

ALSWA

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ALSWA's 'Blackchat' event gets the go-ahead

ALSWA has received funding from the WA Police Service and the Police Minister's Council, to host a special Reconciliation event towards the end of 1999, entitled BlackChat.

The event will provide an opportunity for selected Aboriginal young people in the Perth metropolitan area to articulate their views on a range of issues to Perth's major decision makers. Workshops for speakers to develop their ideas and prepare addresses are to be conducted by the Centre for Aboriginal Studies at Curtin University, prior to the event at Government House.

The guest list includes the State Governor, Major-General Michael Jeffrey; the Premier; the Leader of the Opposition; the Minister for Police and the Police Commissioner; senior representatives of the Ministry of Justice; major Aboriginal organisations; participating Schools and Colleges; major churches; social service organisations; and the media.

The purpose of the function is to create channels of communication between Aboriginal young people, who are enjoying success in the education system, and those who develop and implement the policies that impact on them, and those who do

share in their success, in the hope that such channels will naturally strengthen over time, facilitating ongoing positive and productive interaction.

The one-day event will be held at Government House, Perth. Guests will observe a number of cultural events, listen to speakers, and participate in small-group discussions, which will culminate in a plenary session.

'young Aboriginal people will be able to articulate their concerns to Perth's major decision makers'

Aboriginal speakers are being selected from senior high schools and colleges throughout the metropolitan area. They will address topics dealing with political, social and economic issues. Other Aboriginal young people will be invited to participate as performers and observers. Awards,

recognising their particular contributions, will be presented to all participants.

The State Governor has been invited to open the event. ALS Community Legal Education Officer Ashley Truscott will act as master of ceremonies and respond to the opening address. The event will be fully catered with participants and invited guests sharing lunch, morning and afternoon teas, and a Reconciliation dinner.

ALSWA applies for Native Title Representative Body status

ALSWA is waiting upon a decision from the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, on whether it is to continue operating as a Native Title Representative Body.

ALSWA's application was presented to the Minister in Canberra recently.

The amendments to the Native Title Act in 1998 stated that a new regime governing the selection and recognition, powers, functions, operations and accountability requirements of Native Title Representative Bodies would be implemented.

ALSWA is currently a Representative Body for all areas in Western Australia and has applied to continue in that capacity.

(The Minister's decision is due towards the end of the month and will be reported in the next edition of ALSWA).

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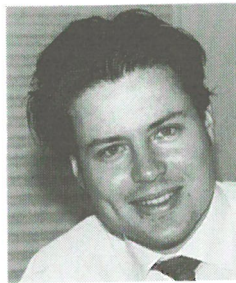
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Inmates take action against prison authorities..



ALSWA's Civil Unit is representing prisoners who claim they were assaulted and tortured by warders during the lock down at Casuarina after the so-called Christmas Day riot last year.

Writs will be issued against prison officers, alleging physical and psychological abuse perpetrated on prisoners. The prisoners are claiming au-

thorities contravened rule 2K of the Director-General's guidelines, which states no prisoner will be tortured while in prison care.

In the week after the riot occurred, prisoners said they had their arms and legs 'hobbled' together with nylon rope; had mace sprayed in their eyes; and their heads bashed into walls.

One prisoner said he was forced to remain in his cell for three days with all lights turned on, and was denied access to his lawyer. Another allegedly had his face slammed against a window, was kicked and verbally abused and called a 'little black c...'.

Civil Unit Solicitor David MacLean (pictured) said none of ALSWA's clients had been charged and argued the inmates were victimised by prison officers intent on keeping strict control over the prison population. Any assault by a person in authority, committed against a person in care, was a serious assault.

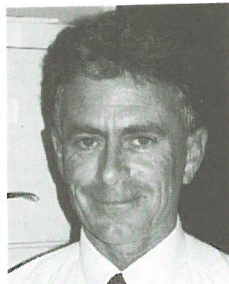
ALSWA CEO Dennis Eggington said prisoners had been denied their basic human rights, because they were not treated with respect or dignity and were not valued as human beings.

Mr Eggington said all human beings had the right not to be subject to torture or cruel and degrading treatment or punishment and were able to seek effective remedies if their human rights were violated.

He said Australia would be frowned upon in the international arena if it did not keep its international obligations and abide by the United Nations Declaration on Human Rights. ALSWA would pursue those claims vigorously to ensure justice was served.

..while ALSWA takes on the taxicab industry

Land and Heritage Solicitor Ambrose Cummins has taken affront at the prejudicial attitudes that exist within the local community, courtesy of a 'Black and White' taxi driver.



Mr Cummins caught a cab from Fremantle to the Perth Domestic Airport in early June and struck up what he thought would be a cordial conversation with the driver. Everything was fine until the driver learnt that he worked for the ALS. Then, things changed. The driver's conversation abruptly turned from pleasantries to a diatribe of racist drivel, as he delivered at great length his negative views on Aboriginal people.

