



**Social Contexts, Personal Shame: An analysis of Aboriginal
Engagement with juvenile justice in Port Augusta, South
Australia.**

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**Dissertation presented in fulfilment of the requirements of the
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Department of Anthropology
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To the best of my knowledge and belief, this work is original, except as I have acknowledged in the text, and has not been submitted, either in part or in whole, for any degree at this or any other university.

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*Suddenly everything seemed to fall logically into place; like an hour or so before when Corbitt had been sitting beneath the bridge with his brothers and it had been so tempting to just let go and get drunk. He was only a kid, after all. A child. A **black** child. Nothing much was expected of him. And now this wise, respected white man had said that he was free to live his whole life that way. It would be so easy!*

Maybe that was why it didn't feel right.

*Corbitt saw that Mr. Rudd was watching him closely, but there was only kindness in the man's blue eyes. Another old joke drifted through Corbitt's mind; about a black man at the Pearly Gates telling Saint Peter that the happiest time of his life had been when he'd gotten his civil rights and gone to be baptized in a beautiful, all-white church...how all the whitefolks had been smiling, and the preacher had looked so **kind** as he'd dunked his head under the water. **But, y'know, saint Pete, I be damned if I member ANYTHING after that!** (Jess Mowry, Six out Seven, Vintage Press 1994: 72).*

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SYNOPSIS

This thesis is based on eighteen months field-work undertaken in the South Australian country town of Port Augusta in 1986 and 1987. In this work I examine the social engagement of Aboriginal children and their families who live in this town with the agents of the legal and welfare bureaucracies of the State. My analysis is predicated upon an examination of social agency in human interaction, and how such agency is determined by, and can be a determinant of, the structural relations between the dominant Australian society and Aboriginal people. I explicate the concept of shame among Aboriginal people living in Port Augusta, and I show how shame sets both the style, and the cultural meanings, of social activity between Aboriginal people, and between them and the agents of the legal and welfare bureaucracies with whom they are frequently expected to engage. However, Aboriginal cultural meanings as they are expressed through shame are inevitably misrecognised (Bourdieu 1990) by these agents. I demonstrate, that a consequence of this misrecognition is the development and reinforcement of cultural and racist stereotypes on behalf of welfare and legal agents which legitimate for them the maintenance of Aboriginal people within the ambit of the gaze of the Welfare State.

Yet, I put the case strongly that Aboriginal people are not merely *victims* of the domination of the legal and welfare apparatus of the State. Nor are they the passive subjects of the interference of welfare and legal agents in their lives. Rather, as Aboriginal children and their families interact with members of the dominant Port Augusta society, most particularly with legal and welfare agents, they develop and initiate strategic tactics of resistance, manipulation and opposition to such social incursions.

Nevertheless, the strategies Aboriginal people use in their interactions with legal and welfare agents gain their very potency from the dominant society. In their attempts to gain some control over welfare and legal involvement in their children's lives Aboriginal people in Port Augusta have developed innovative youth programs. I analyse one of these youth programs in some depth in this thesis. I highlight how the development of this youth program necessitated the incorporation of an Aboriginal juvenile criminal identity, which was generated by the agents of the dominant legal and welfare systems, into Aboriginal understandings. As I show, in their very attempts to take away some of the control welfare and legal agents had over Aboriginal children, particularly those of the Davenport reserve and Bungala housing estate, Aboriginal bureaucrats who lived in the town mimicked (Taussig 1987, 1993) and transformed the concerns of the dominant other as they reinforced an Aboriginal cultural alterity.

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I also thank Kingsley Garbett who provided me with supervision and guidance during this past year as I prepared my thesis for submission.

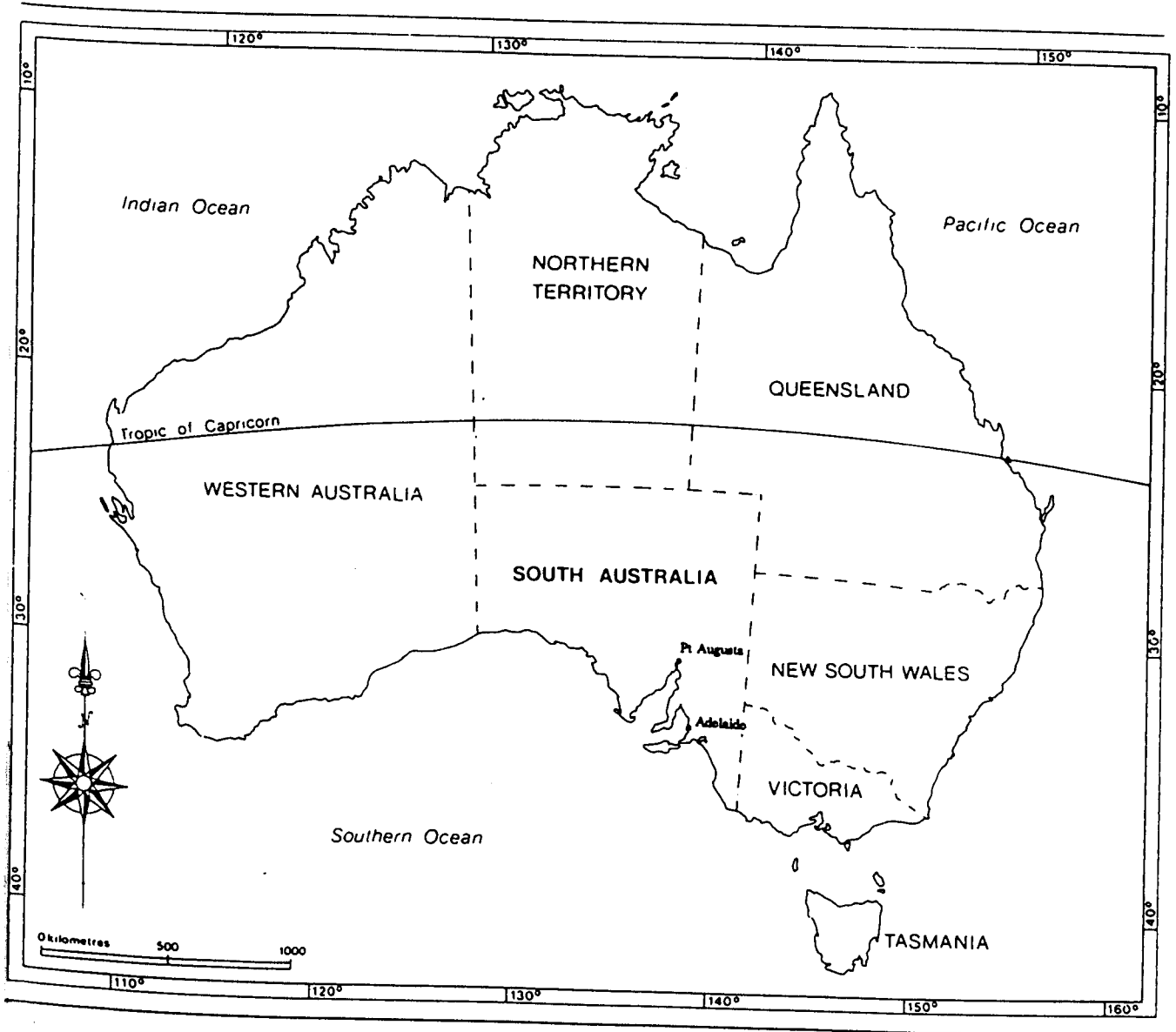
My thanks also goes to Lindy Warrell who provided me with a great deal of love and encouragement while I was finishing my thesis. She also provided invaluable editorial comments on the final draft of this thesis.

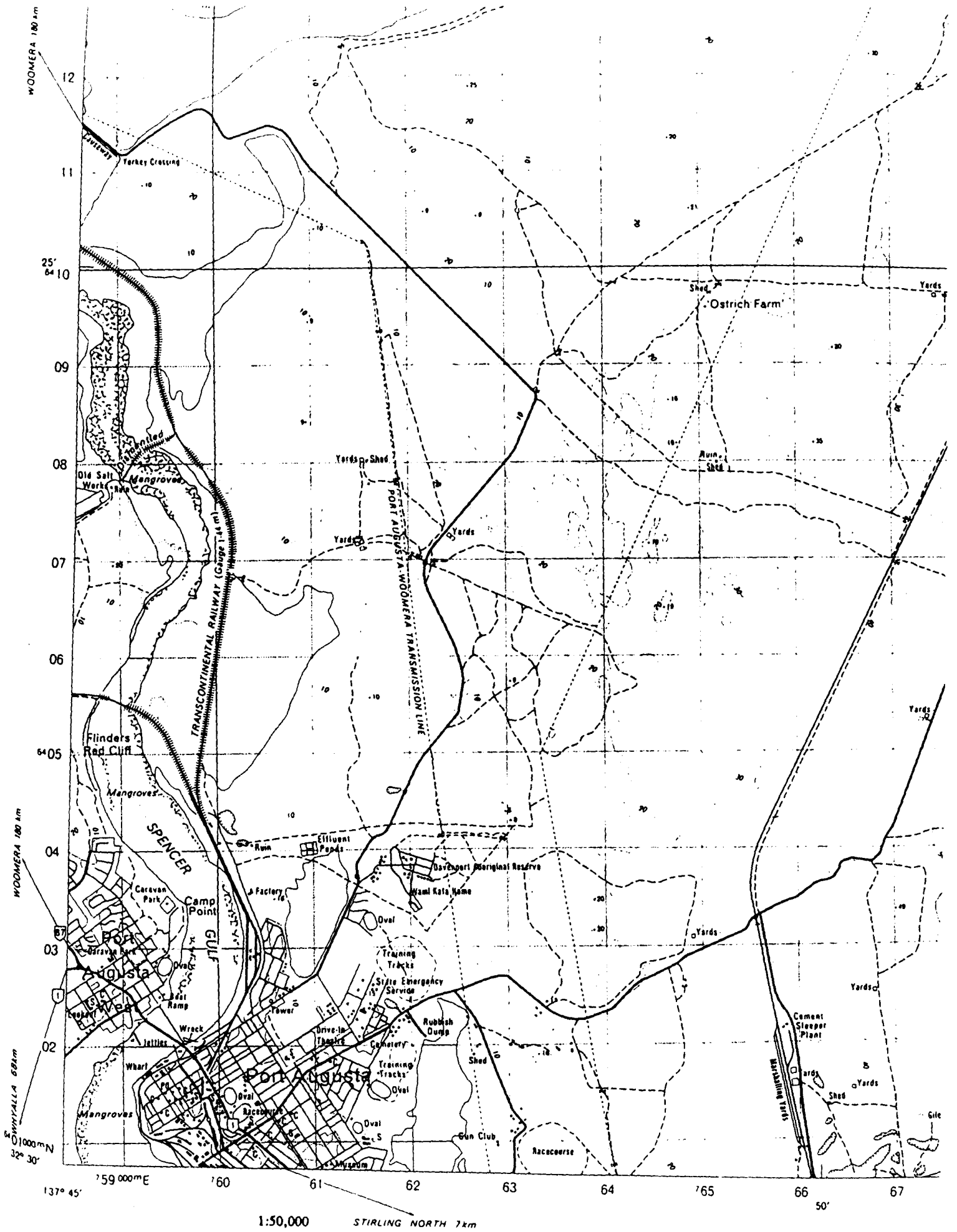
I also appreciate the support I have received from others at different stages in the production of my thesis including: Carl Rumpe, John Stanton, Christine Lovell, Alan O'Connor, Alan Hutchings, Jeffrey Clark, Julie Marcus, Rod Lucas and Deane Fergie.

I have a number of organisations and individuals to thank for their support and encouragement while I was conducting field-work in Port Augusta. In particular, I wish to thank the Pika Wiya Health Service, the Aboriginal Community Affairs Panel and the Woma Alcohol Rehabilitation Service for providing me with accommodation and assistance with transport costs while I lived in Port Augusta. The workers at these organisations also provided me with access to information and personnel which greatly enhanced my knowledge of the operation of Aboriginal affairs in the town. I am also grateful for the assistance provided by the staff of the Aboriginal Legal Rights Movement office in Port Augusta. I thank the Department for Community Welfare for allowing me access to observe Children's Aid Panels, to attend activities at the Youth Project Centre and for developing a scheme by which I could access client files with the express permission of those individual clients concerned. Similarly, I thank the Magistrates presiding at the Children's Court in Port Augusta for allowing me to observe Children's Court sessions, and providing me with statistical data relevant to my research. I also owe thanks to police officers working at the police office in Port Augusta for taking me on police patrols and for their provision of statistical and anecdotal information.

A number of other people who worked for organisations and institutions in Port Augusta also helped me with the collection of data and access to official information. These included the members of the Davenport Community Council and the Davenport Community adviser; the staff of the Offenders Aid and Rehabilitation Service; and teachers at Augusta Park High School, Port Augusta High School and Central Primary School.

I am indebted to the friendship, support and information I received from many Aboriginal children and their families who lived in Port Augusta, Davenport and Bungala. A number of these people have since passed away. Some suffered tragic deaths as the result of accidents. My thesis is dedicated to these people.







CHAPTER 1

Introduction: Social Contexts, Personal Shame

If one kid get caught then they tell police about other kids because they don't want all the shame on themselves. The others should have it too.

Aboriginal girl aged 14.

Shame articulates and permeates all levels of social interaction among most Aboriginal people. Certainly, this was the case with Aboriginal people who lived in Port Augusta, the South Australian country town where I undertook field work. Aboriginal shame is the pivot upon which social interactions are balanced. At the same time, shame articulates the interplay pertaining to social justice between Aboriginal people and with other Australians. Contemporary Aboriginal relations with the dominant society are inextricably bound within the justice and welfare processes of State bureaucracies. Therefore, my thesis is an explication of the effects of Australian legal precepts and welfare policies on Aboriginal people in Port Augusta through an explanation of many of the subtleties and nuances of shame in human interaction. I show how Aboriginal exegeses of the legal and welfare mechanisms which intrude upon their lives are construed within the boundaries of social behaviour and meaning determined by shame. For most legal and welfare workers and police officers shame has entirely different meanings. Rather than moulding and regulating social interaction as it does for Aboriginal people, shame represents for them an individual and internal state predicated on feelings of guilt over transgressing social rules.

Thus, I explicate and analyse the knowledges expressed by Aborigines about how the legal and welfare bureaucracies work. I demonstrate how Aboriginal people have unique understandings of these processes and that their explanations differ from, yet coincidentally resemble, those of the workers of the official legal and welfare structures (cf. Matza 1964). Aboriginal interpretations, I contend, are based on their readings of their interactions with lawyers, welfare workers, the police and other legal and welfare officers and of their experiences when they visit the offices of the legal and welfare bureaucracies. Their understandings, however, are usually very different from those of legal and welfare agents despite being based upon similar experiential and observable

criteria. Aboriginal children and their families express particular knowledges about the Children's Court, welfare agents and lawyers. Their knowledge is detailed and sophisticated, yet, it differs markedly from that of the official agents who work within the juvenile justice and welfare structures. It focuses on different social aspects within the same fields of action.

Among legal and welfare agents and police officers who work in Port Augusta the criminal label they attach to Aboriginal children is predicated upon an interpretation of their behaviour as being the result of a 'normal' response to an identified Aboriginal social condition of poverty and cultural disintegration. In fact, Aboriginal children were perceived by them as *the* major criminal offenders in the town because they *were* Aboriginal. There is, then, a significant misalignment¹ in the construction of knowledges about the legal and welfare processes by Aboriginal people and legal and welfare agents.

The contradictions inherent in the positions of Aboriginal legal and welfare workers highlight this misalignment most succinctly. For these workers, culturally bound as they are by the social strictures of shame, must develop methods for straddling the expectations of the organisations for which they work, and the Aboriginal population² of which they are a part.

¹ My use of the term 'misalignment' has been developed out of Bourdieu's notion of misrecognition (Bourdieu 1990). Bourdieu points out that compliance within a particular field of action such as the legal field necessitates 'acts of recognition' on behalf of social agents of the rules and regulations required to belong to this field. At the same time, this very compliance and recognition, the creation of symbolic capital, is predicated upon the logic of the functioning of the field remaining misrecognised (p68) by the agents who operate within it.

I argue that Aboriginal people become part of the legal field by becoming part of the social base upon which the law acts. Yet, unless they operate as legal and welfare agents, Aboriginal people remain excluded from the creation of the symbolic capital of this field even if they are often the subjects of it. Nevertheless, they still develop 'acts of recognition' of the rules and regulations of the law. However such recognition is in misalignment with the dominant knowledges this field generates. Therefore, not only is the logic and power of the field misrecognised by those who operate within it, other knowledges about it are also misrecognised.

² Throughout this thesis I refer to the conglomerate of Aboriginal people living in the Port Augusta area as the Aboriginal population. I do not use the term community because, as I show the Aboriginal population of the town is highly diverse (cf. Warrell 1995). Occasionally I use the term community when referring to a socially bounded part of the Aboriginal population. For example, I talk of the Davenport community when referring to those people who live at the Davenport Reserve. This was also the name used by many Aboriginal people to refer to both Davenport Reserve as a place, and also to refer to the people who lived there.

Nevertheless, despite the contrasts in meanings and understandings embodied in their actions, both Aboriginal people and welfare and legal agents take the existence of the legal and welfare systems as given. In 1986, in attempts to control some of the consequences of the legal and welfare processes for their children, Aboriginal bureaucrats in Port Augusta designed and ran an innovative youth program. They established the program in response to pressure from welfare and legal bureaucrats and politicians in Port Augusta for Aboriginal people to find an effective means to prevent their children from committing crimes. The youth program, however, was also an opportunity which Aboriginal bureaucrats seized upon to take over some of the control welfare and legal agents had over the lives of Aboriginal children and their families. By the same token, the history of this program also illustrates the acceptance by these Aborigines of an Aboriginal juvenile criminal identity which was fostered by the dominant population.

In fact, it was through this program that the definitions of Aboriginality and 'criminal' behaviour used by members of the dominant population were reinterpreted by some members of the Aboriginal population as a means to reinforce their own separation from, and power over, other Aboriginal people. Aboriginal bureaucrats who identified themselves as town residents, along with their colleagues who were not Aboriginal, developed the program for the Aboriginal people of Davenport reserve and Bungala estate located on the outskirts of Port Augusta, in a manner which reflected the methods and rhetoric espoused by the agents of the dominant legal and welfare bureaucracies. In mimicking (cf. Taussig 1993) aspects of the dominant Other in order to control some of the effects of Aboriginal subordination, these Aborigines unintentionally reinforced not only many of the conditions of the subordination of the people from the Davenport reserve and the Bungala estate, but also of themselves.

