

R.G.

House Standing 1/15.

RECEIVED  
19 FEB 2010

BY: ATSI/A

To:

The Secretary  
House Standing Committee on Aboriginal & Torres Strait Islander  
Affairs  
Parliament House  
Canberra  
ACT 2600

**Submission to House of Representatives Standing Committee on  
Aboriginal and Torres Strait Islander Affairs – Inquiry into the high  
level of Involvement of Indigenous Juveniles and Young Adults in the  
Criminal Justice System.**

**This submission is made with regard to Terms of Reference [TR] Nos.  
1,2,3,4,6 &7. No reference is made to TR 5 as I can think of no existing  
support-program supplying adequate post-detention support to young  
offenders anywhere. Please be advised that I write from a particular  
perspective and that my submissions are made on the basis of direct  
personal experience and observation. I do not presume to write about  
that/those of which/whom I have no direct experience – or authority.**

Rosemary O'Grady

## SUMMARY

**TR1 Social-engineering of Indigenous youth is a dangerous undertaking and doomed to failure; Indigenous youth, at least in remote areas, generally prefer not to be socialized into 'mainstream' behaviour; they have their reasons.**

**TR2 Notwithstanding the above – the surest modelling for altered attitudes to alcohol/drugs/substance abuse will be to address the issue in the population at large (de-Indigenize it) – make it Un-cool to be a Dope.**

**TR3 First, education must educate. Many Indigenous youth are un-educateable in the conventional sense of the word. You cannot educate to an elevated standard, a child born with dependencies' syndromes. These are dis-abled children, who have special needs. First, educate and change the behaviour of the parents.**

**TR 4 'Transitioning' is not a word – or, it is a neologism coined by those who seek to aggrandise or conceal the meaning of their own language. To make the/a transition from school – where they have been under-educated – to work – where discipline is required – is not an attractive proposition for many Indigenous youth – who just don't see the point. The delights of work as a significant part of an adult life must be demonstrated if the notion is to 'take'. Here, again, parental support i.e. support to/for the parents – is a key to outcomes.**

**TR6 In remote communities 'Government' in all it's forms is a burden upon the life/time/sense of well-being of the 'community'. Services and 'consultation' are often 'delivered' by officials having scant knowledge of their own responsibilities to the wider society (taxpayers) and idiosyncratic notions of the machinery of government itself. Indigenous peoples ought not to have to rely for direction upon persons who know what program they are delivering but not what limits there are to policy-pursuit and program-delivery as a matter of**

**administrative and human rights law. All officials, including specialist professionals, and consultants, should be required, before appointment, to show their understanding of governance concepts – especially accountability and absence of bias . Demonstrated bias, including mis-information, by officials and NGOs, should be prosecuted.**

**TR7 Current or past programs have often been of short duration and conducted on inadequate budgets. Whole-of-life programs such as that attempted at Mowanjum, via Derby, WA in the early 1970s, are the best way to enable Indigenous communities to make a transition to living in close proximity to more urbanised peoples, without loss of integrity.**

**CAVEAT:**

**With respect I wish to point-out to the Committee that the Terms of Reference – and the language in which these are couched – while appropriate to the uses of governments – is unlikely to appeal to most Indigenous persons or youth, or to attract submissions, therefore, from the persons most affected by the Committee's outcomes.**

**Were the Committee to want to receive submissions from the subjects(objects?) of this Inquiry, directly, the terms of reference would need to read something like this:**

**How can Indigenous Younger Generations learn ways to fit-in with white society and the money society and get-off Grog and other Bad Behaviour – Humbug – going Court?**

**How can white society and Old People work together to get their communities free from grog & humbug? - keep young people out from Court?**

**How can School teach Young People the Proper Way to keep Clear from Grog and other Drugs etc. - keep people out of Court?**

**What do you think about 'Learn or Earn' programs?**

**What is a better idea for showing people to get ready for work?**

**What do Young People need when they come out from prison?**

**Who can help when people come home from gaol/detention? How?**

**Do you understand how Government can bring help to your community? Can you describe how Government works – to help? -to get in the way? To make humbug? - What do you need, from Government? - Do you know where Government stops and you have to help yourself? Do you think this is right? Do you think this is wrong? How do you think it can change and be better?**

**What do you think you Need to be Healthy? What's Blocking you getting well/healthy? Do you know how to change that and make it better?**

**Please excuse the erratic layout. This is a new but nevertheless ill-behaved laptop computer. I hope that the above 'translation' into what many Indigenous people would call direct, 'understandable' speech - helps the Committee see these issues from an 'Indigenous' perspective. I feel that there is more likelihood that Indigenous people would understand that sort of enquiry than read, let alone respond to, the terms of reference as set out by the Committee. While I understand that the Parliament must use formal English in its records, when dealing with issues related to a particular class of persons – many of whom are formally illiterate, but not stupid – it might be helpful to**

convey the nature of the inquiry in both correct English, and in the vernacular (eg Kriol). Canada can do it – why not we? I mention this only because 'communication' is, of course, of the essence.