In a subsequent letter to the Complaints Officer of the Black and White Taxi company, Mr Cummins complained that the driver continued to make offensive remarks even though it was politely but clearly pointed out to him that Ambrose disagreed with his attitude.

In the letter Mr Cummins said the driver had revealed a contempt for Aboriginal people in admitting he had refused to pick up Aboriginal people even in cases where a taxi was booked. In such cases, if he turned up at the location and realised the passenger was an Aboriginal person, his policy was to drive off.

The driver further claimed that a vast majority of cab drivers held similar views to his in relation to Aboriginal people, and that Mr Cummins could test this out by telling taxi drivers 'my house was recently been broken into by blacks' and watching their reaction - a bizarre proposition that Mr Cummins of course would ignore.

Mr Cummins suggested to the taxi company that they urgently needed to make it clear to the public, and especially to Aboriginal people, that such behaviour by drivers was unacceptable. He demanded that his complaint be dealt with promptly and that he be provided with a copy of the company's policy. Although this was provided, Mr Cummins was far from satisfied with the company's response. He advised Black and White Taxis that he could not believe they did not have a policy on vilification and discrimination. He said he would take the matter further unless the driver provided, in writing, a personal apology; and unless Black and White Taxis developed a policy on discrimination and vilification.

CEO DEFENDS ELDERS AGAINST CHARGES OF OPPORTUNISM

ALS Chief Dennis Eggington recently appealed for community calm in the wake of the tragic accident that left two young people dead following a high-speed pursuit.

He said while the ALS grieved for the loss of two fine young people and shared the heartbreak of their families and friends it was also deeply concerned for the welfare and wellbeing of the youths involved in the high-speed pursuits.

Following the tragedy Mr Eggington appealed to the Aboriginal community to stay calm until the full details of the event were known, as a mark of respect to the deceased persons, and not to be provoked by the usual frenzy of 'Aboriginal-bashing' that usually took place in local commercial media.

The tragedy was two-fold. Not only did the community lose two innocent young lives, but also it witnessed once again the devastating effects of the marginalisation of Aboriginal youth. The community needed to direct its anger against government policies that create the sense of alienation and isolation within Aboriginal young people. For many years the community had been warning that government neglect of the underlying causes that drove young people to such anti-social activities would result in an increasing social and economic cost to the entire community. This was but one further, unnecessary, and tragic, confirmation.

Mr Eggington said the ALS would continue to work with the Police Service and other well-meaning agencies in an attempt to arrest the decline in self-esteem amongst Aboriginal youngsters.

"They must be made to understand that, while society generally may seem to have abandoned them, there are people who care deeply about their sense of hopelessness and who are working towards improving their life chances".

He said all of the young people involved in the latest tragic incident were victims in different ways. While the community would never be able to replace those who died in the accident, it had an obligation to stand by those who allegedly precipitated the event.

In the weeks following the crash there was a back lash

from the wider community against the elders call for Aboriginal youths to stop stealing cars.

In *The West Australian* newspaper, there were a number of correspondents saying that 'the call was too late' and that the elders only said it because it was members of their community who had died'.

Mr Eggington, in a response to the editor of *The West* said the correspondents needed to ascertain the truth before making baseless and prejudicial assertions that it had taken the tragic death of two young Aboriginal people to elicit calls for Aboriginal youth to stop stealing vehicles.

He said the truth was that Aboriginal organisations had for many years been involved in strenuous attempts to achieve such an end, but had been constantly thwarted by the failure of governments to address the social alienation of Aboriginal youngsters that was known to lead to this type of criminal behaviour.

To even suggest that prior to this event Aboriginal leaders were not concerned about the car stealing issue was particularly insensitive and demonstrated a sad ignorance of the reality of the situation.

Mr Eggington said Aboriginal people abhorred such activities, aware as they were of the enormous risks to life that accompanied them. He said the community shed tears for

the hapless victims of such events, regardless of their race, and for the young drivers who felt the need to demonstrate their despair in such a manner.

For years Aboriginal leaders had pointed out that until governments were prepared to address the underlying causes of such despair - poverty, prejudice, discrimination, societal contempt - the outcomes would continue to be negative for our whole community.

"The same underlying causes lie at the base of the disproportionate rate of Aboriginal offending and incarceration across the board, and the resulting tragedy of deaths in custody. Before people cast aspersions on Aboriginal leaders let them talk to those leaders and find out what is happening at community level.

"Let them understand that despite our best efforts we cannot do it if governments do not share our sense of urgency and determination".

For years Aboriginal leaders had pointed out that until governments were prepared to address the underlying causes of such despair - poverty, prejudice, discrimination, societal contempt - the outcomes would continue to be negative for our whole community.