Beginnings and revelations

In 1985 a legal representative from the Aboriginal Legal Rights Movement approached the Department of Anthropology at the University of Adelaide. This person wished to find out if any post-graduate students in the department might be interested in pursuing

research in Port Augusta on the treatment of Aboriginal youths under juvenile justice legislation. This representative along with prominent administrators (both Aboriginal and other Australians) who worked for the major Aboriginal health and welfare organisations in Port Augusta, were concerned both at the apparent over-representation of Aboriginal children appearing before the Children's Court, and what they believed to be the discriminatory treatment of Aboriginal children by magistrates, the police and welfare and legal workers. These prominent Aboriginal agency workers wished to highlight the discrimination Aborigines faced within the legal and welfare systems to their critics in the town who saw Aboriginal juvenile crime as part of an Aboriginal social condition. They were anxious to provide an Aboriginal exegesis of topics such as criminality and public drinking³ which the dominant population defined as problematic. However, as I was to find out, these Aboriginal agency workers framed their criticisms of the law and welfare from within the frameworks of these very processes which they took for granted.

I had recently enrolled as a Ph.D candidate and I was intent on finding a research topic which differed from the land rights issues which predominated anthropological investigations among Aboriginal people at the time. In January 1986 I took up the challenge to fill the gap in anthropological research exposed by the Aboriginal Legal Rights representative.⁴ In any case, I already had a long standing interest in criminal justice and I wanted to investigate the obvious power welfare organisations had to penetrate the private lives of citizens. Moreover, at the time, the effects of such legal and welfare processes on Aboriginal families and their children, particularly those living

³ During the same period I was in the field in 1986 social researchers were contracted by Pika Wiya, the local Aboriginal health organisation, and Woma the local Aboriginal alcohol rehabilitation centre, to conduct research into Aboriginal drinking patterns. The resulting document, *Legislation is not the solution, What is the problem? Aborigines speak out against dry areas (1986)*, formed a keystone in the fight by Aboriginal organisations against the introduction of 'dry areas' by the Port Augusta Town Council. This document drew heavily on the work of anthropologists such as Collmann, Brady, Palmer and O'Conner, who had written about the use of alcohol by Aboriginal people.

⁴ I point out here that while I received open cooperation for my research from most of the prominent Aboriginal organisations in Port Augusta (which I have acknowledged in the front pages of my thesis), I remained independent, conducting research for a Ph.D degree with the University of Adelaide. The views presented in this thesis therefore are mine and may or may not accord with those of the employees of these organisations.

in South Australia had not been researched to any significant extent using participant observation or field-work methods. My work was designed to help fill this lacuna.

To do this, I was compelled to explore the various methods by which government systems had defined and controlled Aborigines since contact as a context for understanding the inter-relationships between Aboriginal people and the legal and welfare systems.⁵ Also, like many other anthropologists I had very personal, but at the time not very well defined, reasons for undertaking a Ph.D which required me to work with Aboriginal people. As post-modernism (cf. Clifford and Marcus 1986, Clifford 1988) has shown, the personal biography, culture and aspirations of an anthropologist cannot be divorced from their field work experience. Nor can the conclusions they draw from that experience be separated from it.

Some of those writers inspired by the post-modern perspective have focused on how their social and class positions in their own society have directly influenced their personal and social relationships with those they study and the information they receive from these people. Comaroff and Comaroff (1992) for example, have explicitly identified themselves as members of the modern western world which grew out of a history of colonisation of other peoples. By identifying their own place in history they do not presuppose to speak on behalf of those they investigate. Rather, they are able to draw out many of the complexities and meanings behind the historical and contemporary interactions between different groups of people living in Southern Africa. Taussig (1987) also talks about the interface between colonisers and the colonised. He, however, goes beyond an examination of the structures and meanings which have emerged among those colonised as they create ways to accommodate the colonial regimes imposed upon them. Taussig (1987, 1993) has grasped hold of the minutiae of aspects of the everyday lives of different peoples as they both interact with one another and imagine each others worlds. It is through his examinations of how both the social power and the impotence of those colonised and those who colonise

⁵ I have a fascination with the construction of identity from within the multitude of its determining agents from the personal to State definitions of the Other. My honours thesis, for example, deals with the construction of ethnic identity among the different Chinese populations of Darwin in the Northern Territory of Australia (Hutchings 1983).

become intertwined and confused, as each party copies and incorporates aspects of the Other, that mechanisms of the structures of power and domination emerge.

Other authors have chosen to look at the process of how anthropological revelations are written up. Peacock (1986) and Geertz (1988) for example, discuss the personal pain many anthropologists face in making sense of, and translating to paper their field-work experiences. Geertz especially, has made explicit what most anthropologists would be aware of, but often frightened to publicly admit, that their polished written products are inextricably bound by the demands of the politics, historical moment and moral stance of the discipline itself. As these authors have made explicit, not only are anthropological texts the result of the personal histories and circumstances of their authors, they are also products of the academy (cf. Fabian 1983).

Critiques like those I have described, as well as others (cf. Okely and Callaway 1992) which analyse the methods and purposes of anthropology have led me to reflect on my place as the author/ethnographer within my own research with other people. Trawick, (1992), in particular, has inspired me to explore the way my own biography and interests led me to seek out particular people and ask particular questions while I was in the field. The questions I posed and decisions I made were therefore idiosyncratic and could not be replicated by any other ethnographer. My decision to work with Aboriginal people was an implicit desire to find out more about myself and my embodiment in Australian history. What drove me most was my need to discover more about my own Aboriginality. It was at this point where my own history intercepted with my passions and my choice of field work.

Yet, not so long ago I was warned by another legal representative from the Aboriginal Legal Rights Movement in South Australia not to reveal my Aboriginality publicly. This lawyer asked me why I would want to be recognised as part of a group which was located on the bottom rung of Australia's social scale. This person also questioned my very right to claim any Aboriginality with the comment that Aboriginal people were inclined to use their 'white' relatives disrespectfully for their own ends. This directive, from a person who was not Aboriginal but who worked for an Aboriginal organisation

and who was, therefore, an embodiment of particularly powerful contradictions, crystallised for me the purpose of my thesis. The lawyer's comments freed me to think reflexively about my data. I became aware that there was a need to write about Aborigines not as *victims*, but as active agents. In this work I desire to portray Aborigines as more than *victims* of Australian neo-colonial oppression. For I believe that to construct Aborigines as victims is to reinforce the very racism which was expressed by this lawyer and which maintains Aborigines on the last rung of Australia's social scale. Like every other Australian, Aborigines are active agents in the creation of their social worlds and their interpretations of their inter-activity with others. They have a right to the recognition of their own definitions of reality.

Yet the lawyer's pronouncements also revealed to me the 'terror' of being honest about my own biological and family history from which I could not escape but which I did have the choice to hide. The lawyer had also made plain to me in a manner which brought fear to my stomach that the very definitions of what constitutes Aboriginality are not the prerogative of Aboriginal people, rather they belong to others. Indeed, the lawyer had gone on to remind me that, in the final analysis the constitution of Aboriginality was a concept defined at law.⁶ The historical and constant gaze of the State over Aboriginal people suddenly became very personal. Indeed, I felt I understood with physical intensity the meaning behind a 'culture of terror' (Taussig 1987). For I remembered that it was the law which had in the past also defined which Aborigines could be full Australian citizens and which could not. And it was the law which had enabled children to be taken from their Aboriginal families in attempts to make them White. This was an intrinsic part of my history and not just a part of Australia's history. My family would *always* have an Aboriginal past and present. I carried this historical 'baggage' into the field with me.

⁶ In explaining what he meant the lawyer referred to the *Report into the inquiry into the death of Joyce Thelma Egan* by the Royal Commission into Aboriginal Deaths in Custody (1990). This report set a precedent because it categorised Joyce Egan as Aboriginal even though her identification as an Aboriginal person was not clear cut. This report has therefore established a set of criteria against which Aboriginality can be measured.

As has been well documented Aborigines have faced continual reconstructions of what constitutes 'Aboriginality' both from within the structures of the State through legislation, and by the agents who administer government departments (see for example such diverse works as: Rowley 1971, 1972a, 1972b, 1978; Lattas 1987; Morris 1988; Collmann 1979, 1988 and 1994). Indeed, Attwood has made the poignant point that the very concept of 'Aborigines' is an historical one which has developed out of the changing social and political relations between indigenous peoples and settlers since the very dawn of European colonisation in Australia (Attwood 1989:149). Even today Aboriginal people are asked to identify their Aboriginality on many government forms regardless of whether their ethnic status has any bearing on the purpose of the form.⁷ The same questions do not seem to be asked to nearly the same extent of other ethnic minority groups living in Australia. The only other 'categories' of identity which receive as much attention on government forms are those of gender and disability. This practice of 'categorisation' was introduced for equal employment opportunity purposes.⁸ Yet, the statements placed on these government forms that the information gathered is for statistical purposes only, hides other possibilities. Like the practices of making Aborigines wards of the state, or providing them with exemptions from being classed Aboriginal before the advent of full citizenship rights in the 1960s, such information provides the State with a modern means by which to maintain a surveillance of Aboriginal people.⁹ Most particularly, as I show, such government categorisations reduction of Aboriginality hide the subtleties of Aboriginal people's definitions of themselves.

⁷ Examples of the range of bureaucracies and institutions which require such information include: University and TAFE (Technical and Further Education centres) enrolment forms, applications for birth records, and applications for unemployment benefits.

⁸ In fact, some bureaucrats (both Aboriginal and others) who work for Aboriginal organisations have told me recently that they have introduced into their work practices the collection of statistics on Aboriginal people in order to justify and obtain funding from Federal and state government sources for the operation of programs within their organisations. These bureaucrats see the collection of such statistics as having a positive benefit for Aboriginal people.

⁹ I extend this point concerning government identification of Aboriginal people in a forthcoming article on the constitution of Aboriginal identity.

The Aboriginal people of Port Augusta separate themselves according to residence, kinship and Aboriginal group affiliation (cf. Schwab 1988). In other contexts, like Aborigines elsewhere (cf. Trigger 1986, 1992; Carter 1988 and Eades 1988), they also define each other according to the colour of their skin¹⁰ and their relationships to an imagined¹¹ 'tribal' past.

Yet, in an interesting, and historically notable turn of events, government definitions of Aboriginality have seeped into Aboriginal perceptions and categorisations of themselves. In ever widening Aboriginal political circles in order to be 'truly' Aboriginal a person must highlight their Aboriginal ancestry and render as irrelevant any other cultural and/or biological identities. To essentialise Aboriginal identity in this way is a powerful, yet potentially dangerous, inversion of the 'colour-coding of bodies' (Wolfe 1994:95) and the apportioning of Aboriginal 'blood' which was used by government agents to categorise Australians in the not so distant past. In essentialising their Aboriginal identity, Aborigines mimic, and claim for themselves, the definitions imposed on them by the dominant Other in order to render themselves unique and therefore also Other (cf. Taussig 1993).¹² However by doing this, Aborigines unwittingly legitimise government categorisations which also essentialise and define them. Thus, even though Aboriginal definitions of themselves which essentialise do contain within them a peculiarly Aboriginal exegesis, it is their (mis)interpretation and (mis)use by government agents to align them with government procedures which

¹⁰ As Sahlins has pointed out:

Colors are in practice semiotic codes. Everywhere, both as terms and concrete properties, colors are engaged as signs in vast schemes of social relations: meaningful structures by which persons and groups, objects and occasions, are differentiated and combined in cultural orders (Sahlins 1977:167).

¹¹ I use the term imagined here to evoke the complexity of Aboriginal relationships to their pasts. As with all peoples, the pasts of Aboriginal people are not only reconstructions of selected aspects and understandings of past events and ideologies, they are also a product of highly creative collective and individual processes.

¹² There is growing debate surrounding issues of Aboriginal identity and essentialism. See for example: Schwab 1988, and also the debate in the anthropological journal *Oceania* between Hollingsworth 1992 and Nyoongah *et al.* 1992. See also a further issue of *Oceania* which adds other articles by Cowlshaw (1993) and Lattas (1993) to this debate.

renders these definitions assimilationist. The cycle of power and subordination thus continues.¹³

Directives and methods

The issues raised by the legal workers and administrators from the Aboriginal organisations in Port Augusta who came to the Anthropology Department at the Adelaide University presented an opportunity and context to me within which I could pursue my own passions for investigating the interactions and effects of the judicial and welfare processes on Aboriginal people. However, when I arrived in Port Augusta I found that these Aboriginal agency workers had their own views on how I might best conduct my research. In particular, there was the method offered to me by an Aboriginal man who was a senior administrator with one of the major Aboriginal organisations in town. He suggested that the best way to get an insight into how Aboriginal children and their parents were treated by police officers and welfare agents was to observe these agents outside of their official duties. He suggested that I should spend considerable time in the 'pubs'¹⁴ watching and interacting with Aboriginal people and off-duty police officers, lawyers and welfare workers alike.

This Aboriginal perspective contrasted with the hints I was given by members of the police department and welfare and legal agents on how to do research on the inter-relations between Aboriginal children and the law. The reminders I had received from the Aboriginal Legal Rights Movement lawyer about the omnipresent power of the legal world view (cf. Bourdieu 1987) had also been reflected in the voices I heard from legal and welfare workers and the police in Port Augusta. My impression was that, according to these people, social research into Aboriginal engagement with the legal process appeared to have little value unless it was couched within the frameworks of

¹³ Said (1994) has given a salutary warning about the social and political dangers in the popularisation and generation of theories of essentialism. As he states:

The difficulty with theories of essentialism and exclusiveness, or with barriers and sides, is that they give rise to polarizations that *absolve and forgive ignorance and demagoguery more than they enable knowledge* (Said 1994:35) (my emphasis).

¹⁴ The word 'pub' is a colloquialism for a public hotel.

legal and welfare understandings. Members of the police force and legal and welfare agents would implore me to use in my research the statistics produced by their organisations, or the transcripts of legal findings, which reinforced their own particular understandings of why Aboriginal people appeared before the courts in greater numbers than other Australians in the town. Without doubt, I believe that if I had only followed the course these agents prescribed I would *not* have gained the insights that I did. Instead, the faith these judicial and welfare agents held for their own paradigms led me to wonder how much they differed from, and subsumed, Aboriginal people's understandings of their own social reality which invariably included interaction with these agents.

As it turned out, the advice I received from these agents was very useful in delineating some of the contexts of my research. I therefore gathered statistical and written data held at the police station, and welfare and legal offices which I visited regularly during my time in Port Augusta. But it was the advice from the Aboriginal administrator which most resembled the participant observation methods which predominated my research while I was in Port Augusta.

In order to understand the operation of the official juvenile justice process I observed the weekly Children's Court sessions for the duration of my eighteen months in the field. I also observed Children's Aid Panels¹⁵ which were held approximately once a week at the offices of the Department for Community Welfare (the DCW). Permission was also granted for me to access certain welfare files once I had permission to do so from the clients concerned. For the first few months of my field-work I also joined a small number of police patrols. My observations of the official structure of the juvenile justice and welfare processes were complemented by unfettered access to the Aboriginal Legal Rights Movement (ALRM) office. I was invited to sit in on interviews lawyers were conducting with Aboriginal children for whom a court appearance was imminent. However, I was only given permission to attend those interviews where the children concerned had also given their consent to my presence. I

¹⁵ I describe and analyse the functions of Children's Aid Panels in chapters four and five.

was also granted access to the ALRM files with the permission of the relevant client. At the invitation of the ALRM secretarial and administrative staff I was also able to sit, sometimes for hours, in different parts of the office talking with clients and staff and observing daily activities.

Soon after my arrival in Port Augusta I was invited by some Aboriginal administrators who worked for the Pika Wiya Aboriginal Health organisation to help out with the running of a youth program at Davenport reserve. It was during this time in particular that I began to make contact with a number of Aboriginal children and their families. My early contacts had also introduced me to the Shaftsbury youth program and other youth programs which were in operation in the town. I met more children at these youth programs and learnt much from them as I listened to their stories and joined in the activities run by these programs. Many of these children in time introduced me to their families and I learned even more from my visits with them. Unlike my initial contacts few of these people worked with the Aboriginal affairs bureaucracy. On the contrary, most had had traumatic experiences with welfare and the police. It was the stories which these people told me which made me view the bureaucratic procedures of the juvenile justice system in a new light.

I complemented all of this information gathering with on-going outings to the pubs in town with Aboriginal friends. I attended parties and other social gatherings given by teachers, lawyers and Aboriginal affairs administrators and Aboriginal families I had come to know. I also spent time interviewing children at the primary school located in the town centre which most of the younger Port Augusta Aboriginal children attended. I did the same sort of interviews with Aboriginal and other children who attended the two high-schools in town. From these on-going sessions, I came to know many children and in later months I spent time with them when they roamed the streets or got together in each others homes.

While this is merely a sketch of the very diverse avenues my field-work took it nevertheless indicates some of the trajectories which I followed to gain understandings about the task I had set my-self. As my field-work progressed I became ever-more

aware that even though the legal and welfare systems were a constant referent in the lives of Aboriginal people their interpretations of the mechanics of these systems were very different from those espoused by most legal and welfare agents. Aboriginal views about, and the meanings they attributed to, the very systems which dominated them were given little credence within the legal and welfare fields. I believe, therefore, that if I had not explored these insights into alternative, Aboriginal definitions of understanding and I had remained focused on the legal paradigm which had originally been suggested to me, because of its very omnipresence (cf. Bourdieu 1987), I would have only have been able to portray these Aboriginal people as tragic victims of a dominant legal and welfare regime. However, as I learnt, Aboriginal people do not see themselves simply as victims. While the dominant legal and welfare structures may have defined many aspects of their lives and indeed their very Aboriginality, the effects of these processes were tempered and manipulated by their tactics (de Certeau 1984) of accommodation, manipulation and resistance.

These insights, therefore, solidified for me the purpose of my fieldwork. I was not interested in only reconfirming what, by this stage, had become obvious; that Aboriginal people were proportionally over-represented within all aspects of the judicial process to other Australians. Nor was I solely interested in providing evidence that Aborigines are discriminated against compared to other Australians within the legal and welfare establishments. Rather, I wished to explicate the social processes and meanings, the “phrasing” produced by the *bricolage* (de Certeau 1984), within and behind social intercourse between Aboriginal people and the agents of the judiciary and welfare bureaucracies. As I did not see myself, nor the Aboriginal side of my family, as *victims* I needed to find out how Aboriginal children and their families who lived in Port Augusta incorporated and gave meaning to the legal and welfare processes as a part of their taken-for-granted reality. I needed to find some understandings about the wholeness and integrity of their lives. This thesis therefore pays tribute to, and develops these initial ideas.

What my ethnography has suggested to me most powerfully then is how important it is to give analytical attention to agency. I analyse the agency of Aboriginal and other

individuals as they interact within the overarching structures of power and domination which pervade their lives. Like Trawick (1992), I see my perspective as feminist because I '[stress] the importance of the particular, the private, the affective, and the domestic' (Trawick 1992:154) (cf. Smith 1987). The Aboriginal social construct of shame is the lens with which I analytically project Aboriginal meanings of the structures of the State which are imposed upon them.

Shame as a determinate of human interaction received intense anthropological investigation in the late 1960s and early 1970s. It is the ethnographers Pitt-Rivers (1971) and Peristiany (1974) who are generally seen as forerunners in introducing to anthropology theoretical perspectives on the symbiotic, yet mutually opposing cultural constructs of honour and shame as they operated in Mediterranean societies (cf. Peristiany and Pitt-Rivers 1992). Others focussed their investigations on the constant underlying presence of honour and shame as social constructs among Islamic peoples of the Middle-East and Pakistan (see for example: Barth (1965, 1981) and Lindholm (1982)).