Rosemary O'Grady

## SUBMISSION

### TR 1

At least in remote Australia, it is often the case that Indigenous youth reach puberty and sexual maturity in advance of the continental norm. They then find themselves at school in towns alongside peers in white society who, 'though sexualized by consumer marketing, and, often, by sexual experimentation, are not under the same kinds of social/community obligations as are the Indigenes, upon 'initiation' or maturation.

While Indigenes have enjoyed a traditionally lenient childhood, they are expected, at puberty, to shoulder the obligations of adulthood. At this point the adolescent experiences of Indigenes and non-Indigenes in Australian society diverge.

I have read somewhere, possibly in P.J. Sutton's recent book *The Politics of Suffering*,<sup>1</sup> that the last 'initiation' at Araukun occurred about 1970. This is a different picture from that which pertains in the Kimberley, WA., where initiation ceremonies, after a lapse during the 1970s, were revived without break in the tradition in the 1970s and 1980s and 1990s. However, while pubertal boys are still being 'initiated' – few, if any, men now attain higher degrees of knowledge in

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1 Sutton, P.J. *The Politics of Suffering* Melbourne University Press 2009.

**Aboriginal Law – because in the 1980s and 1990s the old people of the Kimberley, who were 'big' in the Law, stopped nurturing Law-men and Law-women, notwithstanding some reports of seniority amongst an emerging generation. This has been largely because of the inroads created by grog and 'civilisation'. The fact of this phenomenon as attested by the ageing Law people themselves is recorded in affidavit form in the law suit(s) I conducted for the traditional owners of the North Kimberley between 1987 – 1995, as P18 of 1991 in the High Court, and dependent actions in the Supreme Court of Western Australia.<sup>2</sup> Throughout those actions the attitude of the Elders towards the dysfunctional impact of 'civilisation' upon their communities and youth was summed-up: 'Young people don't tell old people what to do.' In a nutshell – that is the effect of substance abuse in remote Indigenous society – young people are telling old people what to do – and their communities are going to hell in a handbasket. It has bred a generation (several generations) of parents who are badly-impacted by substance-abuse, and who have become delinquent parents.**

**Nowadays, Indigenous emerging adults have often not enjoyed the halcyon childhood of the pre-grog era. For many their childhood has been shattered in a way unimaginable to most of their peers at town schools. They are traumatized by parental mis-behaviour about grog and gunja and other drugs abuse – and by sexual misconduct levelled at them as minors. They have been exposed to sights, sounds and abuses that most of their peers in white society need never witness.**

**This dysfunctional situation in which children, often chemically-disabled themselves, become carers for adults, is not unique to Indigenous society – but it effects a greater impact in remote communities where access to relief, support – let alone respite, are rare, or limited.**

**In other words, many communities are not only obviously traumatized by the impact of grog etc. in patterns of violence and neglect – but they are also internally-conflicted as every generation undergoes, at**

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<sup>2</sup> P18/1991 (*Utemorrah's Case*); 2055/1992 WAsupreme Court(*Utemorrah & Ors*); CIV 1744(*Ejai & Ors*) and CIV , 1736,1737,1738 ,1739 & 1740 of 1993 Supreme Court WA.

some level, the disruptions of disorder and failed adult responsibility. Young people are vulnerable to this conflict, and seek, in increasing numbers, to escape it. Some run away ( and come back, changed but rarely less dependent), some find roles for themselves in formation of new families. A girl connected by marriage to me in the mid-1990s, aged under 10 years, is now, at 23 or 24 years, a single mother of three – still longing to escape.<sup>3</sup> With three small children and minimal schooling, she is hardly likely to do well in any Learn to Earn program. She is trapped, as is a common factor amongst these young people – who can neither live with their families, nor without them.

