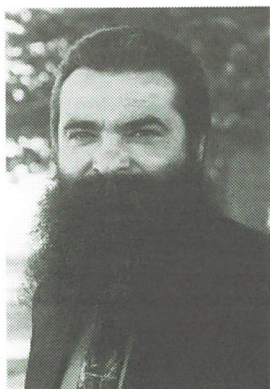


ALSWA

Published by the Aboriginal Legal Service of Western Australia (Inc) November 1999



BRITAIN SHOULD FOOT BILL FOR REPARATION

ALSWA CEO Dennis Eggington has suggested that the Aboriginal community should seek compensation from the British Crown for cultural, social and economic damage done over 210 years of colonisation. In an article published by *The Australian*, Mr Eggington said rapid approach of an Australian republic posed an urgent and potentially devastating threat to Aboriginal self-determination.

Any chance of targeting demands for compensation and reparation to the entity responsible for the attempted genocide of Australia's indigenous population - the Crown - would evaporate once the links between the two countries were finally and formally cut.

With that avenue closed, Aboriginal Australia would become solely dependent for recompense, for their massive hurt and loss, on the largesse of a government that had shown indifference in the past and which appeared no closer to accepting such a responsibility. The Republican debate was seeking to find ways to ameliorate the ongoing conflict between black and white in this country but without addressing the real issues. The debate talked of

reconciliation and sorry days without a mention of reparation or compensation. It sought to remove the burden of guilt from the shoulders of white Australia, at the lowest possible cost.

It was white Australia's last chance too. If it wanted to leave the blame for the antipodean holocaust in the past, as it so obviously did, then it should support a damages claim by Aboriginal Australia against the Crown, for loss and suffering caused by the unlawful invasion of this land.

It should not be forgotten that George III ordered Cook to take possession of the land only with the consent of 'the natives'. This was, of course, not the way things happened. The Crown, by not acting subsequently and swiftly to censure Cook and insisting that its orders be obeyed, colluded in his insubordination and in the illegal dispossession of the Aboriginal people.

The current Australian Government had inherited Britain's shame and now had to bear the cost of repairing the damage that it caused. If it sought to lay the blame at the feet of the Crown and leave it there, then it should support an action for damages against that institution.

THE EXECUTIVE COMMITTEE, MANAGEMENT AND STAFF OF THE
ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA
WISH OUR READERS A MERRY CHRISTMAS
AND A VERY HAPPY YEAR 2000

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Separate laws for black and white - not a new issue

ALSWA has responded to a letter in the Midland/Kalamunda Echo in which a correspondent suggested Australians should 'scream from the rooftops' about Aboriginal people 'having it both ways' and 'being treated differently under law'.

CEO Dennis Eggington said the correspondent had conveniently forgotten that until 30 odd years ago Aborigines could not vote, could not get passports, could not be educated in State schools, and could not enter Perth without a permit.

"These laws did not apply to whites. But would the correspondent have 'screamed from the rooftops' about that. I don't think so" he said.

"The fact is that there have always been different treatments under law for black and white Australians and there still are. It's just that more recent differences have, on occasion, actually favoured Aboriginal rights.

"And considering we didn't invite whites here in the first place, and that the whites have stolen our land and tried their hardest to destroy our culture, maybe its about time we got a break. After all, isn't this the land of the great 'fair go'?

"Your correspondent needn't worry anyway. His back yard is safe as are his family pets (if he has any). And will he really miss the odd kangaroo or crocodile"?

3M wipes offensive television advertising

ALSWA has successfully ensured that security firm 3M Scotchshield Security has removed the identifiable face of an Aboriginal man from one of its commercials, after threatening legal action. The matter was brought to the attention of ALSWA Community Unit staff who first attempted to contact 3M by telephone, but having no success, wrote to the firm.

In a letter to the director Community Unit Manager Peter O'Brien said he had attempted to contact the company by telephone on a number of occasions without success. "On one occasion I left a message but no-one bothered to respond. On several other occasions I dialled 136 136

Matriarch left in fear after Police behaviour

ALSWA has criticised police behaviour subsequent to a violent home invasion recently which left Aboriginal matriarch Joan Martin and her family in fear of their lives.

Mr Eggington said the attackers caused considerable damage to the Martin home and threatened to return to 'bomb' the children, who were present when two men gained entry to the house by kicking down the front door.

He said the attack appeared designed to terrorise the family in a deliberate attempt to force them from their suburban home. The Martin's had been subject to a continuing racially-motivated vendetta for some years in the Karrinyup area, and certain elements in the suburb were engaged in a local version of 'ethnic cleansing'.

Since the attack one man has been arrested, after a member of the Martin family tracked him down. Though two men were involved the arrested man had refused to identify his partner in crime.

The entire incident was captured on police audio tapes after Mrs Martin dialled 000 seeking assistance. The police arrived at the scene moments after the attackers had fled.