While the prevalence of this school of thought in anthropology may have waned in recent times particularly in Australia, analyses of honour and shame continue to be produced (see for example: Gilmore (1987), Peristiany and Pitt-Rivers (1992)). What has been one of the most significant understandings about social interaction which has emanated from these studies is the role honour and shame play in underlying *all* social interaction among the peoples of those societies studied. Shame is predicated upon honour and *visa versa*.¹⁶ Other ethnographers, who have worked with very different cultural groups such as peoples of Melanesia and Micronesia, have discussed the role of shame and shaming in evoking emotions which reinforce particular manifestations of social control (see for example: McDowell 1947; Epstein 1984 and Lutz 1988). In

¹⁶ I discuss the differences in these analytical perspectives of shame in Mediterranean societies with my understandings of Aboriginal shame in a forthcoming article. While shame in these other societies is juxtaposed, opposed and dependant upon the maintenance of honour, among Aboriginal people there is no equivalent to honour. Rather, Aboriginal shame has its inversion and symbiosis in the notion of respect (cf. Brady 1985; Myers 1986). Respect entails a deference and respect for the requirements and knowledge of older people. To show and express shame is also to show respect for the social situation one is in and the people one is with. I also raise the concepts of shame and respect in some detail again in chapters five and eight of this thesis.

these social settings shame is intrinsically linked to personal identity but is also controlled by social circumstance and place. In a similar vein, others such as Handelman (1973, 1990); Szwed (1966); Paine (1967) and Warrell (1990) have discussed the role gossip, jealousy and social performance also play in reinforcing and reproducing the social order by drawing upon the emotions of individuals in socially defined settings.

Despite the prevalence of theories concerning the role of shame and shaming in underlying and structuring social interaction within varying cultures, the concept has received very little theoretical analysis among anthropologists working with Aboriginal people in Australia. In fact, despite the pervasiveness of this concept among Aboriginal people, in most cases shame is merely described rather than analysed (see for example: Wikaru 1975; Hiatt 1978, 1987; Brady 1985; and Burbank 1988, 1994). Alternatively, shame has been analysed as functioning from within very particular social frameworks — such as among those Aborigines who drink and those who do not (cf. Collmann 1979; Sackett 1988) — rather than as a social phenomena which structures and pervades *all* social interaction.

Morris (1986, 1988), on the other hand, has discussed the role of Aboriginal shame in structuring Aboriginal peoples behaviour in their relations with other Australians and in relation between older and younger Aborigines in a social world defined by the dominant Australian society. Indeed Morris, along with Myers (1979, 1986); Cowlshaw (1982), Sansom (1980) and Hamilton (1981) have indicated the importance of Aboriginal shame in defining the style of social interactions and the emotions and behaviour attached to such interactions. Nevertheless, even though these authors have recognised the prevalence of the social construct of shame among Aboriginal people their insights do not analyse the importance of Aboriginal shame as a basic underlying construct in all Aboriginal social interactions. In this thesis I extend upon these notions of Aboriginal shame to emphasise what I believe to be the pervasiveness of shame in structuring *all* social relations among Aboriginal people in Port Augusta. It is Aboriginal shame, in fact, which determines for Aboriginal children and their families the form of their social negotiations as they come face to face with the agents — be

they Aboriginal or other Australians — of the legal and welfare bureaucracies which operate in the town.

Although I focus on the minutiae of social interaction, I also draw on the theoretical perspective's of Foucault (1977) and Donzelot (1977) whose works I use to illustrate the historical genealogies of welfare and legal bureaucracies as they have impinged on Aboriginal lives in Port Augusta. Yet, a Foucauldian perspective alone does not allow for an understanding of how people operate within these structures on a daily basis and the understandings these people hold about the bureaucracies which control their lives. I also call on Bourdieu (1973, 1987 and 1990) to help explicate the development of different interpretations by welfare and legal agents and Aboriginal people who function in very different positions of power within the overarching bureaucratic structures of the State. In particular, Bourdieu provides some important theoretical tools to develop a critique of legal knowledge as it is imposed upon the knowledge of legal and welfare processes as they are lived out and understood by Aboriginal children and their families. It is from this base that I have been able to draw out the ways in which Aboriginal people may reproduce the circumstances of their own subordination.

Taussig (1987, 1993) has been my inspiration in analysing the implications that the re-incorporation and transformation of dominant knowledges have for Aboriginal people in Port Augusta. Taussig's work shows how, not only actions, but also meanings, are reflected in the way the dominated may recreate their own subordination while they simultaneously retain their separateness and alterity. Thus, using Taussig's insights, my theoretical contribution to interpretations of the continuing insidious intervention and power of the State in Aboriginal lives is to move beyond a position which defines Aborigines as victims. My thesis is about many of the ways in which Aborigines create the spaces within these dominant structures to reproduce the integrity of their own lives.

Visions of the Other

When I commenced field work there were few anthropologically or sociologically orientated studies available on Aboriginal relations with the criminal justice process. Two of the most important then were Brady and Morice's review of juvenile crime and petrol sniffing in a remote Aboriginal community in the far west of South Australia (Brady and Morice 1982; Brady 1985), and Wilson's *Black Death White Hands* (1982). Both studies link the history of the effect of government policies on Aboriginal people living in the communities considered to an explanation for the often violent and legally defined as criminal activities carried out by members of these communities.

While authors such as these have offered some intriguing and valuable insights into how Aboriginal people understand the operation of the legal process and the methods developed by many Aborigines to curb its effects on their lives, most have dealt predominantly with Aboriginal people who live in remote or isolated Aboriginal communities. Their findings were highly dependent on the particular social contexts in which their studies had been conducted. For this reason alone they do not suit the main purposes of my research.

Parker, writing in the 1970s, was an exception to this trend. Her survey on relations between the police, judicial agents and prison officers and Aboriginal people in country towns in Western Australia shows how the expectations and stereotypes held by these judicial officers about Aborigines were instrumental in amplifying the deviant behaviour attributed to Aborigines (1977:332). Notwithstanding these insights, the majority of these earlier studies take the existence of the legal process as given. It is Aboriginal people who are constituted as problematic in these works and Aboriginal people, and what is done to *them* by the police and the legal system, which remains the main focus of inquiry. The analyses are couched within the frameworks of legal definitions and expectations rather than rendering legal paradigms as problematic and worthy of critical analysis in and of themselves. Comaroff and Comaroff have stated that:

If historical anthropology is to avoid recapitulating the eccentricities and ethnocentricities of the West, the individual and the event have everywhere to be treated as problematic (Comaroff and Comaroff 1992:26).

In this thesis I present a critique of legal processes as they operate to incorporate Aboriginal people within the sights of legal and welfare bureaucracies. Rather than accepting that particular activities are criminal *per se* I show how the notion of criminality is a construction of the dominant society. By metaphorically disempowering the legal regime I allow myself the space to analyse, within their own terms, Aboriginal definitions, activities and expectations of their interactions with the legal and welfare agents who are more often than not a frequent intrusion in their lives.

Given the dearth of anthropological enquires in this field in the early 1980s, it is not surprising that even less research was available on the interactions between Aborigines and judicial and welfare agents in urban and rural places. One possible reason for this situation has been the predilection of many anthropologists and other social researchers to focus their attention on Aboriginal people whom they considered 'traditional'.¹⁷ During this era anthropology conducted among Aboriginal people was only just beginning to emerge from a fetish for conducting research with those Aborigines who practiced cultural and ritual practices which manifestly linked them to a pre-European past.

Certainly, at the time I entered the field and even to the present day, there remains a degree of disdain among bureaucrats, representatives of the mining industry, public servants and some anthropologists and other social researchers towards anthropologists who do work with urban or rural based Aboriginal people. The choices made by anthropologists of this earlier era have no doubt helped to perpetuate a wide-spread and on-going public perception that urbanised Aborigines are somehow less real than their counterparts who are seen to continue to engage in ritual practices or hold specialised cultural knowledge in regard to initiations, social order and

¹⁷ I discuss in more detail later some of the implications of the use of the term 'traditional' as it is applied to Aborigines by others, as well as by some Aborigines when referring to other Aborigines. See chapters five, seven and eight.

relationships with the land. But it has been the incorporation by government bureaucracies of these distinctions, implicit in research bias between different 'types' of Aborigines, which have had some of the most profound implications for the constitution of a legitimate Aboriginality for many Aborigines themselves.

As I illustrate in later chapters many Aboriginal people find they must define themselves in an image of traditionality in order to gain access to government funding and to ensure a say on issues as diverse as health, justice, land development, heritage and mining (cf. Jacobs 1983, 1988a, 1988b; Beckett 1987, Warrell 1995). In the Port Augusta and surrounding regions for example, Aborigines who are able to 'prove' their traditionality through knowledge of sacred sites and Aboriginal language and kin obligations, a knowledge supported by academic documentation, are more likely to receive government funding over and above their supposedly culturally bereft cousins.¹⁸ Moreover, as applied anthropologists have discovered government requirements to seek out evidence of 'traditional' knowledge and genealogical connections with a presumed 'traditional' past insidiously work to disempower Aborigines while at the same time insisting that Aborigines are special people requiring special government treatment (cf. Beckett 1987; Warrell 1995).

Despite the earlier dearth of anthropological investigations into issues surrounding the effects of legal processes on Aborigines, other academic disciplines have had, and continue to have, a long standing interest in this area. Perhaps not surprisingly the majority of these studies have emanated from within the discipline of law. The vast

¹⁸ The recognition of an 'authentic' Aboriginality through tradition has been powerfully acknowledged by the South Australian government through the granting of land rights to the Pitjantjatjara people in the north of this state and at Maralinga in the far west of South Australia in the early 1980s. In contrast, Aborigines in the more southern and eastern parts of the state, including Port Augusta, have been denied grants of land under a land rights process. This has been the case not least because these people have been defined as having no need for land rights as they are perceived to no longer have a tradition and life-style which links them to tracts of land. Instead, these people have only limited opportunities to have a say over development of land important to them through the identification of sites of significance on such land under *the Aboriginal Heritage Act* (1988).

The granting by the South Australian government of land rights to only one main group, the Pitjantjatjara, and the denial to all others has helped to generate bitter disputes between some other Aboriginal groups as they try to find ways to get land rights from the government. The most recent of these has been a family feud between Dieri and Arabanna people over who are the 'rightful owners' of parcels of land around the small town of Marree located several hundred kilometres north of Port Augusta.

majority of the literature available by the early 1980s presented critiques of Australian legal standards as they were applied to Aboriginal people. The type of injustices and discrimination Aborigines faced as they came into contact with legal and welfare institutions were revealed and examined by authors such as Eggleston (1972, 1976); Bailey (1983a); Williams (1974); Daunton-Fear and Freiberg (1979); Ligertwood (1984) and McCorquodale (1986) among many others.

The legal literature has also tended to focus on the incompatibility between indigenous customary law and the British-based legal system of Australian governments. Some of the legal literature also emphasises the problems of communication for Aborigines, whose first language is not English,¹⁹ when they appear in court or are being interviewed by police officers (Lieberman 1978, 1981; Wurm 1963; Misner 1974; Rees 1982). The concern over the radical differences between the two sets of laws went so far as to spawn an Australian Law Reform Commission Inquiry into Aboriginal Customary Law (1982-1983). This branch of inquiry focused on Aborigines who lived culturally distinct life-styles in communities which were remote from major urban centres. The assumption present in much of this literature being that only Aborigines who live a 'traditional' life-style still adhere to customary law practices. The impact of Australian legal systems on Aborigines who live in urban and rural locales has historically been defined as no less problematic than it has been for other disadvantaged groups such as migrants and low-income earners (cf. Gale and Wundersitz 1986b).

Quite a number of statistically based works have also addressed the issues of the treatment of Aboriginal people under Australian law. These include works which straddle legal and social science disciplines such as those by Gale and Wundersitz (1985, 1987), Gale, Wundersitz and Bailey-Harris (1988, 1990), Bailey (1983) and Worrall (1982). These studies have presented important insights into the realities of Aboriginal over-representation at all points within legal institutions across the country.

¹⁹ For many Aborigines their second language may not be standard English, but a non-standard form of English which is derived from standard English. This 'Aboriginal English' is based on the grammatical and phonetic constructions of their own language. Koch has argued that because of this, these Aborigines are very likely to interpret what is said in court by the judicial agents differently to what is intended, multiplying any problems they already have in comprehending the court-room procedures to which they are subjected (Koch 1985).

Yet, I found them limiting for my purposes. In particular, the focus of analysis of most of these studies has been taken almost exclusively from within the arenas of the legal system itself such as the court-room, case law or police procedures. By working within the frameworks of the official legal apparatus these studies have left implicit the relationship which exists between legal and welfare institutions. More significantly, the majority of these studies have also failed to adequately document how Aboriginal people themselves perceive and accommodate both the agents and the mechanisms of the legal and welfare structures as part of their everyday world views.

I argue, the very nature of reviews of Aboriginal juvenile interaction with the agents of the juvenile justice process based predominantly on statistics and evidence provided by these very agents has the potential to distort any conclusions drawn. As Cicourel (1976) has pointed out, statistical surveys like these do not present unequivocal factual data but are in fact a reflection of the views, reasonings and objectifications of welfare and legal workers. They are the end product of a reality these agents have been instrumental in producing and defining through social interaction with their clients. Indeed statistics are abstractions of the dominant structures of society with which the agents of these structures calculate the dimensions of the dominant order. They are, then, tautological methods of justification of the 'truth' of the current order of things.

The overwhelming valorisation given to statistics in research on the treatment of Aborigines within legal fields came home to me later after I had been back from my field work in Port Augusta. I was surprised to learn from a Commissioner working for the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) that my submission to the Commission based on my fieldwork was not considered particularly relevant to the Commission's work. As the focus of the paper was the interplay between Aboriginal children and the police in Port Augusta I found this explanation hard to understand. Yet I was told that my findings could not be considered a 'correct' representation of 'reality' because I had not provided substantial statistical evidence to back them up.²⁰ I later learned from social researchers who worked for the

commission that, at least in South Australia, this view pervaded the general attitude of the commissioners and other legal workers to any research received by them.

My thesis is based on the premise that an investigation into the relationship between Aborigines and the law should not remain within a critique or statistical review of the legal system *per se*. It must go beyond this into an exploration of the different forms of Aboriginal cultural understandings and constructs of legal and welfare processes. It must also explore the interaction between people, be they Aborigines or welfare and legal agents, and delve into the interpretations given to these interactions by all concerned. As Aboriginal interpretations and meanings have a powerful bearing on the very nature of Aboriginal interactions with, and incorporation in, legal and welfare processes, an understanding of them is fundamental to the way the law itself should be conceptualised.

My encounter with this senior legal practitioner had again confirmed for me the omnipresent power of the legal world view (cf. Bourdieu 1987). Social research into the way Aboriginal people themselves perceive and engage with the legal process appeared to have little value compared to the legal discourses on Aboriginal problems generated from within the dominant bureaucratic structures. As I have already pointed out, much anthropological and sociological discourse looking at Aboriginal relations with the law itself remains within the dominant legal paradigm. For this reason alone, it is essential, as I have done in this thesis, to critically analyse the interconnections between the legal and welfare structures of the State. In this way, some of the more insidious processes of domination and dependence between Aborigines and welfare and legal agencies may be revealed.

Thus, the impact of the law on Aborigines has only recently attracted serious anthropological analysis. By contrast, there has been a long-standing preoccupation among anthropologists working with Aborigines on the effects of the incorporation of

²⁰ Sackett has pointed out how his submission to the Royal Commission into Aboriginal Deaths in Custody which argued the notion that Aboriginal drinking is a form of resistance, was not referred to in any of the Commission's reports (Sackett 1993:242).

Aboriginal people within the government welfare structures of the State (cf. Berndt 1977). Authors such as Tonkinson (1982) and Hope (1983) for example have analysed many of the changes Aborigines faced in the 1970s and 1980s to their communities and the responsibilities of their people once missionaries ceded the administration of Aboriginal reserves to government advisers and Aboriginal community control.

Others have focused on the insidious reinvention of structures of racism in Australian country towns inhabited by large Aboriginal populations. Cowlshaw (1982) and Morris (1986) for instance, have looked at how the White populations of such towns maintain their dominance at the expense of Aboriginal labour. Aborigines, however, remain outside the dominant strata through government policies and activities which reinforce local racism. Yet, both Cowlshaw and Morris also reveal the subtle, but nonetheless powerful, modes of resistance Aborigines have developed to counter such oppression from the domination of the White populations of these townships.

Collmann (1988) has also provided an exposé of Aboriginal modes of resistance to the imposition of government welfare policies on Aboriginal people. He has discussed how the Aboriginal people of Mt. Kelly at Alice Springs in the Northern Territory manipulated welfare agents and the rules of the welfare bureaucracies to their advantage. In so-doing, these Aborigines attempted to insulate themselves from some of the intrusions of welfare agents into their lives. As he also points out, however, these very attempts at manipulation often encouraged further welfare surveillance. It is the pervasive and insidious nature of government policies on Aboriginal people which authors such as Beckett (1985, 1987, 1988) and Trigger (1992) have argued, have maintained Aboriginal and Torres Strait Islander people in Australia within a condition of welfare colonialism.²¹

²¹ Beckett describes welfare colonialism as:

...the [S]tate's attempt to manage the political problem posed by the presence of a depressed and disenfranchised indigenous population in an affluent, liberal democratic society. At the practical level it meets the problem by economic expenditure well in excess of what the minority produces. At the ideological level the 'native', who once stood in opposition to the 'settler' and outside the pale of society, undergoes an apotheosis to emerge as its original citizen (Beckett 1987:17).

While I have certainly drawn from works such as these in discussing the nature of intervention of welfare bureaucracies in the lives of Aboriginal people in Port Augusta, I have also moved outside of their theoretical frameworks which focus on the *structures* which maintain Aborigines in a condition of subordination. These works have been instrumental in highlighting the creation of Aborigines in the State's image to maintain their dependence and control. In Beckett's words:

...while Aborigines are now more closely integrated with the rest of the society, the dominant mode of this integration is governmental. Whether they are seeking employment or economic aid, claiming land, defending Aboriginal rights or practising traditional arts, they work through the *[S]tate* (Beckett 1987:175) (My emphasis).

But because works such as these concentrate on the structures of domination like welfare colonialism, which are imposed on Aborigines from above they cannot offer methods by which to discuss the intricate and subtle connections between legal practice and welfare intrusion as these are played out by welfare and legal agents in Aboriginal lives. Nor do these analyses make explicit how Aborigines might both be complicit in their own subordination, at the same time as they develop conscious and unconscious methods of accommodation, strategy and resistance which can be minutely transformative of their social circumstances and also reinforce the *status quo* of domination (cf. Comaroff and Comaroff 1992). Thus Aborigines are portrayed as reactive rather than as interactive and active agents in their own social circumstances.