ALSWA defends community's right to improve lives

ALSWA has successfully represented the Bindi Bindi Aboriginal Community in Onslow in respect of an action by the Shire of Ashburton for the payment of rates and rubbish charges.

Solicitor David MacLean said the decision had significance for Aboriginal communities and Local Governments throughout the State.

The Bindi Bindi Community resides on Crown land near Onslow which is a reserve for Aboriginal people. The Shire treated the matter as a test case to determine whether such communities were liable to pay land rates and rubbish charges, a question which had long been unclear.

The Bindi Bindi Aboriginal Community provides low cost rental accommodation and strives to improve living conditions and encourage self sufficiency. It provides various non profit services including training and the establishment of a health clinic.

The rates and rubbish charges that would have been payable by the Community amounted to about \$17,000 per year until the total amount of \$120,000 was paid.

The Supreme Court found that the Community was not liable for payment of rates and rubbish charges. The Local Government Act declared that all land in the State was rateable, with certain exceptions, including crown land used by the public, land used by religious bodies or private schools, or land used for charitable purposes.

Justice Wheeler said in her decision that the Bindi Bindi Community used the land for a charitable purpose in advancing the wellbeing of its members in the relief of poverty, ill health and poor living standards.

The Supreme Court found that 25% of Onslow's population were residents of Bindi Bindi. There was a sufficient "public benefit" to meet the further requirements of a charitable organisation. It ruled the land was therefore exempt from rates or rubbish charges.

Mr MacLean said the decision gave a boost to communities which tried to be self sufficient, look after their members and improve their opportunities and living conditions.

Community Groups accesses legal education

The Community Legal Education Unit of ALSWA has conducted legal education workshops in a number of regional centres over past months.

Community Legal Education Officer Ashley Truscott recently accompanied Principal Legal Officer David Imlah to Leonora for a meeting between townspeople and local police in an exercise aimed at improving relations between the two groups in the town.

Another workshop was organised at Gnowangerup for local Aboriginal people to record their concerns about attitudes in the town. Legal education was again a feature of the occasion with participants learning about their rights and how to access them.

More recently, the team travelled to Mt Barker where it met with local people about recent incidents in the town and again the concentration was on relationships between the community and government organisations.

Participants appreciated the information provided about ways to self-empower their community in terms of seeking access to amelioration of problems from existing agencies. A visit to Albany to address Justices of the Peace was being organised at time of printing.

Police Chief thanks ALSWA for support

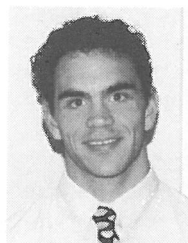
Retiring Assistant Police Commissioner (Professional Standards) Jack Mackaay has written to CEO Dennis Eggington thanking him for the organisation's courtesies during his last four and half years with the Police Service.

Mr Mackaay, who met with Mr Eggington on a regular basis, said that without a meeting of the minds, for the right reasons, they would not have achieved the advancements made.

Mr Mackaay whose career extended over a period of 32 years active said the co-operation received from ALSWA would be the highlight. He said he intended to keep in contact and would always be amongst the organisations staunchest supporters.

Mr Eggington is looking forward to meeting with Mr Mackaay's replacement in the very near future.

ALSWA STAFF RECEIVE NAIDOC AWARDS



ALSWA Staff members Cory McGrath (left) and Amanda Wynne (right) have been recognised by the WA NAIDOC Committee, Cory winning the NAIDOC Sportsman of the Year Award and Amanda winning Belle of the Ball at the annual NAIDOC Ball.

Accounts Officer Cory McGrath plays football for the South Fremantle Football Club with younger brothers Toby and Ashley.

Being versatile, Cory plays on the half back flank, the wing and in the centre. He has been with South Fremantle for five years.

Cory grew up in Nyabing and Katanning and played in the Kent Junior Football District competition in Nyabing and for the Wanderers in Katanning. He moved to Perth in 1995 and took up a career with South Fremantle.

His most memorable games include his first league game when John Dorotich kicked 13 goals, and the inaugural EJ Whitten Memorial game where he played against the legends, including Dermot Brereton.

Meanwhile, ALSWA Albany Secretary Amanda Wynne was named Belle of the Annual NAIDOC Ball.



Ms Wynne won the hearts of the judges with her happy appearance and pleasant personality. On the evening, she wore a long blue dress. Somewhat surprised she won the award, Ms Wynne thanked the organisers of the NAIDOC Ball for making the night successful for all.

Ms Wynne was born in and has lived in Albany all her life. After finishing her schooling she obtained a traineeship with the Community Based Corrections Centre. While employed at the Centre, she attended the Great Southern Regional College of TAFE and obtained a Level 3 Certificate in Office Administration.