I had hoped, here, to exhibit to this Submission a copy of a book (*The Long Day*, 2010) which I have written as a description of the ordinariness of grog-driven violence in remote Australia, of its impact and pervasiveness – a short book, less than 50,000 words, a melange of fact and fiction – reporting a death and the subsequent trial of the alleged perpetrator. I regret that the printer has not yet provided a finished copy – so I cannot attach it here. This book is self-published, and not for sale; but copies shall be lodged in major libraries – should committee members care to consult it. It has been read and approved by several professionals who deliver services to people in remote areas.

TR2 Government-sponsored 'programs' aimed at educating the public with respect to, say, smoking, speed on the roads, family violence etc. are typically delivered via media messages in the forms of advertisements, or at point of sale, on television, at cinemas, on radio, in magazines.

Indigenous remote Australia rarely sees television. To Imparja and similar media organizations for Indigenes in the more populated states, this generalization, obviously, does not apply. But in the remote communities of the Kimberley and central deserts, and the Musgraves, TV does not reach, unless by satellite reception. Often, when access to mass-communications becomes available in a community, it soon ceases, as destruction of property disables the means of reception. So the desire to spread a message of change, of

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3 Faces of Mowanjum – Kimberley TAFE – New Orleans project [www.mowanjum.com](http://www.mowanjum.com) Accessed : February 2010.

health and well-being, is not best-delivered by non-Indigenous mass-communication. Nor is film, necessarily, an ideal medium. Few remote area dwellers manage to retain the cost of tickets to the cinema – if there is a cinema – from their fortnightly cheques/payments. A far more economical investment would be to foster local dance and drama amongst the target group – thereby involving inter-generational activity, story-telling, keeping-up culture, keeping-away from pubs, and boosting pride of place and family with development of customary arts. In a nutshell: bring back the communal campfire. In other words, activate a typical approach to substance-abuse and addiction – replace it with something else – something creative (ie fulfilling). But standard means of 'educating' or persuading a public to change behaviour by means of mass-communication is far less likely to take effect amongst Indigenes than in the population at large.

One stratagem: offenders should be involved in cleaning-up the mess they create – whether garbage, damage, insult or injury – offenders should be confronted, at once, with the *consequences of their actions*.

Once, in Derby, a pair of young drunks outside the open-air pictures (no money for tickets) drove a metal pole into the rear of the vehicle I'd just parked, smashing a lot of glass. They were moved-on by Police – but next day I sought them out and got them to come clean-out the car of the shattered, dangerous glass. This was universally regarded as quaint behaviour. The pair did not make a very good job of it – but I insisted. Apart from anything else, I had my own work to do. No doubt I am remembered by those two persons as a dotty white woman – but why should I ( or Police, or Hospital workers) have to clean-up all the time after careless, contemptuous, disrespectful youth? When the charges resulting from bad behaviour take weeks or months to be dealt with in court – the process loses meaning for those caught up in it. Justice delayed = denied. Correction, as we all know, should be swift and relevant in order to have the desired effect. A date to go-Court is little more than an event to break the monotony of many remote area lives. The Elders on that occasion approved my actions in exacting responsible effort from the glass-breakers – but it was interesting to note that the Elders themselves did not initiate rectification or reparation. The State cannot necessarily rely upon

support from the seniors in any given community.

The irony is that these same observations apply equally to communities in the broader society. They are not specific to Indigenes. How to instil a sense of consequence in youth generally? As a society our standards are nebulous – youth are either spoiled, over-indulged, or neglected and abused. There is a material gulf in society which only widens – seems never to lessen or yield to a philosophy of common good or restraint, or obligation. There is no real Equality in the Fair Go society, no commonly-conceded values that will enable the Haves to take a step back, rein-in their consumption, and make room for the Have-Nots. I note Tony Abbott MP is this week quoted in the Press as declining to make an undertaking on the issue of Homelessness : 'The poor are always with us' he said, allegedly, appealing to the authority of *The Bible!* And those disgusting, condescending school-visits by urban teenagers to Turkey Creek or Wherever in remote Australia are not the solution, either, – on the contrary, they are crass, patronizing intrusions – in which Aborigines are exhibited to peers with whom they have next-to-nothing in common. This false 'Reconciliation' in many manifestations is meaningless to most adults I have ever known in Aboriginal society, and is resented, in my view – justly.