By contrast, my focus on personal interaction shows how Aboriginal people instil their own lives with power and meaning in contexts where they engage with police, lawyers and welfare personnel. I explicate the links between welfare and legal structures discernible through the agents who work with these bureaucracies when they deal with Aboriginal families and children. I also illustrate how Aboriginal actions are (mis)interpreted by welfare and legal agents in ways which reinforce Aboriginal subordination by the dominant society. But I also show how Aboriginal people

develop individual strategies to move within the interstices of welfare and legal bureaucracies in efforts to manipulate situations to their own advantage. These are not merely strategies of resistance. Rather, following de Certeau (1984) I show how Aboriginal people's idiosyncratic and creative methods exploit not only the existing dominant structures but also many of the stereotypes produced by them in order to make their own distinctive life-styles.

A cogent example: in many of their dealings with other Australians, Aborigines will call on racist stereotypes about Aborigines in order to exploit situations to their advantage. Thus, an Aboriginal person may be deliberately late for a specified appointment with a government bureaucrat. However, when the bureaucrat expresses anger at such tardiness the Aboriginal person may come back with the reply that it is really the bureaucrat who is to blame because they should understand that Aborigines work with 'Aboriginal time',²² the reflection being that the bureaucrat should be more sensitive to Aboriginal ways. Yet Aboriginal people can be 'on time' when they want to be.

Nevertheless, I also detail in this thesis methods of explicit resistance by Aboriginal people to the structures in which they are embedded. In chapter six where I discuss the 'great shoe store robbery',²³ I show how a deliberate attempt was made by a group of Aboriginal children and some others to antagonise prominent business people and the police in Port Augusta.

Shifts in perspective through time

During my second year in the field in 1987 a dramatic shift in the interests of social researchers on the effects of the legal system on Aboriginal people came about. During this year a steadily growing ground swell of public outrage spurred on by pressure from prominent Aboriginal activists over a disproportionately high rate of

²² The term 'Aboriginal time' is based on the stereotype that Aboriginal people have no concept of structured time because they come from a preliterate culture where their days were merely divided by the movements of the sun rather than an artificial division of time represented by the movements of the hands on a clock or watch.

²³ See pages 149 forward.

Aboriginal deaths in custody throughout the country forced the hand of the Labour government under Robert Hawke to announce on 11 August a joint state and commonwealth Royal Commission. The Commission was set up to investigate the deaths of Aborigines and Torres Strait Islanders since 1 January, 1980 in police custody, prison or other places of detention (Muirhead 1988). As the Commission became established nationwide, deaths continued to occur. This focussed the attention of the Australian public on what is for Aboriginal people a highly emotive and controversial issue. One death in particular, that of John Pat, a young unemployed Aboriginal man, with a history of drinking and a police record, from Roebourne, Western Australia, became the symbol of the tragedy of Aboriginal lives in the late twentieth century (Sackett 1993; Johnston 1991a). Thus, the Commission was seen as not only a means to investigate the facts leading to each death through an independent legally based inquiry. It was also a means to 'authoritatively' establish the social, cultural and historical reasons why Aborigines have been a continuous focus of police and legal attention since settlement. Yet, ironically, because the Commission itself was a legal construction, it remained an extension of the very legal processes, the effects of which it was set up to explore.

In order to implement a mechanism to address these social causes of Aboriginal deaths in custody, the Commission included in the Letters Patent a directive 'to take account of social, cultural and legal factors' (Muirhead 1988). For many Aboriginal activists however, this was not enough. In an attempt to move these investigations beyond the hold of the legal and administrative bureaucracy into the hands of Aborigines themselves, many Aborigines involved in the Commission and their supporters, forced the establishment of research units, in each Australian state, to investigate the 'underlying issues' of each Aboriginal death in custody. The brief for these units was to review the history of Aboriginal survival under the domination of the European colonisers with the hope of throwing light on the reasons behind these deaths. It was this aspect of the Commission's investigations which spurred a myriad of research reports and submissions from a variety of disciplines and vocations on the interaction between Aborigines and the Australian legal and welfare systems (cf. Edmunds 1990).

Thus, with the establishment of the Royal Commission, Aboriginal over-representation within Australian legal systems, which had previously been a concern confined to academic and legal inquiry, had become a point of national public debate. The RCIADIC also became a focus around which new perspectives on the relationships between Aborigines and the State found voice (see for example: Cunneen and Robb 1987; Edmunds 1989; Cunneen and Libesman 1990; Cunneen 1990; Goodall 1990; Gale *et al.* 1990; Carrington 1990, 1991 and Cowlshaw 1994; as well as submissions for the RCIADIC such as: Anderson and Coates 1989; Edmunds 1990; O'Connor 1990; and Reser 1990). These commentaries now included Aboriginal viewpoints as well (see for example: Cunneen 1992 and Sculthorpe 1990). This new genre was influenced by debates which had been gaining momentum since around the early-1980s about the constitution and articulation of racism in Australia especially in relation to Aboriginal people. Influential works in this category included Cowlshaw's *Black, White or Brindle* (1988), Tatz's *Race Politics in Australia* (1979) and Morris' work on the Dhan-Ghadi of New South Wales (1986). Furthermore, many of these newer writers, unlike their counterparts in the past, concentrated their analyses on Aboriginal people living in urban and rural locales.

It is, therefore, via the routes mapped out by these earlier works on racism in Australia, and by those later works generated out of the RCIADIC, that I have gained insights into the structural and real-life relationships between Aborigines and other Australians based within the pervading presence of racism. Most particularly I have been inspired by those contributions which have offered theoretical mechanisms by which to understand the power and structure of the State over individuals (see for example: Lattas (1987), Marcus (1992) Morris (1992) and Sackett (1993)). Yet, as I have already mentioned there are also dangers within Foucauldian type analyses which focus predominantly on social structures. Most particularly they leave little space for an understanding of how people live out their lives which are dominated by these structures. Because of this, there is further danger that by keeping social comment in the fields of the dominant structures which manipulate all of our lives in very insidious ways, this may in turn reinforce racism within anthropological texts. One means to over-come this, as I have already argued, is to take heed of the advice of post-

modernists, to locate the ethnographer within the production of ethnographic texts. But as Marcus has pointed out it is also essential to recognise the power of the State in Australia to influence even this form of ethnographic text.

The forces through which Aboriginal selves are produced in Australia are such that the writing of ethnography, whether traditional or experimental, becomes problematic. The gaze of the State (Foucault 1977) continues its surveillance, and violence on the 'frontier' remains pervasive. The absence of any discussion of power from Australian ethnographies is central to its continued deployment (Marcus 1992: 100).

As the State defines what does or does not constitute Aboriginality this is a complete disempowerment of Aboriginal people. Yet, this power is no longer exercised via the overt physical means it was in the past. Aboriginal people are no longer confined to live on reserves and they are no longer denied the rights of Australian citizenship. However, the power of the State over Aborigines continues to be exercised through more subversive vehicles. The deep-seated emotional fear I had in revealing my own Aboriginality within this text was certainly bounded by the power given to the law, academia and government bureaucracies in Australia to define, and suppress Aboriginality and Aboriginal people in relation to others.

Despite the wide range of views generated by the RCIADIC (cf. Edmunds 1990), it was those that identified Aborigines as victims of racism and the history of colonisation, and which supported their conclusions with statistical evidence, which informed the ideology of the Commissions findings.²⁴ Indeed the Letters Patent

²⁴ The Royal Commission had also inspired an alternative, albeit controversial, minority theoretical perspective (personal communication Rod Lucas, Michael Harris, Mary Edmunds). Some researchers who contributed submissions or worked for the Commission argued that Aboriginal children and their families were more than mere victims of a racist colonial regime. They reasoned that these families and communities had designed their own innovative methods of handling the continual encroachment of welfare and legal personnel into their lives. There was also discussion around the activities which some Aboriginal people had developed to thwart the intentions of police, welfare workers and others. Many of these activities however are ones defined as 'criminal' by the dominant social order (cf. Hutchings 1989; Edmunds 1990).

It appears however, that the Commission responded to this alternative perspective by incorporating these ideas within its existing frames of reference of Aborigines as victims. The innovations and resistances created by Aboriginal people in their daily lives were explained away as understandable reactions to the pressures of discrimination and incorporation under a history of colonialism. I argue, that this stance denies an integrity to Aboriginal lives. It also constructs them as a subordinate people who apparently require on-going government assistance no matter what their economic and social circumstances.

required the commissioners to focus on the life histories of those who had died and each case was analysed in a separate report. Thus, the Commission, operating within an established legal framework, individualised and embodied the statistical evidence. While negligence and neglect by some police, medical and other practitioners was acknowledged, those who died were explicitly identified as *victims* of White colonialism and oppression (see for example Wotten 1989, 1991). In particular, the high rate of hangings was of concern to the Commission (Muirhead 1988:7). Hangings were generally identified by the Commission as evidence of suicide or 'accidental' death. As such they became seen as an expression of a final protest from young Aboriginal people against ultimate social persecution. The possibility that these hangings may have been evidence of foul play on the part of prison or police officers or others in positions of authority was decidedly refuted under the weight of the Commission's findings (cf. Muirhead 1989). As Sackett (1993) has argued, within the framework of the Commission's ideology, Aboriginal deaths are perfectly understandable, even if they are not justified. By focusing on Aborigines as *victims* rather than on the wider legal and welfare processes *per se*, this in turn enables the State to maintain Aborigines within the grasp of these very processes.

In my view, the findings of the Royal Commission into Aboriginal Deaths in Custody, in highlighting Aborigines who have died in custody as *victims* of a history of colonial oppression have in turn been instrumental in defining this discourse as a politically and morally correct stance from which to analyse the position of Aborigines in Australian society today. This, in turn, removes all sense of moral and legal agency for Aboriginal people themselves. In fact, it construes Aborigines as a helpless people totally at the mercy of circumstances and requiring assistance from a stronger group of people to save them from their fate. By metaphorically placing Aborigines in this position, they are constantly redefined as powerless. Such rhetoric keeps Aborigines, as a category of people, subordinated under the old regimes of power dressed up in modern suits. As with the ALRM lawyer who suggested I hide my Aboriginality, the RCIADIC also embodies within it particularly powerful contradictions. The particularities of the actions and views of legal agents are constantly reflected back to them from within the wider legal field in which they operate.

The ideology which constructs Aborigines as victims also excuses the current legal, welfare and health systems as not guilty. Instead, the real culprit of Aboriginal oppression is the history of colonialism as it has manifested itself in past Australian welfare institutions and a few of its racist agents.

Unlike victims of crime however, Aborigines are afforded neither monetary compensation nor revenge from the likelihood of their persecutors being brought to justice. In fact, it has been an on-going bone of contention from Aboriginal activists and communities, that prosecutions were not recommended in the Royal Commission findings. This is despite what many believe to be glaring evidence in some cases that some police officers and prison wardens were culpable.²⁵ Ironically it is Aborigines, and in particular Aboriginal children, who continue to be the ones brought before the courts and welfare agencies for alleged criminal activities in spite of their victim status in the government approved Australian social conscience.

An exploration of the behaviour of children and the people who watch them

In the next eight chapters I develop and expand upon the ideas and theoretical perspectives I have laid down in this introduction. In each chapter I present different aspects of the social processes of negotiation and the maintenance of separateness between Aboriginal people of Port Augusta and other Australians who live there. I weave my explorations of the treatment of Aboriginal children and their families by the agents of the State legal and welfare bureaucracies through an exposé of the historical constructions of divisions and alliances between different Aboriginal people themselves, and between them and other members of the population. To maintain consistency with my theoretical perspective on human agency, I do this mainly by focusing on some of the personal interactions I observed between Aboriginal children, members of their families and legal and welfare agents, as well as others.

²⁵ Personal communication from Aboriginal informants in Adelaide and Port Augusta. I have not included names here because of the possibility of a defamatory interpretation of this information.

However, I also investigate the historical, social and political factors which have both determined and continue to influence these interactions. Most notable among these was the founding of the Davenport reserve in the 1930s. As I show, the reserve continues to be an institution which remains instrumental in structuring the divisions within the Aboriginal population of the township. Yet, I have also considered other more contemporary factors. I illustrate how, with the establishment of an influential coterie of both Aboriginal and other people working for prominent government-funded Aboriginal organisations in the town, this has reinforced the subordination of the people of Davenport and Bungala estate. This coterie has played a significant part in the structuring of Aboriginal politics in Port Augusta, and has maintained the separation of Aboriginal people who live in Davenport or Bungala from those who live in the town itself.

In chapter two, I analyse the history of the settlement of Port Augusta and of the Aboriginal community at Davenport reserve and Bungala housing estate to reveal the development and reproduction of the ethnic segregation of the township. The history of Davenport reserve is a history of segregation of Aboriginal people from the dominant White population. I show how the separation between Aboriginal people from the dominant population has been maintained even as they began to move, in the mid-1970s, into the township itself. Yet, this history of separation has also come to dominate Aboriginal social relations among themselves as well as with others. I reveal how those Aborigines who have become town residents, and who have also established themselves in jobs in Aboriginal organisations, reinforce the subordination of Aboriginal people at the Davenport reserve and Bungala estate.

These town Aboriginal bureaucrats have established themselves as brokers between the dominant population and Davenport reserve and Bungala estate Aborigines. However, as I reveal, the relationships which exist between town Aboriginal bureaucrats and Davenport and Bungala residents are highly complex and contradictory. For, while the relationships of dependency are inscribed with stark inequalities they are also symbiotic. Indeed, town Aborigines depend on those Aborigines living at the reserve and the estate for the very definitions and constructions of their own Aboriginality.

In chapter three I take the reader on a police patrol through the streets of Port Augusta, Davenport reserve and Bungala housing estate. My purpose in this chapter is to reveal some of the dynamics of interactions between police officers and Aboriginal children and sometimes members of their families as well. I focus on the perceptions police officers have about both Aboriginal children, and Aboriginal people *per se*. I argue, that it is the stereotypes held by police officers of Aboriginal behaviour which reinforces the construction of an Aboriginal juvenile criminal identity among legal and welfare agents who work in the town. I juxtapose this police knowledge against the knowledge Aboriginal children and their families have of police officers and the legal system in which they operate. It is in the close quarters of interaction between police officers and Aborigines that I probe the development of ideologies of difference and Otherness held by both groups.

I furnish an exposé of the juvenile justice process in South Australia in chapter four. *The Children's Protection and Young Offenders Act* which was in operation at the time I undertook my field research provided a system by which children arrested or reported for offences could by-pass the Children's Court. In this chapter I analyse this system of Screening Panels and Children's Aid Panels. I argue that Aboriginal children rarely reaped the benefits of this court diversionary system. The statistics I collected confirm what others have also found (cf. Gale *et al.* 1990) that Aboriginal children have been consistently disadvantaged at all stages of juvenile justice proceedings compared to other children.

In chapter five I move to an analysis of the treatment of Aboriginal children during the second phase of juvenile justice proceedings. I discuss the mechanics of Screening Panels and Children's Aid Panels. I focus, on the interactions between police officers and welfare workers in the contexts of these panel hearings to draw out some of the tensions which underlay the legal requirements for the police and welfare agents to work together within the juvenile justice process. I show how the police and welfare workers each operate from subtly different stereotypes of the constitution of criminality and of Aboriginal culture. It is on the basis of these stereotypes, I argue,

that Aboriginal children receive very different treatment from other children who attend panel hearings.

It is Aboriginal welfare workers who embody within their very beings the tensions between an Aboriginal exegesis of interactions with legal and welfare agents and the understandings of juvenile justice held by these agents. I explain these tensions and differences in meanings and understandings through an analysis of Aboriginal shame. I argue that the very structure of Children's Aid Panels invited an expression of shame on behalf of Aboriginal children. Yet their behaviour was inevitably interpreted by panellists as an assertion of disrespect and defiance. Aboriginal shame did not equate with the panellists own understandings of this concept. It was the Aboriginal welfare workers who were generally left to straddle the gulf between these differences in meanings if they were to maintain respect both from the Aboriginal people with whom they worked, and their fellow welfare colleagues.

I focus in chapter six on the formation of, and belief in, different 'knowledges' of the legal process between Aboriginal people and legal and welfare agents. I analyse the Children's Court process and the treatment of Aboriginal children in this arena. I begin my examination of Aboriginal understandings of the legal and welfare processes with an Aboriginal girl's rendition of 'the great shoe store robbery'. This adventure highlights many of the differences in interpretations of the activities of Aboriginal children by Aboriginal people and the police, other legal agents as well as welfare workers. As I show in this chapter, the misalignment of knowledges between Aboriginal people and the agents working within the juvenile justice process develop within a variety of contexts from the offices of the Aboriginal Legal Rights Movement to the Children's Court. Yet, despite the pervasiveness of this misalignment the legal paradigm remains paramount obscuring any Aboriginal exegesis. Instead Aboriginal children are construed by legal and welfare agents as *victims* of an Aboriginal social condition of poverty and dispossession.

In chapter seven I explore the interactions of welfare agents with Aboriginal children as these children moved through each of the different stages of the juvenile justice

process. I illustrate methods of welfare surveillance of all children who had entered the juvenile justice system. However, I concentrate my analysis on the infiltration of welfare personnel into Aboriginal-run youth programs. It was via individual Aboriginal children who had come through the juvenile justice process that welfare agents legitimated their involvement in these Aboriginal youth programs. Thus, I show how welfare agents were able to exert influence and maintain surveillance of Aboriginal families and the broader Aboriginal population of Port Augusta through this infiltration. Such intimacy and intrusion into Aboriginal lives very often demanded tactics (de Certeau 1984) of strategic opposition and manipulation by Aboriginal children and their families in order that they maintained a separation and integrity to their lives. I thus discuss the methods by which some Aboriginal children and their families manipulated the welfare system to their own ends. Yet, these methods of opposition and manipulation never challenged the foundations of the dominant welfare structure. Rather, their power and meaning to Aboriginal people remained enclosed within, and dependant upon, this very structure.

In the final chapter of my thesis I shift my focal point away from the interactions between Aboriginal people and police officers and legal and welfare agents as these are played out within the boundaries of the juvenile justice process in South Australia. In chapter eight I analyse the history and functions of the Aboriginal welfare organisations which established the TjiTji Wiru youth program and the TjiTji Wiru house at Davenport reserve. The TjiTji Wiru youth program was an attempt by prominent Aboriginal and other bureaucrats who worked for Aboriginal organisations in the town to address a perceived rise in crimes against property by Aboriginal children from among sectors of the wider Port Augusta population.

The TjiTji Wiru program I argue was also a means by which some town Aboriginal people operated to infiltrate and direct the internal political affairs of the Davenport community. It is thus through my analysis of the TjiTji Wiru program that I discuss many of the aspects of the divisions and interrelations between Aboriginal people living at Davenport and Bungala and those living in the town. Yet, as I show, the form which Aboriginal politics took was also highly dependant upon the agendas of

government welfare departments. The Department for Community Welfare was only one government organisation among many which intervened in the lives of Aboriginal people living in Port Augusta. As this Department stretched its influence beyond the bounds of *The Children's Protection and Young Offenders Act* into the operation of Aboriginal youth programs such as TjiTji Wiru, its philosophies and plans became entangled with those of other welfare agencies and departments which had also entered this field.