Ms Wynne previously worked for the Southern Aboriginal Corporation and the Aboriginal Affairs Department in Albany. As well as having an interest in the law, she enjoys playing all sports and competes in basketball and netball competitions.

ALSWA Executive Committee member Cedric Jacobs opens NAIDOC week

In an address to mark the 1999 NAIDOC celebrations, ALSWA Executive Committee member Cedric Jacobs reminded his audience that in 1778, Lieutenant James Cook received the following instructions from mad King George. 'You are, with the consent of the natives to take possession of convenient situations in the country in the name of the King of Great Britain, or if you find the country uninhabited take possession for his majesty by setting up proper marks and inscriptions as first discoverers and possessors'.

Mr Jacobs said such consent was never sought and had not been sought since.

He told his audience that here was much to be done for the ultimate good of the Aboriginal people and the betterment of the nation and its peoples at large. To

achieve this the nation would need to call upon the expertise of a qualified Indigenous people, who should work together with others sympathetic to the Aboriginal cause.

Firstly there was the issue of Native Title which needed to be pursued with a greater sense of vigour, working towards deadlines for ameliorating different areas of concern. It needed to be at all times argued strongly that Aboriginal 'common law' Native Title continued to exist.

There was also the matter of reconciliation. While the draft statement appeared fine, it should not be forgotten that the statement needed to be developed to become a most meaningful and appropriate document for Indigenous people. After all, he said, we are the offended party.

State takes same line in Miriuwung Gajerrong Federal Court appeal

In its appeal against the Federal Court decision in the Miriuwung Gajerrong Native Title matter the State Government has reiterated arguments that it used in the initial hearing.

State Government Counsel Chris Pullen told the Court that Native Title claims had two requirements. The first was the occupation of the claim area by the claimants together with a spiritual and intellectual connection to the land if it was to succeed.

Pullen said in order to satisfy the first of those requirements, Aboriginal groups had to be more than just on the land but had to exercise control over it. This control must have given them the power to remove others from the area.

Pullen said the breakdown of the traditional way of life was evident from the fact that the Miriuwung and Gajerrong people no longer controlled the claimed area. This was due to Station managers having control over Aboriginal people and country. As a result of lack of control by the claimant group, they were said not to occupy the claimed area. This was despite the fact they had physically been there since time immemorial.

Pullen said the real land owners were not the Miriuwung Gajerrong groups but smaller estate groups such as the Dawang. He said the Miriuwung Gajerrong groups should have lodged their own separate land claims and that those claims should have been broken down into smaller estate claim groups. Another argument was that people could only inherit country from their father or adopted fathers but not from their mothers.

The State believed Native Title was a bundle of rights which gave owners the right to do certain things such as hunt, fish and perform ceremonies. In the first hearing, Justice Lee decided that Native Title was not a bundle of rights but a right to own land. This gave Native Title owners rights like any other land owners, whose activities were not restricted to doing only those things that the owners who came before them did.

Michael Barker QC, arguing the Miriuwung Gajerrong position on behalf of ALSWA said at the time of sovereignty the ancestors of the present claimants had Native Title rights which entitled them to the possession, occupation, use and enjoyment of the land. As long as the ancestors maintained a traditional connection to

land then they possessed the same rights as the original owners. Once Native Title was found to have continued, the question must be asked as to whether it had been extinguished or curtailed by the Government making land grants to other people that effected Native Title.

Barker quoted Justice Brennan from Mabo 2 when he said Native Title survived to be enjoyed by the members according to the rights and interests to which they were respectively entitled under the traditionally based laws and customs, as traditionally acknowledged and observed.

In relation to the bundle of rights theory by the State, Barker said that the theory would have the effect of consigning Native Title to the status of a museum piece and would be contrary to the logic of Mabo which contemplated a dynamic form of Native Title that could adapt to fit the changing circumstances.

He said the State's argument was against Justice Brennan in Mabo when he stated it was not possible to admit traditional usufructuary rights without admitting a traditional proprietary community title.

Barker said the land owning group was not the smaller estate groups as contended by the State but rather the larger Miriuwung

Gajerrong group as a whole. He demonstrated this by showing the interconnectedness of the entire claim group by referring to dreaming sites and tracks as well as social, family, cultural and language connections.

Richard Bartlett QC, also Counsel for ALSWA told the Court extinguishment was a draconian result of the grant of non-Native Title interest. He applied the general common law presumption against the confiscation of property rights in the absence of compensation.

Bartlett said what the common law required was a clear and plain intention to extinguish ownership. This did not mean the State Government must have subjectively thought to itself that it would now get rid of Native Title by making a grant to a pastoralist. The intention was objectively assessed by reference to what the State actually did do. If it made a grant over which Native Title could no longer exist because it was in conflict with the new form of title such as freehold grant, then the State was displaying a clear and plain intention to extinguish Native Title. Native Title would in this situation disappear.