Mr Eggington said police should reassure the public and especially the Martin family that they were taking the matter seriously and doing all in their power to bring the wrongdoers to justice, and to protect the family from further harassment.

over a period of two days, but kept getting an engaged signal.

He then resorted to the company's advertised fax number in hope of eliciting some response. In his letter Mr O'Brien said "You are currently running an advertisement on television for a product called 3M Scotchshield (or some such) which is reputedly burglar proof.

"As a background to this advertisement you feature newspaper clippings of burglaries, home invasions etc, one of which clearly identifies an alleged 'Aboriginal' offender. We are seeking his instructions to proceed with a significant damages claim if the offending advertisement is not withdrawn by 5pm Friday September 10, 1999". Although no response was received from the company, it has since been reported that the advertisement no longer features an Aboriginal face.

Prisoners should be with families at New Year

ALSWA CEO Dennis Eggington has warned of the possibility of trouble in WA jails if prisoners are not allowed to be with their families this coming New Years Eve. In a statement that attracted widespread response, including inevitable criticism from right-wing talk-back host Howard Sattler, Mr Eggington said:

"I am not scare-mongering or planting the seeds of dissent. I am merely predicting what everyone knows is likely to happen. It is far better now to address the possibility, and cater for it, than to regret lack of action after the trouble has occurred". Mr Eggington said the festive season was normally a time of increased anguish and stress for prisoners, separated as they were from their families. The unrest that exploded on Christmas Day last year was evidence of this, and no-one wanted a repeat.

"Given the enormous hysteria and hype that is building around the transition to a new century, the potential for that stress to reveal itself in acts of anger is dramatically increased. This usually takes the form of violence or self harm. He said it was important that prisoners be allowed to gather with their loved ones on what was turning out to be the celebration to end all celebrations.

"It is a privilege that may not be extendable to all prisoners but to the vast majority. It will have two effects - to lessen the anguish of prisoners and to lessen the potential for violence. The very presence of family members inside jails will act as a calming device.

"Obviously there will be substantial cost involved in the rostering of additional security staff, but this cost will be negligible compared to what could be the case if trouble did break out". Mr Eggington said anyone who opposed the move, on the grounds that 'prisoners had given up the right to celebrate when they broke the law' would simply be burying their heads in the sand.

"I think if prison authorities act now to plan a safe celebration between prisoners and families we will all be winners. Not only will prisoners appreciate the fact that the system 'has a heart', but the community too will benefit in terms of financial cost and demonstrated humanity.

"The year 2000 is significant to all of us. To Aboriginal prisoners, especially, it marks the end of the worst century of our lives. What better way to start a brand new century than with a gesture of goodwill from the wider community? It will be reconciliation in action".

Funding cuts will foster growth in youth crime

The Aboriginal Legal Service has endorsed criticisms by the Youth Legal Service Chairman Judge Hal Jackson of State Government cuts in Youth Legal Service funding.

An ALSWA statement said any diminution of legal services to young people would lead to further social isolation and a subsequent increase in anti-social and criminal behaviour.

Not only would the cuts deny current offenders legal representation but they would cause offender numbers to escalate, thus aggravating the problems within the legal system in this State even further.

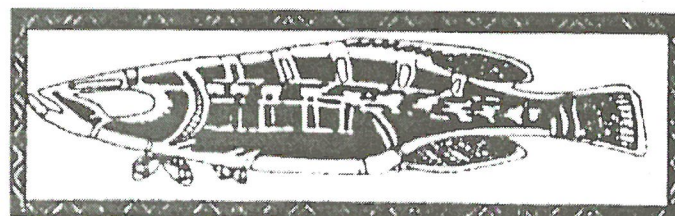
It was the height of cynicism for an anonymous Justice Ministry spokeswoman to claim that the cuts were based on state-wide analysis of the needs in juvenile justice.

Saying that the funds were to be withdrawn for representation in the metropolitan area on the spurious claim that they were more urgently needed elsewhere confirmed that more money was needed, not less, and not just for representation, but for proactive preventative programs.

Juvenile Justice in this State had been grossly underfunded and was in a mess as a result. This was evident from the huge numbers of young people in detention centres. The latest misguided move by the Justice Ministry would simply make the matters worse.

It was another example of this government's total lack of compassion for those at the lower end of the social and economic scale, because that is where the cuts would hit hardest.

ALSWA agreed with Judge Jackson that it and the Legal Aid Commission could not 'fill the gaps' left by the cessation of adequate funding to the YLS. Both services were over-stretched already because of the government's failure to provide young people generally with appropriate educational programs and employment in the hope of attaining a productive future.



'WA's jail 'em mentality' needs rethinking

ALSWA has congratulated *The News Chronicle* community newspaper in WA for its excellent editorial 'WA's jail 'em mentality' which correctly postulates that addressing the causes of crime will in fact lessen the amount of crime.