Technical notes

I have used pseudonyms in place of actual personal names throughout this thesis in order to protect the identities of those people who provided me with information and who allowed me to observe aspects of their lives. In some instances I have also “blurred” details in my descriptions about people, places and events.

All of the quotations I have used in this thesis from people I worked with in Port Augusta are from my field-notes or other material such as cassette recordings. Some are direct verbatim quotations. However, due to the difficulty in some of the social circumstances in which I found myself in the field, other quotations are based on the notes I took as soon as possible after the event in question occurred. In some situations I was in, such as parties at Davenport reserve or while socialising with friends at hotels, taking notes would have been considered invasive and rude. In these situations I followed up my own observations with questions to particular people in private after the event.

I use the term ‘state’ with a small ‘s’ when I am referring to the government state of South Australia. When I use the term with a capital ‘S’ I am referring to the ‘body politic as organised for civil rule and government’ (*The Macquarie Dictionary* 1991:1708).

CHAPTER 2

Davenport, Bungala and Town

*My mother doesn't like me living at the reserve. She thinks I'm moving down a bit.
She thinks its a dirty place, people are always drunk and fighting.
Aboriginal woman aged in her early twenties.*

Introduction

In this chapter I give an overview of the history of the settlement of the township of Port Augusta in order to reveal the development and reproduction of its segregated ethnic structure. The establishment of the Umeewarra mission and later the Davenport reserve, with the blessings of the South Australian government in the 1930s, was the beginning of an institutionalised separation of the Aboriginal population from the dominant population who lived in the township. In the 1970s an Aboriginal residential area known as Bungala was built exclusively for Aborigines by the Federal government. This place has since become a third component in the hierarchy of social status which characterises the landscape of Aboriginal and White politics in Port Augusta.

I argue that despite many dramatic changes in government policies regarding Aboriginal affairs, even under contemporary policies of Aboriginal self-determination, the Davenport and Bungala populations remain socially, politically and economically separated from Aboriginal people who now live in town. Indeed, they frequently find themselves being dictated to by Aboriginal bureaucrats from town, who have since the 1970s established themselves within important positions in Aboriginal organisations funded by the government. Yet these divisions are nevertheless murky because they are confounded by other criteria which link Davenport and Bungala people to those Aboriginal people who live in town. Kinship relations cross-cut these boundaries and connect many people through social obligation and recognition. Thus, while the divisions between Davenport, Bungala and the town may be constructions of the State they are also maintained by both the dominant population as well as by Aboriginal people themselves.

The historical perspective I give here, therefore, lays down the foundations for the arguments I raise in later chapters where I analyse the insidious paternalistic control by Aboriginal bureaucrats over Davenport and Bungala affairs. As I show, however, this domination by town Aborigines over these other Aborigines is very much a product of the processes of domination they in turn receive along with their Davenport and Bungala relatives at the hands of non-Aboriginal bureaucrats, local politicians and prominent Port Augusta citizens.

In this chapter, I look particularly at the implications these social and residential divisions have for Aboriginal political strength in the contemporary environment of government policies of self-determination. For despite the physical and social separation of Davenport and Bungala from the town, these places remain in many respects the constructions of town politics and agendas. It has been through this history of enforced segregation that subsequent relationships of dependence, manipulation, resistance and accommodation have developed between Davenport and Bungala residents and legal and welfare agents who operate out of the town. This history has also generated very particular relationships between the different groups of Aborigines who now live at the reserve and Bungala, and those who live in town. As I describe, while these relationships are compounded and often confused by Aboriginal associations with the dominant settler other, they also have significant internal social logics of their own.

Port Augusta: A 'civilised' country town

Port Augusta is the third largest urban area in South Australia. In 1986 it had a population of 15,621. Aboriginal people made up approximately 1,140 of these numbers,¹ or approximately 9 per cent of the total population. In fact, the town has the largest population of Aborigines living in a rural or urban centre outside of Adelaide. Situated approximately 300 kilometres north of Adelaide, the town is set in a stark but

¹ Australian Bureau of Statistics Census 1986.

beautiful landscape which hints of an even more interesting and diverse, but potentially dangerous countryside beyond its limits.² It is bounded on its eastern side by the calm expanse of Spencer Gulf, which at one point transects the town into eastern and western halves. On all other sides the town is surrounded by an enormous barren plain, out of which rise the rugged and majestic cliffs of the Flinders Ranges. On the opposite side of the Gulf a range of bare, low-lying mesa hills dominate the landscape.

It was into this scene that the early explorers, including E. J. Eyre, and pastoralists came to establish European settlement in the mid-1800s (Jacobs 1983; Anderson 1988). Between 1855 and 1974 the town remained an important port for the shipment of wool and minerals to Adelaide and overseas from pastoral properties and mines operating in the hinterland. The town was further consolidated as an integral transport depot for South Australia with the completion of the Great Northern Railway in 1878. It was during this period, therefore, that the centrality of Port Augusta between the south and the north and west of South Australia — as well as the Northern Territory and Western Australia — was firmly established. Today, Port Augusta is also home to important industries on which the rest of South Australia depends including the production of electricity and the railways. Australian National Railways and the Electricity Trust of South Australia have been the two major employers in the town, between them recruiting approximately 38 per cent of the workforce (Anderson 1988).

Port Augusta is a town of conspicuous contradictions. It is the town located between 'the bush' or the 'outback', and 'civilisation' (cf. Warrell 1993). 'The bush' is representative of South Australia's pioneering past where white settlers moved into the arid interior of the state of South Australia to establish cattle and sheep stations.³ It is a romantic image which veils the torrid and often brutal history of the dispossession of Aborigines of their land. 'Civilisation' represents the 'city' and all of the urban (and urbane) conveniences it can apparently provide. Port Augusta emulates Adelaide, South Australia's capital, with a library. It has a number of coffee-shops and it has a

² See maps 1 and 2.

³ The word 'station' is an Australian term which refers to large tracts of country leased or owned by pastoralists and stock owners on which cattle and/or sheep are run for economic enterprise. Stations are often in the leasehold or ownership of families for generations.

few restaurants. These two distinct 'persona' are firmly encapsulated within the town's people, its history and its urban design. On the one hand then, the town is truly a modern urban centre situated, as placards announce to motorists entering the town precincts, at the 'crossroads of Australia'. On the other hand, it is located on the brink of arid desert country, beyond which lies the formidable 'outback'. For while the 'outback' may be the home of the ghosts of past pioneering spirits and present day real-life pastoralists, it is also desert country where the uninitiated and unprepared may perish (cf. Fergie in press).

The town, moreover, is situated on land which is of mythological significance to many different Aboriginal groups who now live in the area. A number of Dreaming⁴ tracks,⁵ including the potent Urumbulla (Native Cat or Quoll) Dreaming pass through the town linking these groups to this country. It was at this location that the Nukunu and Barngarla, the speakers for this country, played host to meetings and ceremonies attended by representatives of other groups (cf. Jacobs 1983). Given the social and mythological significance of the area, it is not surprising that since contact Port Augusta has continued to be a draw card for Aboriginal visitation and settlement. Coincidentally, the encroachment of settlers onto Aboriginal land to the north of the town and into the Flinders Ranges had also acted as a catalyst forcing many Adnyamathanha, Kokatha, Pitjantjatjara and others into Port Augusta for more basic requirements such as rations and medical attention (Anderson 1988; Jacobs 1983).

The site of Port Augusta, at the head of Spencer Gulf, had also proved extremely attractive to European settlement which began in earnest in the late 1800s. In time, the town became a base for settler industries such as pastoralism, mining and tourism

⁴ The term 'the Dreaming' is a gloss for Aboriginal religions in which the present (both in terms of land formations and Aboriginal social structure) has been determined by the activities of mythological beings in a time before human consciousness. It also represents a collapsing of time, for these mythological beings are still present in the landscape. They are both represented by, and *are*, the physical features of the land such as hills, rocks and trees. The journeys of these beings are represented in 'Dreaming stories' which also define elements of Aboriginal social structure in their telling and explication to others. Many anthropologists and other researchers have analysed aspects of Aboriginal religion. See for example: Stanner (1965, 1989), Munn (1970) and Yengoyan (1972).

⁵ Dreaming tracks refer to the 'maps' of the journeys of mythological beings of the Dreaming.

which today remain essential to the growth and maintenance of the South Australian economy. Therefore, the town embodies within it's two major population groups competing and generally contradictory social and economic meaning. Through the processes of colonisation Aboriginal people of the area have been ever-more subject to government policies, and local practices, of separation and segregation as enforced by State bureaucrats and up-held by the dominant population of the town. It is, I contend, these same mechanisms by which members of the dominant population have maintained Aborigines on the margins of the social and political economy of Port Augusta, which have also delimited the confined social spaces from within which Aboriginal people have been forced to determine and express their own social reality in relation to these dominant Others.

Thus, Port Augusta is also a town internally divided between Aboriginal, and the dominant other, Australian residents, and this is a reflection of the history of European invasion and settlement of this area. These racial divisions are maintained today through the residential separation of these two groups. A significant proportion of the Aboriginal population lives at the old Aboriginal reserve of Davenport and the housing estate of Bungala located on the outskirts of the town. These Aborigines are labelled by many town inhabitants as "fringe-dwellers", a term which encapsulates for them the marginal status of these people. Both Aboriginal and other town dwellers see this group as having more association with a 'traditional' life-style than their town counterparts. It is this perception which identifies the Davenport and Bungala group as closer to the 'bush' and, by implication, less 'civilised' in the ways of urban Australia. Other Aborigines who live in the township tend to be associated with recognisable suburbs. These distinctions between town and Davenport and Bungala Aborigines overarch and confound other divisions which exist within the Aboriginal community. I illustrate how distinctions based on residence and alleged traditionality are cross-cut by deeper distinctions and alliances based on Aboriginal group affiliations. It is the political and social interactions of these different groupings which produces many of the contradictions and tensions which exist within the Port Augusta populace.

Davenport: A history of segregation

Davenport was originally part of the Umeewarra Christian Brethren⁶ Mission and children's home which was established in the 1930s. The mission era in Port Augusta lasted from 1937 to the 1960s. Thus, it was over some thirty years that the missionaries established a highly dependant relationship between themselves and the Aborigines of the area. The particular site for Umeewarra Mission, three kilometres east from the town precincts, was chosen by the missionaries and their supporters because by the 1930s this location had become one of several important camping grounds for Kokatha and Pitjantjatjara people as well as others who had travelled down from the north-west regions of South Australia. A major draw-card for Aborigines to this particular site had been a police ration depot which had been set up here some years previously. It was also located right along-side Umeewarra Lake, a highly significant religious site for Aborigines from many different regions.

The Brethren had established themselves at a time when the South Australian government began to shed many of its bureaucratic responsibilities for Aboriginal welfare and to hand them over to church and private welfare groups (De Lawyer 1972:44; Rowley 1978:130). For instance, the Brethren took over the role of distributing rations from the police depot and became heavily involved in the provision of health and welfare services to local Aborigines. One of the mission's first initiatives for instance was to provide health care and temporary accommodation for which they received funding from the Aborigines Protection Board, for Aborigines who were visiting relatives in the Port Augusta hospital.

However, it was the establishment of a children's home in 1937 for which Umeewarra mission is most readily recognised. The home became an important catalyst for Aborigines to settle permanently in the vicinity of Port Augusta. In fact, it was through the establishment of the home that South Australian state government policies

⁶ The missionaries at Davenport are Christian or Open Brethren. They adhere to a less strict religious code than the Plymouth Brethren (de Lawyer 1972:36).

of segregation and protection for Aborigines became firmly rooted in the social and political psyche of the people of Port Augusta. It became the only school in Port Augusta which Aboriginal children were encouraged to attend (de Lawyer 1972:31-33). The official philosophy behind these decisions, not only by the state government Protector of Aborigines, but also by local Port Augusta Council representatives, church leaders and prominent Port Augusta citizens, was based on the need to protect Aborigines from the corrupting influences of Australian society. Not far beneath the surface, of course, they belied the apparently non-racist intentions of the dominant European based population of the town, which was to keep Aborigines at a distance and out of sight. I show how such paternalistic rhetoric was by no means an historical artefact of the times but is reproduced as part of the present social realities in the interactions between Aborigines and other Australians living in Port Augusta and in the practices of both. As Bourdieu has pointed out:

Social formations in which relations of domination are made, unmade and remade in and through personal interactions contrast with those in which such relations are mediated by objective, institutionalized mechanisms such as the 'self-regulating market', the educational system or the legal apparatus, where they have the permanence and opacity of things and lie beyond the reach of individual consciousness and power. (Bourdieu 1990:130)

The Brethren thus designed the administration of the children's home around a philosophy of social isolation. However, they had also incorporated the emergent government policies of assimilation within the boundaries of their own philosophies concerning their treatment of their young Aboriginal wards. In attempts to instruct Aboriginal children in the ways of the dominant society in order that they could eventually assimilate within it, these children were kept away from their parents and hidden from the alleged corrupting atmosphere of the town (Cantle n.d.). I show, however, that despite these apparently noble intentions on behalf of the Brethren to introduce educated Aboriginal children into the town's homes and businesses, they found little sympathy among the local Port Augusta establishment. Most mission children were eventually sent to Adelaide or other cities to work as labourers or domestic servants. For despite government support for their activities, the children's home had been established within an atmosphere of shifting and, at times conflicting,

attitudes between South Australian government officials and prominent Port Augusta locals towards Aboriginal affairs in this area.

While assimilation policies were tentatively replacing segregationist ideas within government circles, they found little support amongst a Port Augusta population entrenched in an atmosphere of fear of Aboriginal penetration into 'their' mainstream town life. The philosophies of segregation and protection of Aborigines remained bubbling beneath the surface of the sensibilities of the town's dominant citizenry. Nonetheless, as it turned out, the mission in fact offered the town bureaucrats and politicians a solution to these conflicting ideals. For by supporting the establishment of the mission they ensured Aborigines remained living away from town, while at the same time appearing sympathetic to these developing government policies of Aboriginal assimilation into mainstream Australian society. Further to this advantage, the lack of substantial government and local financial support for the mission however ensured this future would be a long-time off.

Umceewarra is an example of what happened in this era of compromise, when Aboriginal welfare work was left to missionary bodies willing to do the work. However, the Brethren could not cope with the situation, and as a result of their inadequate facilities, the [children's] home was overcrowded and understaffed, and the reserve Aborigines were inadequately catered for. Any form of training for eventual assimilation within White Australia was totally inadequate (De Lawyer 1972:44).

Yet, while the mission and the children's home were built around the desire for the dominant Port Augusta population to keep Aborigines out of town, within these external restrictions on their lives Aboriginal people also used the home for their own ends. I contend, therefore, that the effects of government policies, and the intentions of the dominant Australian population on Aboriginal people, should not only be seen from the point of view of an imposition from above. The children's home was used by some Aboriginal parents as a convenient place for them to stay or to leave their children to be looked after while they attended ceremonies and other cultural business on the outskirts of the town (cf. Jacobs 1983:119).⁷ Even during my time in the field, a

⁷ Tonkinson (1982) has pointed out the problems which have developed for some Aboriginal communities as missionaries have withdrawn from the administration of settlements under government policies of self-determination. In particular, he has noted the historical usefulness of

dozen or so children (aged in their early teens) had been left in the care of the missionaries while their parents were visiting from other towns. Others had made private arrangements for their children to board with the missionaries while their children attended school in Port Augusta. However, by this time, the mission's sanction to operate as an 'official' children's home under State government policy had been retracted. The home had been closed down by the Department for Community Welfare in 1978 because it did not meet government welfare criteria on the care of children in institutions (cf. Anderson 1988:198; de Lawyer 1972:40-43; Braddock and Wanganeen 1980:6).

The official segregation of the Aboriginal population away from the town which began with the opening of the children's home, became entrenched with moves by the Port Augusta establishment and the South Australia government to found an Aboriginal reserve. Soon after the children's home had been built the South Australian government and local Port Augusta residents initiated a campaign to found a permanent Aboriginal reserve on the outskirts of the town. After much debate as to an 'appropriate' location, the Christian Brethren were finally tendered with the contract of running the reserve on government-owned land in the Hundred of Davenport. The reserve was, and still is, located a few hundred metres from the old children's home and mission proper. In 1963, the Umeewarra Mission reserve was renamed Davenport reserve. A year later, in 1964, the mission era ended when Davenport was proclaimed a Government reserve. From this moment on the state welfare department, then known as the Department of Social Welfare and Aboriginal Affairs,⁸ became increasingly involved in the lives of Davenport residents. The transfer of Davenport to government control also reflected a new period of involvement by state government

mission paternalism for Aborigines in alleviating their responsibilities in certain spheres of their every-day lives. He has argued that at Jigalong, an Aboriginal settlement in Western Australia, the role the missionaries played in caring for Aboriginal children had allowed adults to concentrate on other aspects of social business. With the missionaries gone this has caused a dilemma in relation to the discipline of children. The misbehaviour of Aboriginal children who were once kept out of mischief in the settlement under the 'dormitory' system of the mission has become a serious Aboriginal community concern.

⁸ In this same year this state welfare department, a forerunner to the Department for Community Welfare, set up its regional headquarters in Port Augusta (de Lawyer 1972:63).

agencies in Aboriginal affairs across South Australia. However, as Rowley has pointed out:

The decision of the South Australian Government to establish an institution with a manager on the reserve ...was a response to the more obvious and temporary needs of a local situation. *The effect however, was to perpetuate in this new investment, an old pattern; to consolidate the separateness of Port Augusta town and the Davenport reserve* (Rowley 1971:32) (My emphasis).

Thus, during this entire period of both mission control and direct government administration, from the 1930s to the early 1970s, Aborigines continued to be confined to the reserve which remained a closed environment. Aborigines needed a permit to enter and leave the reserve. Permits were also required by people who were not Aboriginal and those Aborigines exempted under the *Aborigines Act* 1934-1939, and *Aborigines Act Amendment Act* 1939, to enter the settlement. For their part Davenport residents could only go into the township to purchase food and other goods and they were not permitted to live in the town. If Aboriginal people wished to spend any recreation time in the town precincts they were hounded out again by the police and government officials.⁹ While government policies by this stage were firmly committed to Aboriginal assimilation the Aborigines of Port Augusta, in fact, continued to live under apartheid-like rules.

Aboriginal families only started to establish homes in the township in any numbers during the 1970s when self-determination became the new order of the day (cf. Jacobs 1983:125-126). As the years progressed, this official separation of the Aboriginal and dominant White, Australian, populations changed little despite the increase of apparently enlightened state and Federal government initiatives to improve the equality of rights for Aborigines. For, although state legislation had been enacted in 1967 which gave reserve councils rather than white managers the right to decide who could enter an Aboriginal reserve, this was denied to Davenport residents because they remained under direct government control for at least another ten years. Government separation of Aboriginal people, in fact, remained in force right into the mid-1970s,

⁹ Personal communication Rex Stuart.

when in 1976 the reserve land was transferred to the Aboriginal Lands Trust¹⁰ and its administration was taken over by the Davenport Community Council.