'Native Title survived to be enjoyed by the members according to the rights and interests to which they were respectively entitled under the traditionally based laws and customs, as traditionally acknowledged and observed'

ALSWA prepares for Ngarluma-Yindjibarndi Native Title determination

By Land and Heritage Solicitors Alison Murphy, Bill DeMars and Christine Halls

The Ngarluma and Yindjibarndi Native Title claim passed the Registration Test on 14 July 1999. This was a big achievement for the Native Title claimants which meant the claimants would continue to have a right to negotiate with mining companies and government activities which may take place on the land under claim.

However this was only the first hurdle that the Ngarluma and Yindjibarndi people had to overcome in order to get their traditional homelands back. The biggest hurdle was still to come as the Ngarluma and Yindjibarndi people will have to prove to the Judge that the land claimed belongs to them under Aboriginal law.

On September 20, a Judge from the Federal Court of Australia would visit Roebourne for two months to hear the Ngarluma and Yindjibarndi people talk about their connection to the country and give evidence about their Native Title.

Ngarluma and Yindjibarndi people first lodged their Native Title claim in July 1994. In the five years since then, many Ngarluma and Yindjibarndi people have done a lot of work to help get the claim proved in Court. ALSWA arranged for a number of expert reports to be filed in the Federal Court to help the Ngarluma and Yindjibarndi people prove their connection to country. Those reports include:

- ◆ Archaeological report written by Dr Peter Veth.
- ◆ Linguistic report written by Nicholas Thieberger.
- ◆ Historical report written by Dr Christine Choo.
- ◆ Anthropological report written by Michael Robinson.
- ◆ Anthropological report written by Jan Turner.
- ◆ Family Trees prepared by Michael Robinson.

These expert reports support the claim of the Ngarluma and Yindjibarndi people to the lands under claim.

In the months of June and July, ALSWA with Michael Barker QC ran a practice hearing of the Native Title claim to give people a chance to run through their evidence before the Judge comes up on September 20. This practice hear-

ing was a big success and gave everybody a chance to see what the evidence would be when the Judge arrived in Roebourne.

During the first two weeks, people camped out at Millstream National Park and each day travelled to various sites where the Judge will visit in September. Each day people spent a lot of time talking about their country to Michael Barker. A lot of evidence was collected that would be very helpful to the Court case once it started in September.

In the following week, the practice hearing moved out to Whim Creek, where it heard evidence from a number of people about Sherlock, Croydon, Whim Creek, and Balla Balla. Again this was a very useful exercise with people travelling from Marble Bar, Yandeeeyarra and Port Hedland to take part. Ngarluma people stayed out at Whim Creek for the week while the practice session was held.

In the final week the practice hearing visited Pyramid Station, the Burrup Peninsula, Cheratta Station, Roebourne and the Two Mile Reserve. Again this involved a large number of people and was enjoyed by everybody.

The practice run was an extremely important part of the preparation for the Native Title claim and the process of getting ready for when the Judge visits in September.

(See page 8 for Ngoonooru Wadjari story)

Practice Court at Millstream with Yindjibarndi people.



Conference provides insight into social justice issues

ALSWA Court Officer Kenny Griggs and Legal Education Officer Ashley Truscott (pictured right) recently attended a Human Rights and Equal Opportunity Commission (HREOC) Young Indigenous Peoples conference in Sydney, to discuss issues of importance to young Indigenous people.

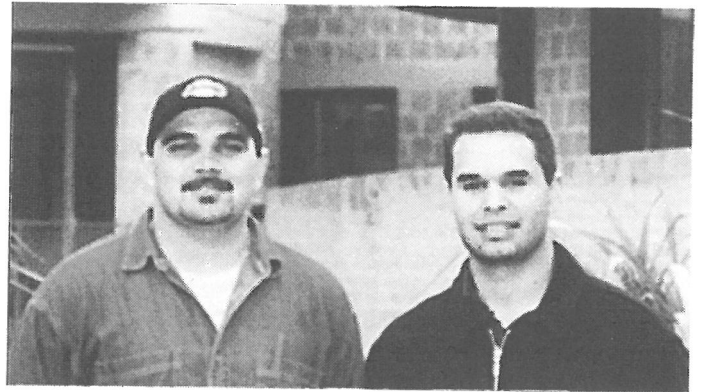
It began on Thursday 5 August and finished on Friday 6. Sylvia Scott welcomed everyone on Eora land, Yvonne De Vries welcomed everyone to Tranby College, HREOC President Alice Tay and Social Justice Commissioner Bill Jonas also welcomed everyone to the conference.