The kind of 'persuasion' which has worked with Aborigines I have known has been *role-modelling*. In Hospitals and Missions the First Australians met altruistic characters whose dedication to humanity made sense to the Indigenes. In my experience a non-urban Indigene is more likely to trust and want to emulate a doctor, nurse, teacher or policeperson than any *other* whitefeller. Hence, these are the most-likely - (whitefeller )- to - succeed sources of influence. But the tendency of governments, NGOs and other off-shoots of our contemporary institutions to co-erce Aborigines and manufacture consent to 'programs' – through 'meetings' (where food and petrol are supplied) and by officials or NGO personnel with whom few Aborigines identify, is a violation of human rights and ought to be resisted, and desisted. This is particularly so in Western Australia, where several NGOs demonstrated close relationships with what is now known as "WA INC". Indigenous aspirations suffered accordingly.

Whereas in the broader society a celebrity-led advertising campaign to alienate people from grog(& other substances) abuse might work as it has done with smoking – something more immediate and phenomenal is needed in the bush. Engagement in useful/valued enterprises, whether economic, cultural or service-directed – would, in my view, attract attention amongst dis-engaged youth: e.g. land management/conservation; community development; tourism especially on the service-side – mechanics, guiding, supplies); marine services and the pearling industry, and more).

TR 3 It is a miserable fact that people in remote areas lack access to adequate health care. The Flying Doctor is of course admirable – but regular health care, of which abstinence from toxic substances is a part, is lacking. Amongst my elderly Aboriginal clients in the 1980s and 1990s very few had a full set of teeth – dental services were at a premium. Similarly, in an area plagued by substance-abuses – mental health services are next-to-non-existent.

Recurrent conditions such as scabies and other parasites make daily living difficult for families who often lack the insight required to adhere to the *sustained* course of hygiene and chemical treatment required to alleviate such conditions. Attitudes to antibiotics are similar, with the result that infectious conditions often reappear in virulent form in close-knit communities. Again, this type of abuse is not unique to Indigenous societies.

The prevalence of foetal alcohol syndrome and other chronic conditions in so many young Indigenes poses a continuing problem for educators of whatever persuasion. Attention-spans are often minimal, uninhibited behaviour frequently results from such simple conditions as hunger. Some academics scorn the notion that children fail to learn at school because of hunger – yet, in the regions, according to the late Glenis Sibosada (ATSIC representative for Broome region) – a long-term breakfast program would do more for education of young Aborigines than many other, more elaborate proposals. I concur. While resident in Derby in 1994-5 I was repeatedly approached by a band of children, whose parents were playing at cards, to feed them. I

shared what I had in the house – and was vilified by the parents when I returned them by car to parental custody. These same children were abused by adults in their community into committing massive property damage on the house and contents of my Derby dwelling in 1994. They lied to Police, who were reluctant to prosecute, and when one girl was convicted – she was 'supervised' by one of the adults who had set her to do the damage. Unsurprisingly, this woman certified that the child had successfully-completed her 'community service' (2 weeks – for \$20,000+ damage). No attempt was made to ensure fairness in this child-sentencing exercise. By using children to commit crimes, adults avoid prosecution, and children gain a record, and deep contempt for the Law, that is – all Law – whitefeller and blackfeller. That particular girl, at age 14, aspired to have babies and receive 'kid money'. Her family contained members regarded as responsible for the hanging-suicide of a youth who was, technically, the 'promised husband,' of one of their female members – because of the incestuous relations in which she engaged, for benefit, with other family-members. The late David Mowaljarlai, my client, was despairing about the 'wrong-way' and incestuous sexual connections being made as a result of substance abuse by youth.

To educate for improved conduct in such an environment is a fools' errand. It is the adults who must be brought to book, and driven to help their children adjust to responsible behaviour, without which their attitudes will ensure that they fail to graduate into full adulthood in the broader society. Almost without exception, such children are parents themselves before they are out of their teens. Education must come from within the community. It must first-foremost confront the key issue – poverty/inequality.

**TR 4 See comments above in TR 3.**

It often seems that whenever a program begins to work for Indigenous people it is stopped. The prime example of this is the demise of the Aboriginal Development Corporation, and the creation of ATSIC – which proved a glass within which to view the multiple conflicts and

apparently insurmountable contrasts between white society and Indigenous society.

In the Kimberley, in the early 1970s, the Ecumenical Institute sponsored a community development project at Mowanjum which, while costly, (it lost some \$80,000 over 2 years) – was a social and human success. That it was allowed to lapse, hopelessly demoralising the people of Mowanjum, is a disgrace. Compared to the millions since spent, to no avail, on government-derived 'programs' the costs of the Mowanjum experiment were negligible. It should have been supported by governments and maintained until it was a long-term way of life. (It is briefly-described in *The Long Day*). It was a skills-based, culture-friendly programme the success of which has never, to my knowledge, been equalled. Something like that sort of concentrated community-development project, perhaps along lines devised in the 1960s in Chicago, amended, appears to suit Aboriginal people – and should be re-considered for implementation.