Since 1976, the reserve has been known as the Davenport Community, reflecting its change to Aboriginal community control. However, Port Augusta locals, both Aboriginal and others, continue to refer to the community as 'the reserve'. In March 1987 there were 181 residents including temporary inhabitants¹¹ (Davenport Community Council Census 1987). At the time of field work during 1986 and 1987 Davenport was managed by the Davenport Community Council. This body was made up of male and female residents elected by the community. The Council was funded by the Federal Department of Aboriginal Affairs.¹² In the financial year of 1986/87, funds of approximately \$245,000 were provided from this department for the administration of the community (Braddock and Wanganeen 1980a, 1980b).

Bungala

Around the same time that Davenport reserve received its community status the Federal government through the Department of Aboriginal Affairs, funded the establishment of a housing estate for Aboriginal people. Bungala, as the estate became known, was originally designed as an alternative residence for those Aborigines who did not want to live at Davenport or in the town. It is about a two minute walk from Davenport heading back into town. The estate was constructed around a social

¹⁰ The Aboriginal Lands Trust Act was proclaimed on 8 December, 1966. The Act is administered by the Aboriginal Lands Trust which is made up of an all Aboriginal membership appointed by the South Australian government. This Act provides for the transfer of Crown Lands to the ownership of the Trust. During the period since its establishment the Trust, in conjunction with Aboriginal councils and communities, has requested the transfer of ownership of Aboriginal reserves such as Davenport from the government.

¹¹ The population of the reserve, however, can fluctuate dramatically at different times of the year (cf. Jacobs 1983:140). For example, the community annually hosts an Evangelical Convention, when people come from all over the north and north-west of the state to participate and visit relatives. Many visitors end up staying for months after the convention programme has finished.

¹² The functions of the Department of Aboriginal Affairs and the Aboriginal Development Commission were combined in 1989 to become the Aboriginal and Torres Strait Islander Commission (ATSIC).

evolutionary framework. It was designed as a transitional level of residency for those Aboriginal families who wanted to leave the reserve but did not feel they could cope with the fullness of town life (Jacobs 1983:137). This social experiment failed dismally, however, and the ambitious plans to house a significant number of Aboriginal families at the estate never eventuated. After the first phase of development, the project folded. At the time I was conducting my field-work Bungala consisted of only fourteen houses and only about half of these were actually occupied.¹³

In 1978 Bungala was transferred to the Aboriginal Lands Trust. Many town Aborigines and other Port Augusta locals alike still identify Bungala as a place of transition. This construction of Bungala as different from the reserve has persisted despite attempts by the Davenport Community Council to dissolve these distinctions. Some people living at Bungala have tended to regard themselves as of a higher social standing than Davenport residents despite close kin connections and the proximity of the two places. These opinions are generally based on their supposedly closer social links, as well as their closer proximity, to the Aboriginal population living in town. Some Bungala residents also believe they are superior because they live in better housing than Davenport people and they take greater pride in maintaining their homes. In these ways, the activities and beliefs of Bungala residents served to foster the dominant assimilationist construction of Bungala as a half-way zone for Aborigines to learn how to live a town life-style before they actually moved there.

While these judgements were based on different premises than those of outsiders, they nevertheless helped to reinforce these outside views which ultimately defined Davenport residents as located on the bottom rung of Port Augusta's social scale. Yet, in spite of their feelings of superiority over Davenport residents, Bungala inhabitants are actually tightly bound by the government of the reserve. Nowadays the Davenport Community Council oversees the maintenance and administration of both settlements. While I was in the field a Bungala resident was always elected onto the Council in an attempt to ensure Bungala residents retained a voice in the Council's

¹³ By late 1989, Aboriginal people had abandoned Bungala completely after a tragic house fire in which several members of one family were killed. The residents of Bungala left to find other accommodation out of respect for those killed as well as their relatives.

decisions. But the Davenport Council was ostensibly controlled by Davenport residents who in turn made decisions on Bungala issues. The superiority Bungala people felt they held over their Davenport neighbours was effectively undermined by the actual political power Davenport people held in the microcosmic arena of Davenport and Bungala politics.

Migration to town

Despite the change to community control, I demonstrate through my ethnography that Davenport people continue to live in an environment of separation. The Davenport of today represents the end product of a history of continuing separateness and control from outside (cf. McAdam 1984:3). In the era of government policies of assimilation before the 1970s many Aborigines throughout South Australia suffered removal to reserves and missions from which the State intended that they be taught the appropriate social rules and behaviour for their eventual assimilation into the wider society. Indeed in the 1970s, when Aborigines were no longer restricted to residence at the Davenport reserve many moved into the town to live.¹⁴

This occurred as a direct result of a South Australian Housing Trust's (through the Aboriginal Funded Housing Programme) initiative to provide houses for Aborigines wishing to live in the town. A manifest aspect of this policy was to provide Aboriginal housing throughout all the suburbs of Port Augusta and thereby prevent the development of Aboriginal enclaves.¹⁵ However, this has not happened. Particular areas are recognised by Port Augusta residents (both Aboriginal and others) as mainly Aboriginal because they contain significant numbers of houses funded for Aborigines

¹⁴ Jacobs (1983:125), using personal information she gathered from Faye Gale and A. Gordon (researchers who had conducted work in Port Augusta), has stated that in 1957 there were no Aborigines who occupied houses in town. By 1964 only sixteen Aboriginal families lived in town. While Jacobs does not elaborate, it is probable that these families were exempted under the *Aborigines Act*.

¹⁵ Ironically, at the same time, the Federal Department of Aboriginal Affairs had delegated funding for the establishment of Bungala estate on the outskirts of Davenport as housing development exclusively for Aborigines.

under the program. One Port Augusta local who worked for an Aboriginal organisation in town expressed the situation this way:

Wilsden [a suburb of Port Augusta] is becoming an Aboriginal ghetto. The move from Davenport to the city has become a move to Wilsden. There are only four Aboriginal families living on the west-side Housing Trust estate [an area considered by many Port August residents I spoke with as of a higher standard than other places in town]. It is obvious that the Council doesn't care much about the up-keep of Wilsden because there are blocked drains and dirty streets. I s'pose this is because the housing there is low-grade and cheap and something low income families can afford. It is also because there was one man who worked at the Housing Trust who always tended to allocate Aboriginal housing in the Wilsden area. He's been removed now!

Rather than the migration from Davenport into town constituting an assimilation into the dominant society of Port Augusta, it has merely re-established Aboriginal separation in a new time and context. Thus, even though government policies for Aborigines have encouraged a breakdown in the divisions of residential location between the Aboriginal and other sectors of Port Augusta's population, these policies remain based on an ideology of Aboriginal separation and dependency on the State. The existing barriers to Aborigines moving into the private sector of the economy are therefore reinforced and maintained.

Contemporary Aborigines remain locked out of the Port Augusta's mainstream economic strata. When I was conducting field-work in the late 1980s there were no Aborigines employed in any of the retail, property or commercial businesses in Port Augusta. It is the dominant non-Aboriginal population who have a determining influence on the town's economic and political prosperity and direction. The roots of their prosperity were laid down by the early explorers, merchants and pastoralists who established Port Augusta and opened up its hinterland to European pastoralism and development. Today the majority of business enterprises remain owned, managed and staffed by this dominant sector of the population. Other major businesses in the town, including restaurants and a motel complex, are run by either post-war Southern and Eastern European, or Malay and Indian immigrants.

As Aborigines have little opportunity to gain a foothold in the established commercial sector of Port Augusta's economy they are most likely to find employment in segments

of the government sector where being an Aborigine is an important credential for the job¹⁶ (cf. Morris 1986, Jacobs 1983). The only exception has been the employment of some Aboriginal men by the Australian National Railways and the Electricity Trust of South Australia. Jacobs (1983) has argued that a major reason behind this bias in employment opportunities for Aborigines in Port Augusta is the reluctance by private sector employers to hire Aboriginal workers. She points out that these employers' attitudes are based on a stereotype which characterises Aborigines as heavy drinkers who are likely to go 'walkabout'¹⁷ at anytime, making them unreliable employees. While I certainly discovered a similar reluctance on the part of business owners, I suggest, that the reasons for not hiring Aboriginal workers by these people were actually far more insidious. This stereotype reflects the general feeling towards Aborigines by the dominant sector of the population that to hire Aborigines would be bad for business.

These restrictions in job opportunities for the Aboriginal population of the town have led to an extraordinarily high unemployment rate among Aborigines compared with the rest of the population. By way of example, at the end of March 1987 Fifteen *per cent* of the non-Aboriginal workforce were registered with the Port Augusta

¹⁶ I illustrate in later chapters that when Aborigines in Port Augusta have attempted to establish their own business enterprises or welfare organisations, these organisations have inevitably been undermined by interference from government departments which forces these organisations back into the existing government bureaucratic structures. Jacobs has noted similar dilemmas for other Aboriginal organisations such as the Pryti-Yatha sand company and the Port Augusta Aboriginal Social Club which have operated at some time in the town's history (Jacobs 154, 158: 1983).

¹⁷ 'Walkabout' is a derogatory term applied to Aborigines by non-Aborigines as an explanation of why Aboriginal people do not seem to remain committed to a position of employment or the attendance of an appointment. It is also applied when an Aboriginal person is unable to be found by an agent of a government bureaucracy. To go 'walkabout' means that a person has mysteriously and unaccountably walked away from a social situation. Aboriginal people also use the term sometimes amongst themselves in a joking manner to describe a lack of knowledge of the whereabouts of another Aboriginal person.

The Macquarie dictionary gives the following definition of 'walkabout' in relation to Aboriginal people:

[A] period of wandering as a nomad, often as undertaken by Aborigines who feel the need to leave the place where they are in contact with white society, and return for spiritual replenishment to their traditional way of life (Delbridge *et al* 1991: 1962)

I suggest that the racist stereotypes in this definition are highly apparent for it implies Aboriginal people are intrinsically unable to live within a society dominated by whites. It also harkens to an image of Aboriginal people as the 'noble savage' who wander through the 'natural' environment in search of 'spiritual replenishment'.

Commonwealth Employment Service (the CES). In comparison the percentage of Aborigines registered as unemployed was 68 *per cent* of the total Aboriginal workforce. This high unemployment rate points to the reality that many Aborigines in the town are reliant on social welfare benefits of some form. This dependence on welfare payments, as Collmann (1979) and Beckett (1988) have strongly argued, is an important means by which Aborigines across Australia are maintained within the clutches of welfare bureaucracies. As I show, Aborigines living in Port Augusta are no exception to this situation. Indeed, as I have already illustrated, Port Augusta Aborigines have an historical relationship of dependency with state welfare organisations of which the local non-Aboriginal population has played a significant part.

New divisions

As Aboriginal families have moved into town this has also encouraged the development of new divisions amongst Aboriginal people themselves. This has created a residentially based politics. Strong distinctions now exist between those Aborigines who consider themselves town residents and those who have chosen to stay living at the reserve. Town Aborigines tend to identify themselves as socially superior to the people of Davenport as well as those of Bungala, and many identify Davenport and Bungala as 'typical' Aboriginal fringe-camps (cf. Jacobs 1983:137). Reserve and Bungala people are constructed by others as being heavy drinkers and transients who suffer a poor state of health and show little regard for the care of their children. Indeed these places were often blamed as the incubators of criminal behaviour among Aboriginal children. One middle-aged Aboriginal woman who was a long-term town resident, expressed to me her deep-seated fear that if her young niece did not stop visiting the reserve and staying with her friends out there she would become corrupted and end up a 'reserve black'. As it turned out her niece ignored her pleas. The mother eventually solicited the welfare department's help to 'persuade' her niece to return home.

The role Aborigines in Port Augusta play in their own subordination is something I discuss in some depth in later chapters.¹⁸ Suffice it to say here that many Aborigines living in Port Augusta have gained important and financially rewarding posts within the bureaucratic welfare structure by differentiating themselves from other Aborigines in the town based on life-style characteristics. Foucault offers a meaningful insight into reasons why power is seductive and not just repressive. Quite simply, he says that if power only induced repression then agents would be loath to buy into it. Furthermore, such a 'narrow, skeletal conception of power' relies on a purely judicial model of power which 'says no'. Rather:

What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse (Foucault 1980:119).

Nevertheless, Foucault's definitions of power do tend to blur the relationships between the objective and subjective experiences of power by individuals because he fails to draw out the processes by which the subordinated help to reproduce the circumstances of their condition (cf. de Certeau 1984). While these 'well to do' Aborigines may see themselves as different from, and better than, other Aboriginal people in town and out at the reserve, they do not necessarily reflect on the role they play in their own, and their fellow Aborigines subordination, or on the contradictions inherent in their social positions. Rather, they see themselves as helping their fellow Aboriginal people. In this, they are in the state of recognition of what Bourdieu refers to as a 'logic of practice which understands only in order to act' (Bourdieu 1990:91).

I illustrate how these portrayals of Davenport residents closely imitate the perceptions of them held by members of the wider Port Augusta population. Yet there are also profound differences in these two apparently similar representations. For while the dominant population of the town offer their pontifications from a position of social distance, the views held by town Aborigines hide a myriad of subtle and ambiguous interplays which keep them connected very closely to the reserve and Bungala. Complex kinship and Aboriginal group affiliations link Aborigines who live in these

¹⁸ See in particular chapters five, six and eight.

two locales. At the same time as they feel superior to Davenport and Bungala residents, town Aborigines also revere them for their cultural knowledge. They see Davenport and Bungala people as having more direct links than themselves to a 'traditional' Aboriginal past. Reserve Aborigines are therefore very precious to many town Aborigines who take up the role of being their protectors and saviours very seriously. It is through Aboriginal health and welfare organisations that town Aborigines seek to address the apparent social ills of Davenport society. They are assisted in this endeavour by welfare and legal agents working from within State bureaucracies. Yet, as I show, the intentions of these state legal and welfare agents are far from always being sympathetic with those of town Aboriginal bureaucrats. For the desires for Aboriginal control of health and welfare programs for Davenport and Bungala residents espoused by their town relatives was constantly thwarted by the intervention of government agencies in the affairs of Aboriginal organisations.

This situation was further exacerbated by the fact that Aboriginal organisations and the programs which they ran out at the reserve were more often than not administered by bureaucrats who were not Aboriginal and staffed by town Aborigines. Even the very administration of Davenport's affairs was controlled to a large extent by outsiders. While the Davenport Council may have consisted of reserve and Bungala residents, the community advisers at the time of field-work were either not Aboriginal or they were Aborigines from town. Furthermore, financial advice and auditing for the reserve was done by a local Port Augusta accounting firm approved of by the Department of Aboriginal Affairs (the DAA).

Thus, while the rhetoric espoused within welfare bureaucracies, and government funded Aboriginal organisations was one of Aboriginal self-management and community control of their own affairs, community control for Davenport, in fact, meant the placement of 'town' Aborigines and non-Aboriginal specialists in prominent positions. This high degree of welfare and government intervention into the affairs of the reserve hardly went unnoticed by the people who lived there. Indeed, it was a key element structuring their involvement in, and level of interaction with, these agencies. In their attempts to maintain some degree of control over this intervention into their lives, while at the same time ensuring they maintained a continuing access to valuable

government resources and government funded positions, Davenport and Bungala Aborigines constantly used innovative ways to skilfully manipulate the divisions between all parties.

Keeping Aboriginal people separate

The drive by the Brethren missionaries and local town officials to train Aboriginal people in the methods of White society within an atmosphere of separation in the 1930s finds continuing echoes in the present. Under the auspices of contemporary policies of self-determination and self-management many Aborigines in Port Augusta have been 'assimilated' into government funded Aboriginal bureaucracies. Like the mission, these Aboriginal agencies are a constructed environment of separation within which Aborigines can learn to manage their own affairs in a world dominated by people who are not Aboriginal. (cf. Wolfe 1994). Yet, unlike the mission, these Aboriginal organisations have provided a space from within which Port Augusta Aborigines could mount political stands against the rules of the dominant society. For many Aborigines, self-determination has become an important political platform from which to demand recognition of their rights as indigenous Australians. Yet, I show how Aboriginal organisations are a double edged sword for the very reason that they are government funded and controlled. In Port Augusta, as in most other places, Aboriginal voices have only been able to be heard heavily filtered and distorted through the viscous membranes of the bureaucracies of the State.

I argue, that in Port Augusta policies of self-determination have also played an instrumental part in influencing the racial tensions which exist there. Aborigines have become a government constructed Other. Thus rather than being individuals and groups who fight for a cause on the myriad of fronts society offers, they remain locked within a confined and limiting political space. It is because this position also defines Aborigines from a mainstream perspective as 'special', receiving extra government support (which is also dependence) in many social areas such as health and welfare, this in turn sets them up as targets for racist vilification. Self-determination policies, therefore, rather than empowering an Aboriginal presence in the dominant economic

and political strata of Port Augusta society, in fact, have reinforced and reproduced their continuing separation.

Instead, a coterie of Aboriginal bureaucrats and their non-Aboriginal colleagues has developed. These people act as cultural brokers who work between the Aboriginal population and the dominant society (cf. Howard 1982). In fact, I believe, Aboriginal organisations in Port Augusta have provided the *only* forum from within which Aborigines of the town have been able to mount significant platforms around local issues which affect them (cf. Beckett 1987). While I was in Port Augusta there were limited opportunities for Aborigines to deal with issues which concerned them from within the political institutions of the wider society. However, at the same time, these Aboriginal bureaucracies and the agents who work for them also became targets upon which the dominant population focused when voicing their grievances about Aborigines.

Government initiatives of self-determination for Aborigines have thus ensured that Aborigines have remained locked within government departments where they remain the subjects of the government's gaze and control. They are separated from mainstream politics and remain dependant on the State for their political voice. The 'dry areas' issue is an illustration of this. In 1986 the Port Augusta City Council launched a major campaign to introduce legislation to establish a number of public parks and recreation areas in Port Augusta as 'dry areas' where it would be illegal to consume alcohol. The Council had support for their crusade from the police, most of the major businesses in the town, the local newspaper as well as some local government officials and many private citizens. Locals also suggested that the presence of groups of Aborigines drinking in public places such as parks, gave the town a bad name and deterred tourists from spending time in the town itself rather than just passing through. While the Council cleverly avoided specific mention of the Aboriginal population in this campaign it was, nevertheless, aimed specifically at them as Aborigines were the main users of these areas and many indeed did drink alcohol while they were there. The Council targeted the Aboriginal population by juxtaposing the issue of 'dry areas' with state government concerns in relation to excessive alcohol consumption among Aborigines in the town. In the Council's submission to the state

government seeking approval for the declaration of nine 'dry areas' in the town they argued:

The 'McAdam Report' [a South Australian government funded report into the use of alcohol among Aborigines in the Port Augusta area] contained numerous recommendations for the improvement of facilities and functions in Port Augusta in an endeavour to fight the problems created by alcoholism. *However, in the view of the City Council, the Report ignored one of the main community concerns, ie. the drinking of alcohol in public places* (City of Port Augusta 1985) (my emphasis).