Some speakers were from the Australian Bureau of Statistics who provided attendants with interesting information about Aboriginal and Torres Strait Islanders (1996 census). The statistics indicated that there were a;

- Greater percentage of young people in Indigenous population;
- 1 in 4 persons in Northern Territory were Indigenous compared to 1 in 200 in NSW;
- Indigenous people had babies at younger age;
- Indigenous female students did better at tertiary education than indigenous males;
- 1 in 20 Aboriginal youth in prison compared to 1 in 200;
- 1 in 25 Aboriginal males in prison;
- 80% of Aboriginal people die at or before 65 years compared to 30% for national average;
- twice as many Aboriginal people go to hospital;
- interpersonal violence rate was 30 times higher than non-indigenous rate;
- Aboriginal people living in grossly overcrowded environment; and
- 96 census showed massive social disadvantage for Aboriginal people.

Evelyn Scott, Chairperson of the Council for Aboriginal Reconciliation also spoke at the conference. She talked about the role of the Council and the Draft Declaration for Reconciliation. Ms Scott told the conference the strategies for implementing reconciliation and invited people to attend a session on the Draft Declaration.

In the Draft Declaration group there were a few young people who felt the statement would be confronting to non-Aboriginal people, although it still needed to be strong. The word apology was discussed at length as some young people wanted it removed from the statement because they felt the non-Aboriginal community would not endorse it.



Some members of the Declaration group said non-Aboriginal people did not feel the importance of apologising. It was argued that the communities perception of what an apology meant under these circumstances, was what needed to be addressed.

There were a number of workshops on juvenile justice, media, internet accessibility, reconciliation and human rights. Mr Griggs facilitated the activities on day two of the conference.

Ngoonooru Wadjari claim passes registration test

The Native Title claim of the Ngoonooru Wadjari people took a significant step forward when it passed the new registration test at the National Native Title Tribunal (NNTT). Last years changes to the Native Title Act mean tall claims had to be re-submitted to the NNTT to be put through a much stricter threshold test for acceptance.

The Ngoonooru Wadjari people are the traditional owners of the country to the west and north of Meekatharra in the Murchison-Gascoyne region of Western Australia.

As a result of their claim passing the Registration Test the Ngoonooru Wadjari people now have the automatic right to negotiate with mining companies and other developers who want to undertake projects on their country.

This gives them the opportunity to negotiate agreements with mining companies to ensure sacred sites in their country would be protected.

Passing the Registration Test does not mean the Court has found that the Ngoonooru Wadjari people have Native Title rights, but it is a significant and essential step forward in the process of seeking a determination of Native Title.

Aboriginal people exposed to multiple risk factors

The report of the Parliamentary Select Committee on Crime Prevention has found that the high levels of Aboriginal people involved in crime in this State were due to the fact that they were exposed to multiple risk factors which led to offending behaviour.

The risk factors can be identified as low self esteem, poor social skills, lack of empathy, teenage parents, single parents, substance abuse, anti-social models, conflict and disharmony, neglect, large family size, parent absence, abuse, school failure, poor attachment to school, death of family member, socio-economic disadvantage, population density and housing conditions, neighbourhood violence and crime, social or cultural discrimination, cultural norms: violence as acceptable response to frustration and lack of support services.

The report, tabled in June, clearly identified from research that racial composition was not in itself a guarantee of offending behaviour. It showed that Aboriginal people were over represented in the criminal justice system in proportion to their ratio of the total population of Western Australia.

The Committee acknowledged the displacement suffered by Aboriginal people associated with white settlement of Western Australia. Research had confirmed the effects of this displacement on family and cultural factors which in combination with high levels of socioeconomic stress had produced conditions in which offending had become common.

In evidence to the Committee, Ashley Truscott and other Aboriginal organisational representatives suggested a first step to resolving many social problems would include appropriate recognition and awareness of Aboriginal culture. Efforts needed to be directed to re-educate Aboriginal young people who had lost their links with culture.

The Committee recommended that an independent evaluation of the Aboriginal Cyclic Offending Program should be undertaken and result published.

The Aboriginal Cyclic Offending Program was a State Government inter-agency program operating in Geraldton and Midland. It aimed to reduce the influence of many of the risks factors to which Aboriginal people were exposed.

From the first report of Select Committee on Crime Prevention.

Father granted special access to son



ALSWA Family Law Solicitor Paul Anthony (pictured) has successfully represented a man who wanted an order to enable him to take his five year old son to a family event.

The father, who lives in Carnarvon, had previously obtained contact with the child for short periods during school holidays and had had regular telephone contact.

In May, ALSWA wrote to Legal Aid which was acting for the mother of the child, requesting the father have further contact and that the child be allowed to attend the function in August.

The mother rejected all proposals in the letter, and notified the father she intended to move to Christmas Island within a week, for a period of up to twelve months, as her defacto had found employment there.

