution derives from all Australians"

In its submission to the Convention ALSWA also proposed two other recommendations for consideration. These were:

- ♦ *That the concept of a treaty between Indigenous and other Australians be vigorously pursued in accordance with principles of International Law and with the Federal Government policy of Aboriginal Reconciliation. That the treaty be provided with constitutional authority through incorporation or recognition in the Constitution; and*
- ♦ *That in the current constitutional consultation process, the possibility of separate Indigenous seats, based on an Indigenous electoral roll in the House of Representatives and in the Senate, be debated with the desired outcome to be establishment of reserved seats for First Nations Peoples in the Australian Federal Parliament.*

LEGAL EDUCATION PAMPHLETS

ALSWA has four legal education pamphlets available dealing with going surety; criminal records; criminal injuries compensation and being arrested. They are available at all ALSWA offices.

Bridge accuses ALSWA of campaigning against development

Kimberley MLA Ernie Bridge has accused ALSWA of working against the interest of development in the Kimberley, and of promoting a victim mentality, by linking Aboriginal health problems in outback NSW with cotton farming in the region.

In an article in the *Broome Advertiser* (February 25) Mr Bridge suggested the Kimberley was rapidly becoming an arena for political grandstanding that would be detrimental to the region and its people. He was responding to an article in last month's ALSWA in which Mr Eggington attributed significant increases in birth defects, obesity, diabetes, cancer, asthma and heart disease in Aboriginal communities around Bourke to cotton production in the area.

In the article Mr Eggington said that while no empirical evidence existed, the National Aboriginal and Islander Health Organisation (NAIHO) had considerable anecdotal evidence that such diseases had increased after cotton farming started.

He said the problem was caused by denuding land for planting and this had caused pesticides to run off into local waters. With traditional foods not available, people had been obliged to switch to a western 'fat and sugar' diet.

Mr Eggington said he had raised the issue because of the proposal to dam the Fitzroy River in the northwest of this State and farm cotton. He was concerned for the health of the local Bunuba people.

In his response, Mr Bridge said there was nothing stopping Aboriginal people adopting a healthy diet and lifestyle. "Nobody in Australia is forced to live on a so-called western fat and sugar diet although it is true that many of us eat and drink unwisely to the detriment of our health.

"But if Australia and the rest of the world are going to have enough food and fibre in the future then we will have to make better use of our resources, especially our land".

Mr Eggington has provided the *Broome Advertiser* with a reply to Mr Bridge: "Kimberley MLA Ernie Bridge accuses an Aboriginal Legal Service spokesman (myself) of linking future Kimberley development with 'just about every disease known to mankind', and of 'promoting a victim mentality' in linking health promotion to cotton farming in NSW.

"What I did, in fact, was suggest that before the Fitzroy River is dammed for the purpose of cotton production, research be undertaken to ensure that the health of the local Bunuba people is not subject to the stresses caused when cotton was farmed in outback

NSW. The National Aboriginal and Islander Health Organisation (NAIHO) has considerable anecdotal information about the ongoing serious health effects that resulted from that activity.

"My intention was not to hinder Kimberley development. In fact ALSWA fully supports development projects that

benefit Aboriginal people in economic terms, provided Aboriginal people agree to the development, and provided such projects do not extract a cost in terms of people's health. Too often the governments and authorities that make these decisions have become wiser with hindsight. Asbestos mining is one example. All I ask is that on this occasion we exercise wisdom and caution *before* the project proceeds.

"Is this an unrealistic proposition? Does Mr Bridge, as an Aboriginal person, not share an obligation to protect our people from danger and exploitation in the push for progress, or does he really believe in development at *any* cost?

These are questions he must answer to the satisfaction of his electorate, and of his Aboriginal community. He must first and foremost, however, answer them to the satisfaction of the Bunuba people".

Does Mr Bridge, as an Aboriginal person, not share an obligation to protect our people from danger and exploitation in the push for progress, or does he really believe in development at *any* cost ?

A FAREWELL FOR LAURA



Staff gather to farewell former ALSWA Payroll Officer Laura Hopkins who is on her way to Darwin. At rear Chris Mioceovich; middle left to right Amanda McGow, Marcus Holmes, Paul Dixon, Joslyn Eades, Anne DeSoyza, Veronica Vinci, Pat Smith, Dee Rutherford (rear) Gayle Singer-Edwards, Kenny Griggs, Jenny Bedford, Lana Thompson, Rob Bonson; front left to right Damien Yarran, Laura Hopkins and Dianne Jones.