It was the Council's purpose to make drinking alcohol in these public spaces a legally defined criminal activity.¹⁹ While the racist implications of this campaign were manifold my main point here is to stress that Aborigines in the town had limited opportunity to fight this issue from within the arenas which produced it. No Aborigines were on the District council and no Aborigines worked in the council offices. Furthermore the Council made decidedly little effort to include Aboriginal people in any decisions it made with respect to this topic. In a letter from the Aboriginal health service to the Minister of Health about the lack of Aboriginal consultation by the Council it was stated:

Council's letter to you (17/9/85) indicates Council's Advisory Committee comprised "elected members of the Council, Senior Staff and representatives of the Aboriginal Community Affairs of Port Augusta (ACAP.) and the Woma Organisation in the City". The reality is that [the] Community Development Officer (C.D.O.) of the ACAP and [the] Program Director, Woma attended one meeting of the Advisory Committee. At that meeting the recommendations contained in Councils [sic] submission to the Minister of Consumer Affairs had already been determined. There was therefore no input or consultation with the Aboriginal community in relation to the 'dry areas' issue' (Davenport Community Council Files 1986).

As there were no Aboriginal owned business in the town and very few Aborigines who worked in the private sector this arena could not provide a base for protest either. Rather as the quote above attests, the campaign which Aborigines did mount against

¹⁹ Public drunkenness had ceased to be a legal offence in South Australia with the introduction of the *Public Intoxication Act* in 1984. However, to consume alcohol in an area legally defined as an alcohol-free zone is an offence under the *Liquor Licensing Act* (1985). Furthermore, under the *Public Intoxication Act*, the police can detain anyone they consider to be drunk in a 'safe-place'. Often, as the Royal Commission into Aboriginal Deaths in Custody and others have reported, this 'safe-place' has ended up being the police lock-up or a local public hospital (cf. Gale *et al.* 1990, Johnston 1991b, 1991c). Certainly, from my observations while undertaking field-work, the police would place both Aboriginal adults and children they had picked up for being drunk in the police cells to 'sober up'.

the introduction of these 'dry areas' came from within the established government-funded Aboriginal health and welfare organisations.

Nevertheless, the opposition from Aboriginal organisations to the introduction of 'dry areas' was extremely well organised, researched and persistent (cf. Divakaran-Brown *et al.* 1986). Yet because these organisations were, in fact, part of the government bureaucracy they were also subject to government policies and the politics of the government ministers of the day. Local Councils in other areas had also been seeking state government support for the introduction of dry recreation areas to coincide with wider state government campaigns to reduce alcohol related road fatalities and violence among South Australian citizens.²⁰ The Port Augusta Council's request was, therefore an opportunity for the state government to reinforce their own politics.

In the end, those Aboriginal bureaucrats who opposed the introduction of 'dry areas' found themselves forced to negotiate a compromise or 'package' whereby the state government agreed that in conjunction with the declaration of dry areas, a sobering-up centre for those Aboriginal people who were heavy drinkers would also be established. Yet a sobering-up centre had been something these Aboriginal bureaucrats had been pressuring the government to establish long before 'dry areas' had even become an overt issue of public and government debate. In a political sleight of hand the concerns of the Aboriginal organisations in the town had been linked to, and made dependent upon, the Council being granted permission to establish at least two 'dry areas' in the centre of town. As it turned out, the sobering-up centre was not established until very recently, many years after the original 'package' was negotiated,²¹ and three public recreation zones were declared "dry" in 1987. As has also occurred in other urban centres such as Alice Springs in the

²⁰ For example applications from the Glenelg City Council (Glenelg is a seaside suburb of Adelaide) to have public areas in Glenelg declared "dry" had been lodged from before 1985 (South Australian State Aboriginal Affairs 1990).

²¹ The original proposal for the sobering-up centre located it adjacent to the Port Augusta hospital. One of the major reasons that it did not end up being established at that time was because of the protests of residents, who were not Aboriginal, who lived in the vicinity of the hospital. Ironically, the centre has since been established in a house a few hundred metres from the hospital grounds (personal communication Alan O'Connor).

Northern Territory, the legal process has proved a useful tool for the dominant population to maintain racial divisions between Aborigines and others.

Images for tourists

For Aboriginal organisations, the 'dry areas' issue was much more than a struggle to be heard, it was also a fight for Aborigines to remain visible. Aborigines drinking in the town square and at a popular recreation park by the foreshore were clearly observable to the many tourists who visited Port Augusta. As with the town's commercial sector, the City Council also saw Aborigines as bad for business. In recent times, the fact that the town lies on the major highways leading north and west has been exploited by local businesses and the City Council in the name of tourism. In fact, Port Augusta is the last major urban centre for tourists to purchase much of their camping gear and other supplies before embarking on excursions to the Flinders Ranges, or further north to 'out back' locations such as the Strezlecki and Birdsville tracks. But Port Augusta is not only a stop-over for tourists and other travellers heading north and west, it is also a focus from the other direction. To people who live in smaller towns to the north such as Marree, Oodnadatta and Coober Pedy, Port Augusta is known as 'the Port'. These people travel especially to the town to shop for goods, clothes and supplies unavailable in their own tiny communities (cf. Fergie in press). Since its establishment in 1854 the town has also provided essential health and administrative services to the populations of its hinterland. Today, through its district hospital and district government departments as well as the Royal Flying Doctor Service, it caters for areas such as Andamooka, Woomera, Quorn, Cook, Tarcoola, Roxby Downs, Leigh Creek, the Pitjantjatjara Lands and Yalata.

While the presence of 'real' Aborigines at public parks may not have been a welcome sight for the town's politicians and prominent citizens they had no compunction in using sanitised images of Aborigines to enhance the tourist potential of the town. In the relatively new Wadlata tourist complex, for example, there is a detailed and

extended exhibition on local Adnyamathanha²² and Pitjantjatjara²³ mythology and hunting and food gathering techniques. In fact, Wadlata attests to the control the dominant population has over the manufacture of Port Augusta's civilised image to the outside world (cf. Warrell n.d). The exhibition follows an evolutionary time frame in which Aborigines feature alongside displays on the geographic formation of the Port Augusta area and examples of the local fauna and flora, and before expositions on the arrival of white settlers. While contemporary and, indeed, some local Aborigines star in the video displays, the image presented recreates the stereotype of Aborigines as 'the noble savage' — pristine, close to nature and living a 'traditional' life-style.

The life-styles and cultures of contemporary Port Augusta Aborigines are not featured at all. By this very omission the displays portray Aborigines who continue to live a 'traditional' life style, as they may have done before contact, as the 'true' Aborigines. The section on Adnyamathanha mythology, in particular, simplifies their particular culture into a series of stories on the creation of the land-scape and the Adnyamathanha people by Dreamtime beings sometime in the mythical past. The displays set-up and reinforce an image of Aborigines as 'noble savages'. An image which strikingly contrasted with the Aboriginal people these tourists observed before 'dry areas' were introduced. To a generally uncritical and often foreign audience, these type of portrayals of Aboriginal culture by the dominant population of the town assume an air of authority as to the 'correct' representation of Aboriginal society. What these visitors might see of Aboriginal behaviours as they travel around the town becomes a corruption of this image.

²² Adnyamathanha people originally came from the Flinders Ranges located several hundred kilometres north of Port Augusta. A very large number of Adnyamathanha are now living in Port Augusta. In fact the Adnyamathanha, along side the Kokatha people, make up the major Aboriginal group living here. These people nevertheless continue to see the "Flinders" as their home.

²³ While the Pitjantjatjara people are originally from the far-north of South Australia many visit and live in Port Augusta. However, I argue, they are represented in the Wadlata display because of their knowledge of Aboriginal hunting and gathering methods. In the video displays Pitjantjatjara also tell stories of the Dreaming and landscape in the Pitjantjatjara language with English translations below. The Pitjantjatjara are not represented however, because of any residential affiliation they may have with Port Augusta.

While Port Augusta may rest at the edge of the sparsely populated desert hinterland any 'dangers' this vast expanse threatens to the civility of the town are kept at bay by its prominent citizens. The town is constantly undergoing a process of creation as a civilised and controlled place. The District Council has upgraded parks and recreation areas and, over a period of more than ten years, has implemented an extensive tree planting program. It has also encouraged developers to build here and investors to establish businesses. As a result, Port Augusta boasts a modern town centre with a large shopping complex surrounded by expansive leafy suburbs. Even the Aboriginal population is portrayed, *at least to tourists*, as being under control and working for the benefit of the prosperity of the town in accordance with the aspirations of the dominant population. The town proudly wears a costume of urban civilisation.

Yet, as the history of interrelations between the Aboriginal and dominant other populations of the town show, underneath this benign picture lies a complexity of tensions and ambiguities which stratify the town's populace. Nor does the constructed civility of Port Augusta fool outsiders to its internal contradictions. For this image, on which business deals and government initiatives are based, is constantly being threatened by the impression which many residents in the southern half of the state, particularly in Adelaide, have of the town. To many Adelaidians and others, Port Augusta is commonly known as 'the gutter' (pronounced in a mockery of spoken Australian slang as 'the gudder'). Yet this derogatory view of Port Augusta as 'the gutter' is also interlaced with its own prejudices. The alleged social ugliness of Port Augusta is generally linked by outsiders — who may have never even visited the town — to the existence of a sizeable Aboriginal population. The central location of Port Augusta has meant it has continued to be variously a temporary, semi-permanent and permanent residence for Aborigines from all over the north and north-west of the state. Aborigines are a constant source of blame. As the 'dry areas' debate attested they are identified as an ever-present potential disruption to the efforts of the dominant population to maintain Port Augusta as a clean and respectable place, attractive to both visitors and new residents.

In juxtaposition to this construction of civility the threat of savagery lies in wait. The City Council may have had a measure of success in removing Aboriginal people who drank alcohol in public out of sight, but there remains for them a more subtle intimidation to the veneer of respectability of the town. There is a public conviction that Port Augusta harbours an abnormally high rate of crime by children. And it is Aboriginal children who are defined as the main culprits (cf. Cunneen and Robb 1987; Goodall 1990). The construction of Aboriginal children as the purveyors of major social disruption in the town generates powerful imagery which reinforces the mechanisms by which Aborigines remain subordinated. Children are representative of innocence in Western thought. Yet these are *Aboriginal* children. So they also represent an inverted essence of the iconography of the 'noble' savage. They are the child in the savage (cf. Taussig 1987:85). But the innocence of children is deceptive for as Golding (1958) in *Lord of the Flies* has warned, children also represent the potential savage in the western self. Aboriginal children are a double entendre for the dominant citizens of the town for they have become an embodiment of the savage within the savage. If Aboriginal *children* can be controlled then Aboriginal *people* can be controlled.

The 'crime' of Aboriginal children has very specific characteristics related to their behaviour. Most particularly it refers to their loud discussions on the streets at night, their wandering about after dark without the company of 'mature' adults, the theft of property and vandalism to buildings and motor vehicles. The situation had apparently become so serious that the Mayor of Port Augusta at the time, Ms. Joy Baluch campaigned to introduce a 10 pm curfew for all children under the age of 16. This threatened action brought the issue of civil control in Port Augusta to the attention of the entire nation. Yet, this very crusade also highlighted the deep contradictions inherent in the manifestation of civility and social control in Port Augusta. In an article on the issue, Adelaide's main newspaper, *The Advertiser*, reported:

The streets of Port Augusta, we were told, are like those of many a large country centres with a railway culture, a mixed-race population, high unemployment, a disproportionate number of pubs and a core of young people - black and white - who are disadvantaged, disrespectful, disgusted and often bored. Probably they are but that wasn't what we found. The streets were actually extraordinarily quiet. *The first thing one notices about the central shopping area is how well it has been planned. Orderly, one-way streets, bordered by hundreds of*

native trees, well lit, no rubbish to speak of (*The Advertiser* 19 November, 1990) (my emphasis).

In her public statements, the Mayor took pains not to identify Aboriginal youth as the target group. She left this task to her opponents of the curfew. As Mrs. Baluch was quoted in *The Advertiser* with respect to the introduction of dry-areas:

“We’re at the mercy of the bloody bureaucrats”, she said. “The last time we put in our application to the Government, Dr. Cornwall (the [then] Minister for Health and Community Welfare) said we couldn’t do this because it would be a discriminatory act against the Aboriginals” (*The Advertiser* April 28, 1988).

As with ‘dry areas’ the Port Augusta Council cleverly targeted the Aboriginal population without naming them. Aboriginal people were the main users of the parks which the Council wished to declare “dry”, and Aboriginal children were the main users of the streets which the Council wanted to clear at night. Thus, despite the fact that the curfew campaign did not explicitly identify Aboriginal children as the major group involved in these popularly defined criminal activities, the Aboriginal community was nevertheless identified for attention over this matter by the Attorney General and other politicians and public servants, as well as the media (7.30 Report ABC Television 10 May, 1990; *Advertiser* 16 November, 1990). I show that the identification of a juvenile crime ‘problem’ in Port Augusta with Aboriginal children is nothing new. It is based on a continuing history of such categorisation by welfare and legal personnel and other agents of State bureaucracies working in the town.

Conclusion

I have presented in this chapter an overview of the historical process by which the social relations of domination and subordination between Aborigines and the dominant population of Port Augusta have been produced and reproduced. I have focused on some of the methods by which Aborigines were and are kept separated from mainstream society through government policies which have advocated both assimilation and self-determination for Aboriginal people. The specific history Aborigines in Port Augusta have faced has seen the development of a residential politics based on internal divisions and coalescences between the different Aboriginal

populations of the town. I have specifically drawn out the hierarchy of social and political relations which exist between those Aborigines who live in town and those who call the Davenport reserve and the Bungala housing estate their homes. While there are certainly other divisions and connections which influence internal relations between Aboriginal people, such as Aboriginal group affiliations and kinship, it is residential politics which is the main concern for the arguments I pursue in the following chapters. Indeed, as I show, these other factors are often what makes the residential politics so powerful.

Yet the internal political relations of the Port Augusta Aboriginal population are also intimately infused with the omnipresence of the dominant mainstream society of the town. For as I show, it is their political and social concerns which dictate many of the issues such as the introduction of 'dry areas' and juvenile crime, around which Aboriginal politics finds it must revolve. In the next chapter, I move away from an analysis of the *structure* of social relations within Port Augusta, to look at how Aboriginal people in their practices deal with the people who work for the agencies of the dominant society. I also show how Aboriginal people deal with each other in the social contexts in which their practices are both structured within and contribute towards the reproduction of the wider social structure.

I continue to develop an examination of the construction of an Aboriginal juvenile criminal identity by prominent members of the dominant population of the town. In the next chapter I look at the relations of police officers with Aboriginal people as I reconstruct a police patrol I accompanied through the streets of Port Augusta and the Davenport reserve and Bungala estate. The police are the first point of contact many Aboriginal children and their families have with the juvenile justice process. Thus, I explore the interpretations the police officers and Aboriginal children and their parents have of each other. I show how the formation of knowledge about one another helps to characterise Aboriginal and police behaviours into a repertoire of the constitution of the Other. It is these social constructions which play a significant role in the understandings Aboriginal children have of the juvenile justice process as many of them become entangled within its clutches.

CHAPTER 3

Police Patrol

I've noticed that if there's... say you went to the pictures one night, like there's a lot of kids always walking around, white kids and Aboriginal kids, walking around anyway 'stead of going to the pictures. And if the cops went down and seen white kids they just don't take any notice, they seen Aboriginal kids they just stop and ask, "what they doing", and that. And in that case if they're getting into trouble.

Aboriginal girl aged 15.

Introduction

In this chapter I take the reader on a police patrol through the streets of Port Augusta and Davenport, the Aboriginal reserve. I reconstruct this journey to creatively analyse many of the social and physical interconnections and differences between the township of Port Augusta and the outlying settlements of Davenport reserve, Umeewarra mission and Bungala housing estate. The police are the first point of contact Aboriginal children have with the legal process. I show how their interpretations of each other as they deal with one another on a daily basis formulate constructions of difference and otherness. I trace the route of this police patrol to also set in relief some of the dynamics of the complex forms which interactions between the police and Aboriginal children take. From my observations Aboriginal children often developed familiar and ambiguous relationships with individual police officers. Not only did these children tell stories to me of police brutality, they also talked fondly of police officers they knew well, or told derogatory stories of those they disliked. Yet, while the police may have imposed a constant surveillance on Aboriginal people, they in turn had their own uses for the police within their lives.

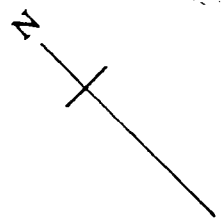
I also focus on the treatment of Aboriginal youths and their families by the police because this allows me the space to move out into the broader issues of welfare and legal surveillance of these people in this and subsequent chapters. The police are the front-line of the legal and welfare processes many Aboriginal children and their families are forced to face. Thus, through the patrol I describe here, I reveal perplexing insights into the first stages of contact between Aborigines and the legal and welfare systems. It provides an opening from within which I view the penetration

of the State penal system into Aboriginal lives. It has been put to me by members of the legal profession that the police do not constitute part of the judiciary. However, this is a legal definition which serves to separate legal professionals from other people who work in this area. In so doing, this definition legitimises for them their superior status over other professionals and reinforces the boundaries which divide legal and welfare philosophies of bureaucratic expertise. I, however, include the police as part of the judiciary in this thesis for the very reason that their work *is* inextricably bound within realms of legal knowledge. The police are expected to enforce the law under regulations and legislation upheld in the courts. The police patrol provides me, therefore, with a frame-work from which to begin to tease out some of these tensions between police officers, legal personnel and welfare agents who are forced to work together under the requirements of juvenile justice legislation. A major theme of this chapter therefore is an explication of some of the techniques by which both Aborigines and other Australians construct their visions of each other.