The father was not opposed to the mother living on Christmas Island as long as the mother agreed to the proposed conditions of contact and the special visit. The mother would not agree and the father's case was listed for hearing in the Court of Petty Sessions a day before her departure.

The Court ordered that the father's contact be extended for the whole of the school term holidays and for the first four weeks in the Christmas break. The father was also granted contact for three days during August so his son could participate in the family event. The mother was restricted from moving to Christmas Island until after that event.

The Court also ordered that if the mother breached the new contact arrangements then the child would return to Western Australia to live with the father and he would be responsible for the child's day to day care, welfare and personal development.

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A forum for developing tomorrow's leaders

Regional Co-ordinator Jenny Bedford and Articled Clerk Andy Matthews recently attended the Queens Trust Forum for young Australians in Sydney from July 18 to 23.

The Forum is convened annually for young Australians aged between 24-30 years. Participants were chosen Australia-wide from diverse backgrounds and were selected for their demonstrated leadership potential.

During the week long conference, participants listened to prominent speakers on a wide range of issues that currently faced the nation. The aim was to stimulate debate and discussion. Some of the speakers were The Hon Justice Marcus Einfeld, The Reverend Tim Costello, Maxine McKew and Noel Pearson.

Ms Bedford said the conference was a worthwhile and valuable experience because important issues were discussed between young Australians which broadened all horizons, and raised awareness on issues, and extended networks.

Thank you

*From Adrian, Audrey Ugle and
family*

To: Aboriginal...Legal...Service...Staff...

A special thank you and appreciation from our family for the support you and your organisation showed to us in our time of grief.
It has really helped us in our time of need.

Thank you and may God bless you.

Yours sincerely,

Adrian, Audrey Ugle and Family.

CEO to PM - there's no alternative to 'sorry'

The Aboriginal Legal Service has strongly rejected suggestions that Aboriginal Australians will accept the Prime Minister's 'expression of regret', in place of a full apology, for the forced separation of Aboriginal children from their families and communities.

ALSWA CEO Dennis Eggington said the proposal was political deception at its worst, with the Prime Minister cynically attempting to con the Aboriginal community into letting Australia 'off the hook' for its past inhumane and unfair treatments of Aboriginal people.

Mr Eggington said the Prime Minister was also manipulating wider community attitudes into accepting that a mere expression of regret would suffice as an apology and thus lend itself to reconciliation.

"In fact, as far as Aboriginal Australia is concerned it will do exactly the opposite. Any attempt to weazle out of saying 'sorry' to Aboriginal people for the trauma the assimilation policies caused and for the devastating effects they have had on our community, will be bitterly opposed by a majority of Aboriginal people and by all fair minded Australians".

Mr Eggington said the Prime Minister should stop playing games and accept the inevitable reality that reconciliation will only ever be achieved if past wrongs were admitted and full reparation for those wrongs negotiated with the Aboriginal community.

ATSIC ELECTIONS
9TH OCTOBER 1999

YOUR VOTE WILL MAKE
A DIFFERENCE.

FOR FURTHER INFORMATION PHONE
THE RETURNING OFFICER AT YOUR
LOCAL ATSIC REGIONAL COUNCIL OR
THE AUSTRALIAN ELECTORAL
COMMISSION
ON (08) 9470 7299.

Court erred on cultural rights

CEO Dennis Eggington recently congratulated former ALS President Ted Wilkes on his marron fishing rights victory recently in the Supreme Court. The Supreme Court overruled a decision by the District Court which said Mr Wilkes had no cultural right to take under-sized marron. The Supreme Court disagreed and ordered the case to be reheard in the District Court.

Mr Eggington said a number of newspaper correspondents appeared to have misunderstood the Supreme Court's ruling in the Wilkes matter. The Court did not, in fact, decide guilt or innocence in the matter of catching undersized marron. What it did was overturn a conviction on the grounds that the Magistrate, in the original hearing, erred in not considering Native Title issues in arriving at his decision. The effect of the Supreme Court ruling is that the case will now be retried.

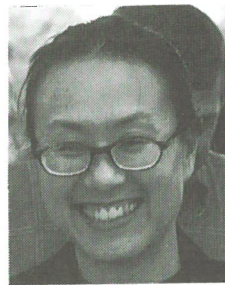
Mr Eggington said notwithstanding this fundamental misinterpretation, the tenor of the correspondence evidenced a much wider confusion as to the principles that underpinned the Supreme Court's determination. The essence of the indignation appeared to be that such a determination indicated there were, in Australia, different laws for Aboriginal and non-Aboriginal peoples.

"In that assumption, they are entirely right, as has been confirmed by the High Court of Australia in the Mabo case. But the situation is not new. Since Australia was invaded there have been different laws for black and white in this country, yet historically few non-Aboriginal voices were raised in protest.