The current 'lock 'em up' approach does the opposite. When socially and economically deprived people, driven to crime through anger or need, are locked away (as a punitive rather than a rehabilitative measure) their sense of misplacement increases and the risk of re-offending also increases.

For many years, along with Chief Justice Malcolm and others, ALSWA has advocated an approach whereby scarce public dollars should be spent on rehabilitation of offenders and remediation of the social and economic conditions that prompts their offending.

The editorial astutely explained why Aboriginal pleas had fallen on deaf ears. Small minded politicians, motivated primarily by a desire for re-election, had gone for the 'quick-fix' in terms of community fears, rather than seeking longer-term solutions.

They actually knew that many of the problems Aboriginal people endured today were the legacy of similar thinking by their predecessors, but they lacked the courage (and/or the intellect) to change the status-quo. Nevertheless the editorial was far from wasted in letting politicians know that the Aboriginal community knew what they were about, and in serving to motivate, encourage and inspire others who would one day take their place

A MESSAGE FOR ABORIGINAL WOMEN

**NEED HELP
WITH LEGAL
OR OTHER PROBLEMS**

**CONTACT THE
WOMEN'S CONTACT OFFICER
ABORIGINAL LEGAL SERVICE OF WA**

**PH (08) 9265 6666
OR TOLL FREE 1800 019 900**

Archie stopped by bloody-minded politicians

The Aboriginal Legal Service of WA recently added its voice to a chorus of protest at the decision by the Ministry of Justice to deny prisoners at Casuarina the opportunity to enjoy a performance by Aboriginal singer Archie Roach.

In a letter to Attorney-General Peter Foss, ALSWA CEO Dennis Eggington said Mr Roach was a highly respected

"To suggest that his appearance at Casuarina would do anything other than benefit the relationship between prisoners and staff in Casuarina was nonsense".

international Aboriginal performer who carried with him messages of peace, hope and comfort for Aboriginal people generally, and especially for those in trouble with the law.

He said Mr Roach had performed throughout the world and throughout Australia, never once, before this, having been banned from performing in prisons or institutions. To suggest that his appearance at Casuarina would do anything other than benefit the relationship between prisoners and staff in Casuarina was nonsense.

"Casuarina prisoners are human beings first and prisoners second. As human beings in distress they need all the encouragement and support that the Aboriginal community can provide them. That community had no better way of doing that than by arranging a visit by Archie Roach.

"The support of the Ministry, in this instance, would have been a gesture that would not have gone unnoticed. Mr Foss's intervention to effect this would have been a personal gesture of goodwill that would not have been unappreciated by prisoners at Casuarina and by the Aboriginal community as a whole".

Mr Eggington asked Mr Foss intervene to ensure that people at Casuarina did not miss out on the rare and precious opportunity to participate in an event that would have enhanced their self-esteem and feelings of self-worth.

"The support of the Ministry, in this instance, would have been a gesture that would not have gone unnoticed".

As happens too often the plea fell on deaf ears. There is little room for compassion in the race for re-election.

\$1 million down in Government's knee-jerk response

After spending nearly \$1 million on the Parnpajinya and Capricorn Aboriginal camps outside of Newman the State Government is set to abandon the camps and spend another \$1 million moving the people to Newman.

The move is surrounded by controversy and confusion and represents a knee-jerk reaction to a 'problem' that the Government has happily ignored for two decades, rediscovering it recently only because of concerns expressed by the Aboriginal Legal Service of WA, the WA Council of Community Health Organisations, and the Governor of the State, Major-General Michael Jeffery.

Contradictory reports confirm confusion as to whether or not the people want to move; whether the move will be successful in the short and long terms; whether enough consultation has taken place with community members and townspeople; and whether key Aboriginal organisations have been provided with essential support funding.

'.....the latest knee-jerk response from the Government appears to be as ill thought out as previous fiascos in relation to these 'forgotten people'.....'

tions have been provided with essential support funding.

ALSWA CEO Dennis Eggington said the latest knee-jerk response from the Government appeared to be as ill thought out as previous fiascos in relation to these 'forgotten people'.

"Moving them closer to Newman is not the answer. It will only exacerbate problems of alcoholism and subsequent inappropriate behaviour, which is bound to

increase antagonisms between the people and the Newman townsfolk.

"MLC Tom Helm is right in worrying that the project will 'fall in a heap' if support programs are not provided...and there is no indication that this is the Government's intention.

"Having spent nearly a million dollars on the camps it would be far better, if more money is to be allocated, to spend it on refurbishing and reinforcing the infrastructure that is already in place, and ensuring access to adequate health and hygiene services".