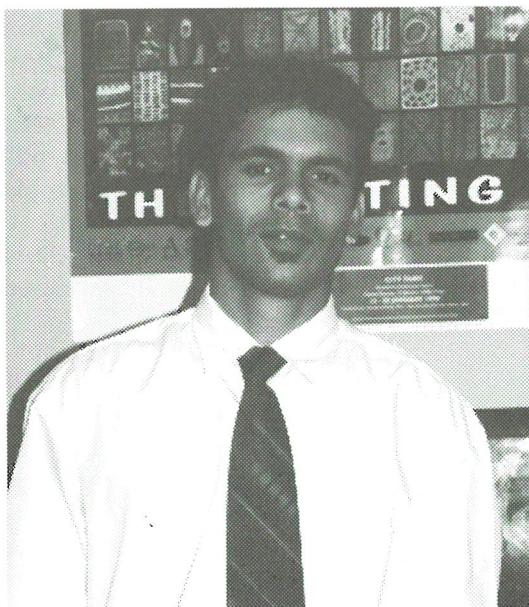
A-G welcomes statement on Family Law Regulations

Federal Attorney General Darryl Williams has welcomed ALSWA's support for ratification by Australia of the Hague Convention on Inter-country Adoption, which he believes will benefit parents in Australia wishing to adopt children of other Convention countries.

However, he has failed to respond favourably to ALSWA's suggestion that Commonwealth regulations should incorporate Indigenous Child Placement Principles, saying it is the responsibility of the States.

In a letter to ALSWA, Mr Williams says the draft regulations were intended to implement the provisions of the Hague Intercountry Adoption Convention, which required due consideration be given to a child's ethnic and cultural background.

Any additional criteria over and above those laid down in the convention would have to be imposed by States. Some State legislations already referred to the Indigenous Child Placement Principles.



RICHARD JOINS ALSWA STAFF

Richard Ridgeway is the latest addition to ALSWA'S Perth office staff. Richard will work in the mail section before joining the round-robin of trainees which will eventually see him gain experience in other aspects of the organisation's operations.

Richard was born in Perth but grew up in Broome. He recently successfully completed the Aboriginal Bridging Course run by the Centre for Aboriginal Studies at Curtin University.

COURT TAKES TRIBAL PUNISHMENT INTO ACCOUNT IN SENTENCING ACCUSED

A young Aboriginal tribal man who was speared six times in the thighs and clubbed with a nulla nulla for half an hour as tribal punishment for killing another person has been subsequently sentenced by a Court to four years imprisonment with eligibility for parole (reducing the custodial period to 16 months). The judge accepted ALSWA solicitor Peter Collins' argument that the tribal punishment should be considered in sentencing because Elders of the tribe had overseen the punishment which was clearly within the tribal custom and law practices of the community.

The tribal punishment took place in front of local police who told the court they 'had never seen anything like it before' in their years of service. The defendant was speared in the thighs six times by the father, uncle and brother of the deceased person and by the accused's brothers who had also been speared because of their familial relationship with him.

After the spearing, the accused was clubbed with a nulla nulla for about half an hour. Each time he was knocked to the ground he was made to stand up by the arbiter who was a community Elder. He was struck twice by each person who was entitled to strike him. The accused and his family were then banished from the area. After the tribal punishment the young man was arrested by police and taken, unconscious, to hospital by the Royal Flying Doctor Service where he was held for a number of days.

At the trial the accused was acquitted of wilful murder and murder but found guilty by a jury of manslaughter. If he had been convicted of wilful murder he would have had to serve a minimum of 15 years without parole. In his plea for mitigation, defence counsel Peter Collins argued that the accused had already been tribally punished and that this should be considered in passing sentence. Justice Scott accepted his arguments and imposed a lesser sentence.

Because of the importance of the case, the seriousness of the charges and the possible repercussions for the tribal client, ALSWA briefed a prominent Melbourne Barrister, Terry Forrest, to run the trial.



Trainee Court Officers Charmaine Randall, Kenny Griggs and Kim Farmer are undertaking a three month training program within ALSWA in preparation for Court work with ALSWA clients.

Parolee allowed contact with daughter

Family Unit solicitor Jill Vander Wal has succeeded in obtaining an order for access on behalf of a father recently released from prison. He had been gaoled for assaulting the mother, who, with her new partner, opposed his access to the child until the matter had been to a final trial.

The mother expressed concern at the father's criminal record and his alleged history of drug abuse and violence. She felt the child would be confused having not seen her father for two years.

The father, who had waited until he was released on home detention, made an interim application seeking limited but increasing contact with his daughter. He provided evidence that he was in a stable relationship to which a son had been born, and that he no longer used drugs or alcohol.

The magistrate agreed it was in the best interest of the child to have limited supervised contact with her father. A conciliation conference is listed for May.