"Consider the 1905 Act. This discriminatory Act created laws that controlled every aspect of Aboriginal lives in this State. Consider the Constitution. Until 30 years ago this document lawfully discriminated against Aboriginal people by excluding them from participation in Australian society. When laws affect us adversely, the critics stay silent. When laws recognise our special rights, as ancestral custodians of this land, the critics express their outrage.

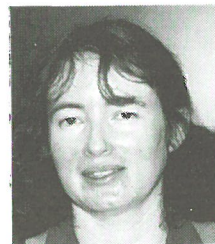
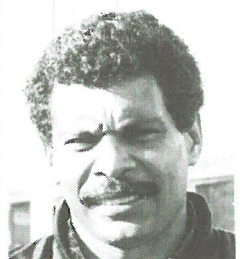
"Mr Wilkes is a Noongar leader whose probity is unquestioned by those privileged enough to enjoy his acquaintance. To suggest that he would act in any way that compromised the ecological integrity of this land, is to reveal either a piteous ignorance or a deliberate antagonism". Mr Eggington rejected correspondent's suggestion that Mr Wilkes was dividing Australia by looking backward, not forward. "Australia was divided some 210 years ago", he said, "not by us, but by the ancestors of those who now make such nonsensical claims".

ALSWA's new appointments



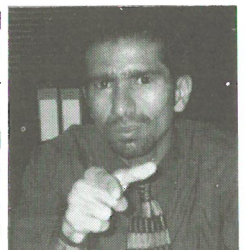
Ms Lisa Tuang has joined ALSWA's Land and Heritage Unit as a Solicitor and is working on the Bullenbuk and Nyamal Native Title claims. She studied at the University of Western Australia (UWA) and did commercial and litigation work before coming to ALSWA because of an interest in Native Title and social justice.

After completing an intensive training course Russell Gregory has taken up a full time position as Court Officer for the Fitzroy Crossing office. Mr Gregory lives at the Muludja community 38 kilometres from the town and is completing a Bachelor of Arts in Primary School teaching through Edith Cowan University.



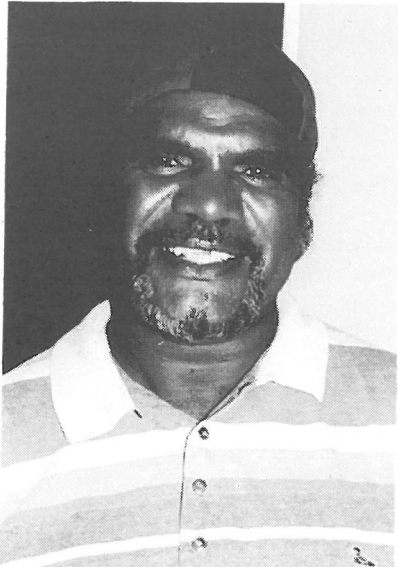
Ann Hunter has recently come back to ALSWA's Land and Heritage Unit as a Solicitor after completing her Articles here in 1996. She then worked as a Case Manager for the National Native Title Tribunal and will be assisting staff members Jane Fricke and David Lavery on claims in the Murchison-Gascoyne.

Shazhad Rind has joined ALSWA's Civil (Social Justice and Law Reform) Unit as an Articled Clerk. Shazhad completed his Law degree at the University of Western Australia and worked for ATSIC State Office's Native Title Unit in Sydney and Perth State Office. Shazhad is a Yamatji person who came to ALSWA to help his people.



Other appointments.....

Gavin MacLean recently joined ALSWA's Land and Heritage Unit as an Articled Clerk. He is the younger brother of David MacLean who is Manager of the Civil (Social Justice and Law Reform) Unit. Gavin completed his studies at the University of Western Australia and joined ALSWA because he wanted to work in the area of Native Title.



PROFILE - BRUCE SMITH ALSWA EXECUTIVE MEMBER GOLDFIELDS

Bruce Smith is a Ngartjatjarra man who was elected to the Executive Committee of the Aboriginal Legal Service in the 1998 election. Mr Smith previously

acted as proxy for one year for the ATSIC Western Desert Regional Council Chairperson. He is one of two representatives from the Goldfields region.

Mr Smith is now Deputy Chair of the Western Desert Regional Council and has a lot of involvement with

the Western Desert, Warburton and Cunderlee Aboriginal communities. He lives at the Cosmo Newberry Aboriginal community near Laverton and has spent most of his life in that area of the State.

Mr Smith worked as a police aide in Laverton from 1988-92 and also worked at the Department of Community Development (DCD).

At the DCD, he was involved in programs aimed at encouraging young Aboriginal people not to abuse drugs and alcohol, but to become involved in sports and education. Mr Smith is also a member of the Ngartjatjarra Council.

ALSWA SECRETARIES CONFER AT YANCHEP