Noongar Leaders find irony in Howard's dilemma

In a joint statement ALSWA CEO Dennis Eggington and Derbal Yerrigen Health Service Director Ted Wilkes have fired a shot across the bows of talk-back radio host, Howard Sattler.

The statement said it was ironic that Sattler was presently having his behaviour so publicly questioned in the endorsement scandal.

"In his pursuit of notoriety Sattler has often trodden on the sensitivities of others to reinforce his own imagined status as a defender of community values.

"Most regularly on the receiving end has been the Aboriginal community. No-one will ever forget his infamous eulogy for Aboriginal youths killed in a car crash 'good riddance to bad rubbish'. Even last week he was publicly insisting that people 'topping' themselves in prison were doing the community a favour.

"What goes around comes around Howard. We await the outcome of this enquiry with the greatest of interest".

Governor played important role in Parnpajinya

The role of the Governor, Major-General Michael Jeffery should not be forgotten in the State Government's panic move to 'do something' about the Parnpajinya and Capricorn Aboriginal communities outside of Newman.

It was Major-General Jeffery who, acting in response to expressions of concern by the Aboriginal Legal Service, called for a report about the situation from Aboriginal Affairs Minister Kim Hames, prompting the Minister and his Department into belated action with regard to those forgotten people.

Without his timely and compassionate intervention the Department would have moved much more slowly, if at all. (If the wheel isn't squeaking, why fix it?)

He has proved himself to be a friend of the Aboriginal community. It would be remiss of Western Australians not to understand and acknowledge this, as indeed many Aboriginal people have.

New appointment



"Tena Koutou! E mihi nui ki a koutou, te whanau o te ALS".

This is the message to staff from Ms Shelly Maipi, a New Zealand Maori, who has joined ALSWA as new Personal Assistant to the Chief Executive Officer. Shelly is from the Waikato area in New Zealand and has been living in Perth for the last five years. Shelly previously did some temporary work for ALSWA as a receptionist for five weeks and said when given the opportunity to work for the organisation again she jumped at the chance.

Her working life has included administrative roles in law firms and in the telecommunications area. She has a Bachelor in Social Sciences with her major being Industrial Psychology. She enjoys reading, cooking, dragon boating, touch football, netball and making long telephone calls home to her family. Shelley said she looked forward to greeting the new millenium in with ALSWA and was excited about the challenges a new century would bring.

"Ma te Atua koutou e manaaki".

Staff leave but still serve community

ALSWA has recently farewelled long-serving staff member Duane Jackamarra who has taken up a position with the new ATSIC Health Service in Victoria Park.

Land and Heritage Unit Historian Shawn Hollbach has also left ALSWA to take up a position at the Noongar Land Council in East Perth.

Shire sets behaviour standards for others - a story of irony

ALSWA Chief Executive Dennis Eggington in a letter to *The West Australian* has pointed out the irony of East Pilbara Shire deputy president, Anita Grace, expressing her concern about 'lack of support (in Newman) to make sure Parnpajinya people behave responsibly in the town'.

Mr Eggington said as a proprietor of a local liquor store, who admitted to knowing 'most of the 'hard-core' drinkers', Ms Grace had doubtless profitably supplied the community with alcohol over a long period of time.

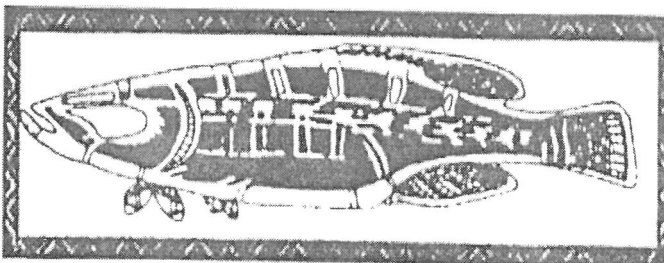
"Yet was she concerned with their behaviour at Parnpajinya or with their welfare? Both of these have been negatively influenced by the product she happily makes available.

"Why then should the people be expected to modify their behaviour, presumably to meet the more 'civilised' standards of Newman town, simply because they are being cajoled and bullied by the Aboriginal Affairs Department into moving closer to Ms Grace's liquor outlet?

"What role will Ms Grace play in providing the support she bemoans as lacking? Will she make available some of the profits she has made by supplying the Parnpajinya community (while it was conveniently hidden from view), to help the group establish itself as part of Newman town, or will she be content just to ensure their alcohol needs are met?

"Ms Grace, and others like her, have played a part in influencing the behaviour of local Aboriginal people for the sake of profit. The behaviour she now fears is behaviour she has helped create.

'Ms Grace has doubtless profitably supplied the community with alcohol over a long period of time'



ALSWA TO PROVIDE A BETTER SERVICE TO ABORIGINAL WOMEN

ALSWA's new Women's Contact Officer (WCO) Katrina Carlisle told an invited gathering at ALSWA recently that while the Service has been viewed by the community as a 'men's service' it was hoped that with the development of the WCO position such a perception would be overcome.