Furthermore, the Churches should be given retrospective credit for their community service to Indigenes, Whatever their (many) faults, these institutions were not motivated chiefly by financial profit – whatever else motivated them – and their relevance, their value, has been abused by many ignorant so-called 'representatives' of Indigenes – as has recently been publicly acknowledged by Galarrwuy Yunupingu in popular media.

**TR 6** Aboriginal people in remote Australia are required to be involved in what urban dwellers would consider a burdensome level of involvement in decision-making: drains, water-pipes, fences, roads, sanitation, security, lighting, sports venues – all things delegated to local government in cities are made a source of coercing Aboriginal decision-making in the bush. People are sick to death of attending meetings with government officials at a rate city people would never tolerate. Meanwhile, the Government through legislation and regulations imposes 'representation' upon Indigenes (as under the

**Native Title Act, 1993) which is a violation of their customary laws, and of their civil and political rights at International Law.**

**These standover tactics by governments weaken the resolve of Indigenes to make progress in coping with white society. Governments are forever changing the goalposts on the uneven playing field. Officials are unreliable. White fellers can't be trusted is the universal cry.**

**How are young people to make the transition in to an integrated society when they are daily confronted with the confusion and frustration wrought upon their families by official policies and programs? It is a recipe for alienation- and alienation is what we get. The collusion which exists between government-funded officials, NGOs and even academics, is baffling to many Indigenes, and a source of hostility and conflict as Aborigines fail to comprehend the often-contradictory approaches of various officials and institutions.**

**TR 7 See TR 4 above comments re Mowanjum. Whole-of-life support programmes are needed if Indigenes in remote Australia are to break-through from poverty and addiction.**

**This might seem extravagant, but consider the millions already wasted.**

**In the system of TAFE establishments across Australia there resides the practical potential for devising whole-of-life supports, without placing unbearable expectations upon people who eschew them. By gaining skills, even quite modest achievements, people can develop confidence in themselves, a sense of individuality which enables them to separate from the drinking circles. In the past such self-sufficiency was the lesson of 'initiation' with the promise of further advancement in knowledge once each desired degree of maturity was achieved. A program to enable people to get off substances has to be able to offer them the assurance that it will be better for them and their families if**

**they do so, that they can be happy in a different way, and be valued as members of the community – not for making decisions about lavatories – but for deciding how families are to address the future.**

**A lot is talked about links/partnerships/joint ventures in current government parlance (or: management-speak ). Such talk is mere parrotry. The first object of education and health must be to see the citizen, the individual grow into a position in which s/he can address the issue of developing potential to create her/his life, corollary with the first duty of a sovereign – security to the citizen. No life can be planned – whatever the planners say – but it can be prepared for, people can be equipped (See Boot Camps and Biggest Loser shows) people need to be shown how to wake-up, grow strong and make choices – choices which will create consequences they can endure – and, if possible, over which they may prevail.**

**Before concluding I would like to draw your attention to one of the most significant facts about the presence of young Indigenes, specifically males, in the penal system. It relates to the apparently unforeseen/unintended consequences of government-interventions in the daily life of Indigenes/poor people, eg the provision of 'kid money'.**

**Empowering women and girls who give birth to children shifted the power-relationships, to a degree, in poor communities, away from men and boys, insofar as their relationship to the money society was concerned. Females now exercise a high degree of direct (ie money) control over their partners, at least when/where those partners are unemployed or have no income-earning capacity in the wider workforce. Regrettably, this is not always to the benefit, intended, of the women and children. Women and girls regard this as their own money – and expend it accordingly. The consequent relative dis-**

**empowerment of males is evident in most remote communities. For this reason, many men/boys are not wholly averse to a stint in prison. It releases them from this perceived tyranny/obligation. It provides a 'centre for reinforcement...' for convicted men. It amounts to time-out from female-control. This phenomenon has been observed by many .<sup>4</sup>**

**Thank-you for your attention.**

**Rosemary O'Grady.**

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<sup>4</sup> Hunter, E. *Aboriginal Health & History. Power & Prejudice in Remote Australia.* Cambridge University Press 1993 p. 222.