Ms Carlisle said her greatest hope for the position was that it would educate the wider community to an understanding of all that Aboriginal women did for their families and of the vital role they played within the community.

Ms Carlisle said Aboriginal women needed to take advantage of their legal rights and seek assistance in difficult situation in which they found themselves. They needed to explore every available avenue in the justice system to find a solution to problems.

She said the 'conflict of interest' policy was a common and overwhelming problem facing Aboriginal women especially in domestic violence situations.

"At Court the man is represented by an ALSWA Solicitor or Court Officer and receives contact with the Service before the woman. When the woman seeks legal assistance from ALSWA the Service cannot act for her because it must act in the best interests of its client (the man). This is a 'conflict of interest'.

"My role in this situation is to find out what legal assistance the woman re-

quires and take up the matter with the relevant law unit to determine if a conflict exists. If a conflict does exist then I explain ALSWA's 'conflict of interest' policy so that the woman understands and does not leave the organisation full of bitterness.

"I assist as much as is required in terms of arranging separate representation,

as to what specific issues they want to discuss. People from Newman have already indicated that they want to talk about discrimination, Centrelink and Ministry of Housing appeals and the criminal justice system.

"Regional areas may be further as-

sisted by the development of Family Violence Legal Service units in country areas. This service would assist Aboriginal women by giving them improved access to legal assistance in key family violence affected regional areas.

"There are many dedicated people and agencies working towards the advancement of women within the community and the service provided is invaluable. I want to work towards a co-ordinated effort with these agencies

in respect of assisting Aboriginal women within Western Australia and I hope that my knowledge and expertise will provide some insight into the issues that effect Aboriginal women and their everyday lives.

"I am proud to take on this position and I thank ALSWA for giving me the opportunity. However, what makes me the proudest is to be an Aboriginal woman, a mother and a member of the community. Without this experience I could not take on this role and give it the dedication and hard work it deserves".

If you require further information please contact ALSWA on 92656666



Women's Contact Officer Katrina Carlisle (left) talks with State MP Di Warnock during the WCO launch at ALSWA.

assisting with legal aid applications, arranging ALSWA briefing and following through with both the client and the practitioner to ensure that the matters are being looked after in a way that is both culturally appropriate and to the clients satisfaction.

"Part of the WCO role is legal education. A step taken thus far was a legal education series conducted at Banksia Hill Detention Centre which was moderately successful but with a little more planning we're hoping to continue in the next year at Bandyup.

"Workshops will be conducted in the Newman area by mid 2000. They will be based on general legal education but the community is being consulted

TEACHER SCARED OF RACIST TAG IN THE CLASSROOM

In response to a recent report in *The West Australian* entitled 'Bleak Aboriginal education cycle must be broken' (featuring the views of Dr Quentin Beresford, ALSWA CEO Dennis Eggington said Mr Beresford had failed to identify a pertinent factor in his analysis of the problems facing Aboriginal participation and success in the state school system.

Mr Eggington said while he (Mr Beresford) correctly suggested that educational aspirations needed to be fostered by guaranteed access to employment opportunities, other important rewards must also be accessible as motivators - and chief among those were acceptance, a sense of being valued.

He said education was not solely about tomorrow. It was about today. Aboriginal youngsters needed the comfort and security of unconditional acceptance within the education system as *they experienced it*, if they were going to be able to attain the interest, knowledge and skills to equip them for later employment.

"Sadly, we know this is not the case, and I suggest that the reason for its absence is fear - fear of the Aboriginal students themselves by those charged with their education.

"Many teachers today lack confidence in dealing with Aboriginality and its associated issues. Vaguely aware of the historically bleak educational landscape in which they operate, teachers are fearful of the charge of 'racism' if they should make the same demands and expect the same efforts and responses of their Aboriginal students, as they do of others.

"In seeking to avoid such a charge, they are often guilty of it, by omission at least. Afraid and lacking the training to tackle sensitive issues, teachers practice avoidance, and thus patronise their young Aboriginal charges, confirming within them the sense of separateness that so many feel.

"This is not a criticism of teachers, but of teachers education institutions, which to date have failed to seriously address this important aspect of teacher education. Aboriginal awareness is still 'tagged on' to teacher education in a transparent attempt to be seen to be doing the right thing - but there is sadly little commitment.

"Regrettably it is Aboriginal young people who suffer the worst effects of this neglect. As Beresford demonstrated,

'Do the crime-do the time-in the grime?' - Not!

ALSWA has responded to a newspaper claim that 'If you do the crime, you do the time, in the grime' saying the argument lacks both compassion and common sense.

The object of incarcerating offenders is to remove them from society, not to force them to endure degrading conditions.

Removing them from society is the punishment, but that is only one of three objectives. The other two, more importantly, are to provide an opportunity for rehabilitation and to protect the community. The days when inmates were deliberately subjected to inhumane and degrading treatment have largely, in Australia at least, gone.

'.....the root cause of their offending needs to be addressed (such as poor social and economic backgrounds).....'

The approach now is, or certainly should be, to address the root cause of their offending (such as poor social and economic backgrounds) and to prepare them for more productive participation in society when they are released.

The paper ignores the reality that to degrade persons in custody is to increase their anger and resentment, emotions which foster a concept of revenge.

A comparison with prisons in the US and the Philippines is flawed. In the US many prisons have harsh regimes, but these at least were carried out in hygienic conditions.

The sad thing about the Philippines is that while conditions in prisons are less than ideal - they offer an attractive alternative to the appalling conditions in which many Philippines live on the outside.

It is ALSWA's view that the state of a nation's jails reflect the quality of thinking of the community's they serve.

the alienation felt by many of their parents was a product of contempt. The fact that alienation is now a product of ignorance and fear makes no impact on such effects. They are just as devastating. Fix the problem at that level, and things will change for the better. Confident teachers will inspire confidence in their Aboriginal charges - with flow on benefits in terms of motivation, retention and ultimate success".

AUSTRALIA NOT QUITE THE LUCKY COUNTRY IT MAKES OUT TO BE

Address by Land and Heritage Executive Officer Glenn Shaw to Amnesty International Conference in Perth

Land and Heritage Unit Executive Officer Glenn Shaw has told an Amnesty International conference in Perth that in looking at human rights abuses it was safe to say a majority of people would think that it happened in other places around the world but not Australia because Australia was 'the lucky country'.

But, he said, Australia was far from being a lucky country when considering human rights abuses of its indigenous people.

Mr Shaw said human rights abuses were not restricted to people of a particular race, gender, political, religious or cultural belief or ethnic origin but were spread across the whole gamut of societies throughout the world. It was important not to be fooled that they only happened to someone else or at somewhere else.

Mr Shaw said that in Australia there were many people who were ostracised and marginalised because of their race, gender, political, cultural beliefs or their ethnic origins. This ostracisation and marginalisation meant their human rights were being denied.

Mr Shaw said there was an ever increasing number of people dying in WA prisons, whilst political ideologies were continuing to preach longer sentencing and more gaols. Neither approaches a deterrent to possible offenders.

"Evidence of prisoners being subject to acts constituting torture have been made public. The likelihood that at least one prisoner has been manacled or shackled, twenty four hours a day, for days on end, for reasons of no consequence is very real.

Prisoners in this State are subject to medication regimes, not because they are diagnosed as having an illness but, to control their behaviour (for their well being), and apparently this is something they should be grateful for and not opposed to, because it is saving their lives.

On the other hand, there are also hundreds of cases where prisoners are denied basic medical attention, simply because they are not diagnosed as being either physically or mentally ill, or what is even worse, they are judged as being malingerers.

If you are to look at the figures you may be surprised to

find that in a country which does not have the death penalty, we have a situation where as many, if not more, people die in prison than in some countries that do have the death penalty.

When we look at maltreatment of prisoners, and abuses of their basic human rights, it is not restricted to Aboriginal and Torres Strait Islander people in fact includes all people within the system. None are more obvious than those located in Western Australia at the 'so called' detention centre in Port Hedland.

Many of the people who are there find their treatment at the hands of Australian authorities no better than the fascist, dictatorial regimes they fled from, and I feel certain they would not see Australia as the lucky country.

'Australia is far from being a lucky country when considering human rights abuses against its Indigenous people'

When you look at the situation of Aboriginal and Torres Strait Islander people in Australia, many people have their views swayed by minority groups who preach racial hatred, bigotry views, ill-conceived and misinformed ideas both within our political and social environments.

I am not saying that every Aboriginal and Torres Strait Islander person has their basic human rights abused or impinged, but there are many who face that on a daily basis.

Let us not fool ourselves that things such as racial, religious, or gender discrimination or the fact that someone is discriminated against because of ethnic or cultural origins are the only forms of human rights abuses, because it is far more widespread than that.

We have all seen the public and political debate relating to the stolen generation, and the view of the federal government that they will not provide a formal apology because they took no real part in the removal of children regime.

They do however forget to mention that at a meeting convened in Canberra in April 1937, there was a formal motion passed which decided and I am quoting from memory, that **the survival of the Aborigines except for those of full blood relies on their ultimate absorption into Australian society.** If that is not participating in the regime to remove children from their families, then I'm not sure exactly what they would have to do to participate.

(continued on next page)

AUSTRALIA NOT THE LUCKY COUNTRY (from previous page)

The government at both the federal and state levels undertook processes of attempted genocide and ethnocide, and tried to legitimise it by calling it assimilation, and it is the flow on effect of that so called assimilation which are still destroying people in the aboriginal community today.

There are thousands of people who suffer from the obvious inequity within Australian society, but because of their Soc-economic situation and or minority status, they do not have and will continue not to be provided with political and or social equity. When I think of human rights abuses I think of a poem written by a friend of mine Mr John Harding:

*Exploration, flotation, interaction, desecration,
Mutilation, segregation, cattle station, sheep station,
Demonstration, rejection, degradation, suppression,
Terrorisation, discrimination, fictionalisation, frustration,
Forced correction, penalisation, wrong direction, incarceration
Annihilation, frustration, desperation, separation, Victimisation,
reconciliation,
Welcome to my alien nation.*

I think that Johnny's poem touches upon many of the things that separate the various sections of Australian society, and ones that are the basis of human rights abuses.

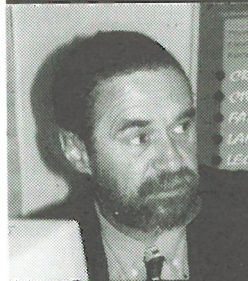
Another thing that alarms me is the way the governments of Australia, by their inaction or procrastination, virtually give tacit agreement to human rights abuses in other countries. We need only look at the stance taken by federal governments starting in 1975 and subsequent governments up till now which have operated on the assumption that Indonesia has a legitimate form of sovereignty over East Timor.

It is an advancement of the Eurocentric belief that by invading a country, establishing a form of government by using military force and Marshall law equates to the same thing as establishing or asserting sovereign rights.

We as a community are either misled, or not informed of these things by the politico's within governments of this country, or we as a collective have selective amnesia, and all forget that we were informed that our governments were, and are still, appalled by these human rights abuses.

In conclusion it also needs to be said that we cannot simply point the finger at government for allowing these human rights abuses to continue, but we must understand quite

State needs to consult Aborigines on Native Title bills



Land & Heritage Unit Executive Officer Glenn Shaw (left) said ALSWA was appalled that the State Government was once again debating the removal of Native Title from Aboriginal people in this State without even having consulted the Aboriginal community.

"We have seen reports which state that not only Government, but other members within the Parliament, are prepared to extinguish Native Title, with no consideration as to the effect this will have on not only the Aboriginal community but all taxpayers in Western Australia"

"The position of Government and the supporters of their position are doing nothing less than creating extinguishment by stealth because this proposed legislation is designed to extinguish Native Title over areas where the Court has decided that Native Title still exists"

"Both the Government and the supporters of their position on Native Title are creating a situation which to many people is *deja vu*, in that it is a repeat of the Lands Titles Traditional Usage scenario, where the Court found the legislation to be discriminatory"

"If these narrow minded troglodytes wish to throw this State into another round of turmoil over the Native Title debate, for no other reason than to appease their mates at the expense of the property rights of Aboriginal people, then let it be on their heads"

"The only other logical reason for this, is that the Government is setting itself for an early election in the middle of next year, and they want this dealt with prior to going to the polls. Either way this will most certainly haunt members of Government and their supporters leading up to and during the election process."

clearly that it is up to us to elect the government. We cannot divorce ourselves completely from some of their actions or in many cases their inactions. The protection of peoples basic human rights is not only the responsibility of government but falls upon every individual's social conscience, and I am thankful that we have organisations such as Amnesty that continue to prick our social conscience, because without them, I feel there are many people who would have no conscience at all.

NOT QUITE THE LAST BUS LEAVING TOWN - BUT NEARLY!

Address by Deputy CEO Colleen Hayward on the Republic

For me and others, one of the things that the Referendum on the Republic clearly signals is Constitutional reform. Although there is no mention in the current Constitution of this being Aboriginal land, I would never-the-less like to begin by welcoming you to Aboriginal land - in the case of this meeting place, the Noongar lands.

I must also say that the perspective I present today, while being an Aboriginal perspective, is only one Aboriginal perspective - there will also be others - and none of us who are expressing a view about this or any other matter should be criticised for having a difference of view.

The Australian Constitution was passed as part of a British Act of Parliament in 1900 and took effect on 1 January 1901. A British Act was necessary because before 1900 Australia was deemed to be merely a collection of self-governing colonies and ultimate power over those colonies rested with the British Parliament.

That Constitution makes only a couple of mentions of Aboriginal people, including: Section.25

Provision as to races disqualification from voting

'For the purposes of the last section (that referring to the constitution of the House of Representatives), if by the law of any State all person of any race are disqualified from voting at elections for the more numerous House of Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

It would appear from this that the architects of this document recognised that at least some of the States had laws that actively and openly discriminated against people on the grounds of race. More-over, the Commonwealth did not intend to intervene to stop this discrimination even though it had power to do so.

Section 51 says: *Legislative Powers of the Parliament*
The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: (...) (xxvii) the people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws: (...) (Australian Constitution)

As such, Australians adopted a Federal Constitution which expressly provided that Aboriginal peoples would not be counted in reckoning the number of people of the Commonwealth or part of the Commonwealth. In so-doing, Australia became a nation built on Aboriginal dispossession, discrimination and general denial.

32 years ago (the 1967 referendum), Australians voted to amend the Constitution. Past wrongs were not made right by this process - there was simply a negating of the town negative references to Aboriginal people (those that I've just outline). It was not until recently that the High Court decided that Native title existed at law. The High Court acknowledged that Australia was not terra nullius in 1788.

We were here. We had our own laws and culture; we had rights to land and life.

**'Australia
became a
nation built on Aboriginal
dispossession,
discrimination and
general denial'**

Of course, there has been a fair amount of public debate as to how these principles might be enshrined in a reformed Constitution, in particular on the issue of a Preamble. In some quarters this has centred much more about the question of 'mate-ship' that it did the 'meatier' issue of recognition of prior ownership of this land by Aboriginal peoples.

In fact, the proposed Preamble still fails to acknowledge prior Aboriginal ownership, opting instead for the minimalist 'inhabitation' in John Howard's version to the now modified 'deep kinship with the land' - one might say a bit like the difference between a real apology and a mere statement of regret!

There has been much less debate about the possibility of other aspects of potential Constitutional reform. Little, for instance has been discussed about: (i) Providing a set number of seats for First Nations peoples in one or both Houses of Parliament (after all, this works in New Zealand); (ii) Provision for a Treaty with the First Nations Peoples of Australia; and (iii) Enshrining a Bill of Rights. These are issues that ought to be considered by the broader Australian community as well as First Nations peoples. The Aboriginal Legal Service of WA has a position on a number of these matters - so, too, do other Aboriginal organisations.

**FOR ALSWA'S RESPONSE TO THE REFERENDUM
RESULT (WHICH WILL BE KNOWN SHORTLY
AFTER WE GO TO PRESS) SEE NEXT EDITION**

PROFILE - LORRAINE WHITBY ALSWA EXECUTIVE MEMBER CENTRAL REGION



Ms Lorraine Whitby was re-elected to the Executive Committee of the Aboriginal Legal Service of Western Australia (Inc) in the 1998 election. She was then voted in as Secretary of the Committee. This is her second term on the Committee (she previously held the position of Treasurer in her first term).

Ms Whitby is currently the elected Chairperson of the Perth Employment Enterprise Development Aboriginal Corporation (PEEDAC) and as part of that role she is assisting in the establishment of a regional office of PEEDAC in the Bayswater/Midland areas.

She was previously an appointed member of the Police Ministers Council on Aboriginal/Community Relations which was established through the Aboriginal Affairs Directorate of the WA Police Service.

Ms Whitby is heavily involved in a number of community issues on a voluntary basis through her ongoing commitment to the Aboriginal community in the Perth metropolitan region.

Ms Whitby has a keen interest in the need to reconcile the community, in terms of family unity and the recognition of the family structure.

In particular, this refers to the need for sharing and respect - respect for each other and respect for the old ways. She is committed to ensuring the rights of women and championing the cause for women to play an important role in politics in this State.

Ms Whitby is also concerned about juvenile issues and the need to look after the interests of our children from an early age to ensure that their chances in life are optimised. She says that she looks forward to meeting with the community to discuss their legal needs and other related local social justice issues.

MEDIA WATCH NECESSARY

The *Wanneroo Times* has been the latest newspaper to cop a mouthful from ALSWA in response to a correspondent saying all people should be afforded 'equal rights' and claiming that Aboriginal people were being advantaged by their race.

ALSWA's response said the writer conveniently ignored the fact that until 30 odd years ago Aborigines were not allowed to vote, could not get passports, could not be educated in State schools and could not enter Perth without a permit.

Not long before that Aboriginal people were recorded in farm 'stock', alongside cows and sheep, and denied birth certificates. Their children were stolen from parents and communities to be deculturated.

The United Nations rights that the writer insists are guaranteed to all were blatantly denied Aboriginal people then without so much as a peep out of white Australia. There have always been different treatments under law for black and white Australians and there still are.

It is just that more recent differences have, on occasion, actually tried to address the specific Aboriginal needs that have resulted from two centuries of oppression.

In decrying this, the writer revealed him/herself to be either prejudiced, ignorant, or both.

PUBLICATION DETAILS

ALSWA is published by the Aboriginal Legal Service of WA (Inc) PO Box 8194, Stirling Street, East Perth 6849 [Tel (08) 9265 6666 Fax (08) 9221 1767 Toll free 1800 019 900]. Information is gathered from a variety of sources, some of which may not reflect this organisation's views.