The patrol

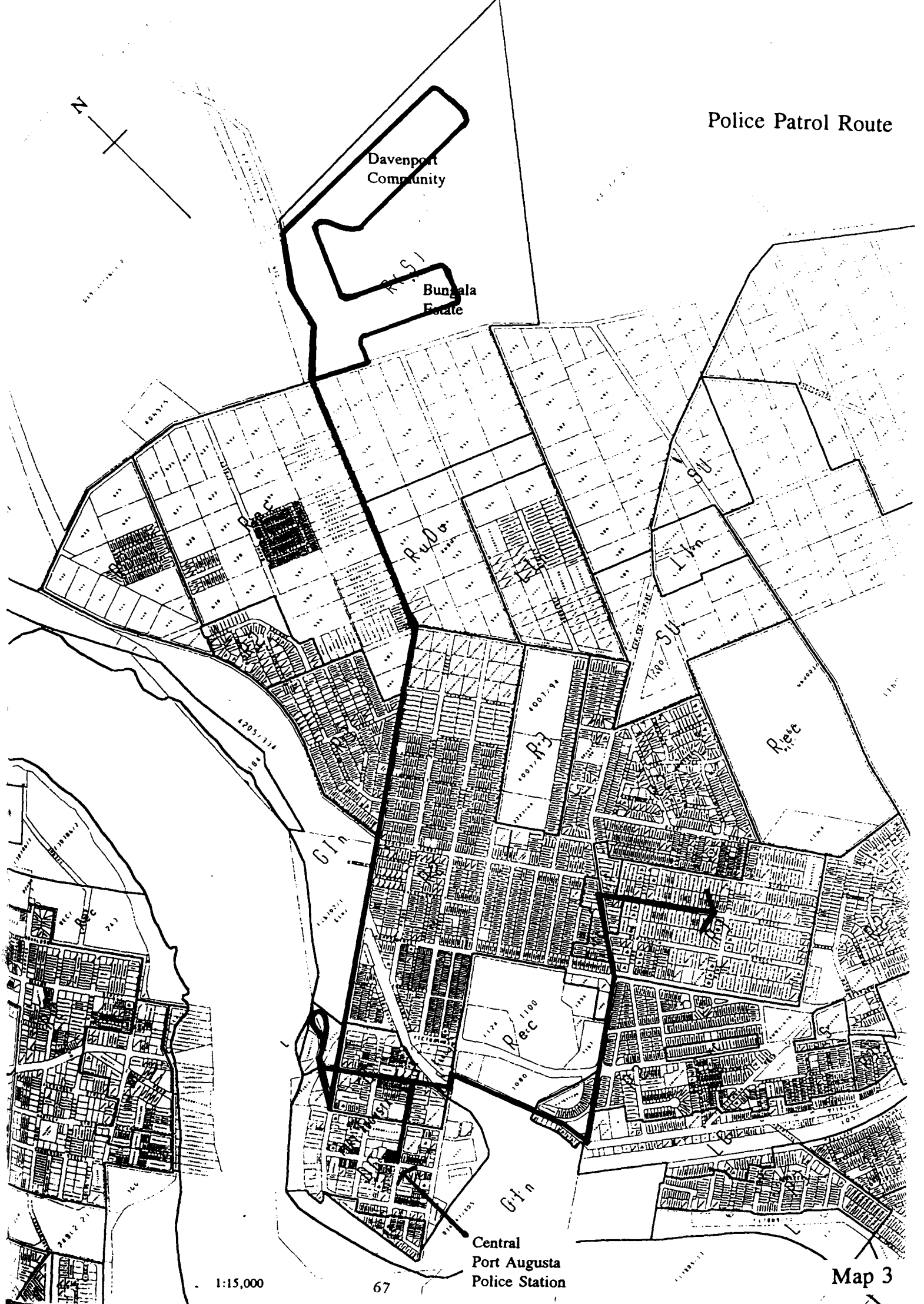
On a hot summer's night in January, 1987 I joined two police officers on their rostered police patrol of the town (refer to map 3). This was one of several patrols I accompanied in the summer months. I was specifically denied permission to accompany patrols on 'busy nights' as it was felt by the senior sergeant that my presence might pose a risk to my safety, the officers on the patrol and to any members of the public that might be involved with the patrol. However, as two other police officers from this patrol told me it was on these 'busy nights' that I was more likely to gain a better perspective of the interactions between the police and Aborigines in and around Port Augusta. The weekends and pension week (every fortnight), they said, were the best times to observe because this is when "they [Aborigines] get on the booze". At the same time these officers admitted that they would be concerned about what I might think should "something heavy" happen between them and any Aborigines they encountered. My experience of police patrols therefore was restricted and sanitised. By dictating the type of patrols I was allowed to accompany, it

Police Patrol Route



Davenport
Community

Bungala
Estate



1:15,000

67

Central
Port Augusta
Police Station

Map 3

appeared to me that the senior sergeant was attempting to maintain some control over the image I could glean of police work in Port Augusta. Indeed, senior bureaucrats in the police station office were generally very guarded when discussing my research with me and they offered assistance begrudgingly.

Yet these overt restrictions could not prevent the police officers I accompanied on patrols from voicing their opinions. Nor could it prevent the course of circumstances of the events which occurred on those patrols. In fact, these officers by contrast to some of their colleagues with whom I spoke at the police station, were generally very friendly and offered their opinions about the town and the people they had to deal with quite openly and with little solicitation. Nevertheless, I believe they too were attempting to convince me to see the world the way they saw it. On all the patrols I went on it appeared important for the police officers that I understood how difficult their jobs were (cf. Edmunds 1989:108-109). Some went so far as to tell me, as if by way of excuse, that the high levels of violence and drinking among people they encountered, particularly Aborigines, had made them jaded and cynical. Eventually, their persuasions forced me to recognise a dilemma for my research. The provision of information from others is not free. It involves a reciprocation of trust and a degree of like mind with those imparting the information. I recognised that if I continued to go on patrols for the remainder of my research, I would become identified in some way by legal and welfare agents, and of course Aboriginal people with the police and their sympathies.

I therefore did not attend any police patrols in the later months of my field-work because of a conflict of interest I felt with the Aboriginal children and their parents I was associating with. In order to retain their trust and friendship, I felt it inappropriate to be seen by them accompanying police patrols while at the same time seeking confidential information from them regarding their feelings towards the police, lawyers and welfare officers. As I discuss later in this chapter, many Aboriginal children told me stories of the police brutality they or their families and friends had suffered. Thus, I came to realise, for many Aborigines, police patrols stood as a symbol of such brutality as it was a powerful visual statement of police intrusion into Aboriginal lives. This

revelation highlighted the conundrum of my position in the field. As I pointed out in my introduction, representatives of the legal and welfare bureaucracies were very keen for me to reproduce in my research, bureaucratic interpretations about why Aboriginal children appeared more often than other children before the legal apparatus.

At this point in my field-work I was, I believe, forced to make a choice to give-up attending the patrols. For as I argue assiduously throughout this thesis, the interpretations produced by legal agents and bureaucrats submerged beneath them and transformed Aboriginal children's and their parent's understandings of these very same processes. Such legal and welfare definitions also served to create Aboriginal behaviours as deviations from legal 'norms' of acceptable social conduct. The police were constantly on the look-out for Aboriginal people who broke these 'rules'. Thus behaviour which was seen as common-place among Aboriginal children and was usually condoned as normal by their parents, such as hanging around the streets and talking loudly among their friends, often became couched within legal definitions of misconduct. In my observations Aboriginal children in these situations were often approached by the police and on occasions actually charged with the offences of *loitering* and *abusive language* (cf. Edmunds 1989:100-104).¹ The quandary I faced also highlighted, therefore, the incisive differences between Black and White perspectives. I illustrate, that it is these differences which have actually articulated many of the patterns of (mis)understandings between Aborigines and other Australians in Port Augusta concerning the interpretations of social behaviour and cultural meanings.

¹ In a recent report shown on the Australian Broadcasting Commission's (ABC) 7.30 Report (30 January, 1995), Aboriginal children were identified as potential law breakers because they spent their evenings and nights on the streets. The reporter made a point of saying that the children who mainly congregate on the streets just happen to be Aboriginal. No footage of children who were not Aboriginal was shown and there was no mention of the activities they undertake at night. The new police sergeant in the town had recently introduced a pilot scheme whereby Aboriginal Police Aides were being accompanied by Aboriginal 'elders' in approaching these children and advising them to return home. Some children were identified by the Aboriginal police aide and the 'elder', who were being interviewed, as 'drunk' and likely to 'get into trouble'.

The explicit message of this news item was that Aboriginal children are *the* major cause of juvenile crime in the town. It appears to me that the construction of an Aboriginal juvenile criminal identity by legal and welfare agents, the police and Port Augusta locals which I analyse throughout this thesis remains solidly in place in Port Augusta some eight years later. As the interviews with the police aide and 'elder' attest, this identity now also appears to be accepted by some Aboriginal people as normal as well.

Out to the reserve and then back into town

The patrol was due to begin at 7.45 pm.² At 6.30 I had met the two police officers who were conducting this patrol at the front desk of the police station. The station is a large building located in the centre of Port Augusta's main street. While the three of us walked out to the patrol car the two men asked me about what I was doing. They were very interested in my research and they told me they were happy to help me in anyway they could. We then talked about the ensuing journey. The first destination was the Davenport Aboriginal reserve. It took us no more than five minutes to travel the three or so kilometres from town, under the bridge which carried the north-south highway through Port Augusta, and along the road by the shore of Umeewarra³ salt lake out to the reserve.

In 1986, Davenport was separated from the well-maintained buildings of the Umeewarra Mission by a dirt track and a thick hedge of she-oak trees. The police car took the dirt road which skirted around the mission and cruised into Davenport past the offices of the Community Council and the Pika Wiya Health Service⁴ situated on the left. The main road continued towards the TjiTji Wiru Youth Centre⁵ located in a house on the opposite side. There were not many people out on the streets, despite the warm weather. However, on approaching TjiTji Wiru house, I saw a number of young men and women standing around talking. On spotting us they laughed and waved.

² South Australia has day light saving time during the summer months. At 7.45 pm it was still light outside.

³ Umeewarra is recognised by Aboriginal people living in Port Augusta as a Kokatha or Pitjantjatjara name for this large salt lake which lies immediately to the south of Davenport.

⁴ Pika Wiya (a Pitjantjatjara phrase meaning *no sickness*) was an Aboriginal health organisation administered and funded by the then state Health Commission. The organisation was headed by a non-Aboriginal health administrator. The senior medical staff such as doctors, nurses and a psychiatrist were also anglo-Australian or of an ethnic background other than Aboriginal. For example, during the period I was in the field, a black South African doctor and an Indian doctor were employed by the organisation. The clerical staff and health workers were generally Aboriginal. I discuss the role of Pika Wiya in the politics of Aboriginal affairs in Port Augusta in greater detail in chapter eight.

⁵ In chapter six I provide a history and analysis of the TjiTji Wiru Youth program.

Many of the younger children recognised me and they giggled and pointed at me in a teasing manner. Throughout the short journey through the settlement the main people we encountered were teenagers and younger children.

We continued along the dirt tracks at the back of the main buildings. These tracks went through the sandhills and we passed quite a few older people socialising around their camp fires. There were no houses here, rather the people made their camps among the sandhills. We travelled slowly past the campfires with the police officers staring pointedly at each group of people. We then turned back onto the bitumen road to head out to Bungala housing estate. There was little activity that evening at Bungala. A few people were sitting outside of their houses drinking, chatting and playing cards. They watched the patrol car as it cruised past the houses.

Upon leaving Bungala, we headed back into town via the road which leads to the east-side foreshore. On reaching the beach, the officers noticed a group of Aboriginal teenage boys standing below a rock face on the beach. One of the lads was urinating against part of a concrete embankment prompting the officers to drive over to the group. But, by the time we reached the group, the urinator had disappeared. However, this did not stop the officers from approaching the boys on foot. They sat down casually with the group and proceeded to ask them questions about other Aboriginal children. One of the policemen asked the group: "Have you seen James Brock? I heard he's in Coober Pedy⁶ now". The other asked: "Do you know anything about the break-in at the golf club?" and so they continued along these lines. The police officers later told me that two of the boys who were at the foreshore had recently been charged with *illegal use of a motor vehicle*. The boys were due to appear before the Children's Court over the matter later that month.

The officers stayed talking with the boys for about ten minutes or so. Upon leaving, one of the officers reminded the boys to put their empty drink cans and chip⁷ packets in

⁶ Coober Pedy is an opal mining town located about 500 kilometres north of Port Augusta. Many Aboriginal people living in Port Augusta have relatives and friends who live there.

⁷ Packets of chips contain deep fried sliced potatoes.

the bin and not to leave them on the beach. The men and I then walked up the embankment from the beach and got back into the police car. We drove away from the foreshore and south to the residential area known locally as 'the Augusta Park' area. The men told me that the rest of their evening would be taken-up with the delivery of summons and cruising the streets of town. On the way to serving their first summons the officers talked about two of the boys who had been on the beach. They told me that these two had been part of a gang of Aboriginal boys who had only days previously stolen the car of a local white man in his early twenties. These police officers had been the ones who had actually charged the Aboriginal lads with the offence of *illegal use of a motor vehicle*. One of them went on to fill in the details of the rest of the story:

Aboriginal kids will always tell you all about the crimes they have committed if you catch them in the act. And we *did* catch them in the act, they were sleeping in the man's car! And they *dob*⁸ the others in. But if you question them about something you suspect they are involved in then they won't admit it, even like that Nigel [this boy had also been on the beach] we reckon was involved in the break and enter of the golf-club. And then you visit their home and find all the [stolen] goods there. Nigel wouldn't admit to anything but he would *dob* the others in. There are gangs of Aboriginal kids here. There's Nigel's mob who hang around from Marrayatt Street [this street is in the centre of town], there's a Wilsden group [Wilsden is a residential area to the south of the centre of town] and then there's the boys out at Davenport who all hang around together.

For the remainder of the patrol we cruised around the different parts of town. More summonses had to be delivered and the officers spent some time checking out the grounds of the two local high-schools. After the encounter with the Aboriginal boys at the beach the officers approached no other people except those to whom they were delivering summonses. I was dropped off by the officers in the main street where I had parked my car at about 10.30 pm.

'Friendly' police

While none of the Aboriginal lads at the beach had been picked up or charged with any offence during their encounter with the police, the police were clearly keeping them

⁸ The word 'dob' is an Australian colloquialism which, in the context used in this instance by the police officer, means to betray or inform on someone else for a misdemeanour.

under surveillance. In my observations this sort of banter from police officers as they questioned Aboriginal children was common. Not only did the style of talk of the policemen act to remind these children that they were being watched, it also held implicit meanings about the role of the police in their lives if they should be caught acting in a manner defined by the State as illegal. As Foucault has pointed out:

The practice of placing individuals under 'observation' is a natural extension of a justice imbued with disciplinary methods and examination procedures (Foucault 1977:227).

Just as importantly, it was during these types of pseudo-friendly encounters that the police establish profiles on individual Aboriginal children. They became known to the police whether they had committed an offence or not. The personalities of these children are constructed and standardised by the police into a repertoire of common knowledge about each, which the officers share during casual conversations. The police officers link the children's actions to their Aboriginality not to their individuality. More than this, the police have an in-depth knowledge about the families of these children. This knowledge, however, is based on police memories of encounters with family members which, more often than not, involve various levels of conflict.

Many police officers in Port Augusta base their knowledge of Aboriginal families on what they are told by other police officers who have spent a longer time in the town. These memories and anecdotes become a reality upon which all subsequent encounters with Aborigines in Port Augusta are measured against (cf. Taussig 1987:367-370). These stories very often contain an element of danger to them. The police officers I spoke to would cite examples of when they had to break-up fights between Aboriginal people where glass wine flacons and sticks were being used. In so doing these explanations justify to the police who expound them their desire to maintain control over, not only any of their subsequent encounters with Aborigines, but also over the production of these stories. I was reminded by the police prosecutor many times in conversations with him about the danger Aboriginal people posed to the social order not only in Port Augusta, but also in other country towns he visited regularly. During one conversation he told me about a group of young teen-

age Aboriginal children who had been walking up and down a street in the main town area of Port Augusta. According to the prosecutor these children had been yelling abuse at each other as part of an on-going family dispute. He had been horrified at the types of language they had used: expletives such as “fuck” and “cunt”. To him these words were a violence on the sensibilities of the rest of the residents and he had no hesitation in charging these children with *offensive language*.

For Aboriginal children and their families it is the police who are the perpetrators of violence. But in contrast to the so-called violence which the police blame on Aboriginal children and adults (which as with the example cited above, occurs without inhibition within the public domain) police violence is hidden from public scrutiny and is therefore elusive and insidious. For example, during a group discussion with some young Aboriginal high school children, I was told by one girl of her family’s encounters with the police in the early hours of one morning. She described to me how the police had come looking for one of her older brothers. She awoke to the noise of the police knocking loudly and repeatedly on the front-door of her family’s house. Because it was late and the family were scared no-one opened the door immediately. According to this girl, not long after they had arrived the police officers smashed down the door. They entered the house and began searching the rooms for the brother. “They shone torches in our faces” the girl told me. She stressed how frightened she and her mother and sisters were and, in response, how they screamed abuse at the officers for invading their house. Eventually the police left when it became obvious to them that the lad was not in the house.

I was also told by young Aboriginal women of girls they knew who had been raped and beaten by the police in the holding cells in Port Augusta. A mother also told me of the strange bruises her son had on his body after he had been released from the lock-up. When she had asked her son what they were, he had told her the police had used a pillow to make sure the bruises they had inflicted on him while assaulting him would not be obvious. Yet because these renditions of such violence, like the violence itself, occurs beyond the realms of public scrutiny it acquires an aura of extraordinariness and unreality. Unlike Aboriginal people, the activities of the police

are not brought up for public and official scrutiny by the legal system of the State on a daily basis.

Such police violence contrasts dramatically with the types of pseudo-friendly attempts which I have already described, by police officers to gather information from Aboriginal children. Yet in their own endeavours to deal with an on-going presence of police officers in their lives, Aboriginal children often developed what they perceived to be friendly relationships with particular police officers. This was especially the case with those Aboriginal children who had become intertwined with the legal and welfare processes for long periods of time. These Aboriginal children would become familiar with certain police officers expressly with those they liked. Many would even label the officers with nicknames. They would often call out to them in the street and ask them how they were going. These children would also rate the police officers they knew as either “good” or “bad” depending on the type of treatment they had received from them in the past or what other children had told about them. This situation, I propose, is the obverse of the constant police surveillance Aboriginal children endure. It highlights, therefore, some of the complex incongruities enmeshed within Aboriginal/police relations for as I show explicitly in chapter six, Aboriginal children also fiercely resent the on-going intrusion by the police into their private lives.

The constructed police knowledge, therefore, of their relations with Aboriginal children and their families is highly biased and uni-dimensional. Aboriginal children enter the system ostensibly to be rehabilitated from a career of crime. However, the fact that their so-called criminality is defined as a natural response to their social condition by the officers of the legal and welfare systems, actually provides further evidence for the ‘correctness’ of police characterisations of Aborigines. As becomes increasingly clear in the following two chapters, the legal and welfare systems are closed loops which Aboriginal children circle within. For the interpretations by the police about their encounters with the Aboriginal children become reinforced for them

during court-room sessions and Children's Aid Panel hearings." This in turn has a significant effect in ensuring the maintenance of Aboriginal children within the clutches of the juvenile justice process. In the words of the police prosecutor:

... I think the more often they offend the more often they appear in court the more relaxed they are about the whole process and even with adult offenders where they offend regularly and they are sentenced to periods of imprisonment regularly. ... most of them take it well within their stride they don't... Even prison to many Aboriginals is not the deterrent that it is to a lot of white people. There's certainly no social stigma or appears to be *little* social stigma amongst the Aboriginal community to be sentenced to imprisonment. But if you're a white person and you're sentenced to go to prison there's quite a deal of social stigma that's attached to it. No, amongst their own they are not seen as any better or worse as a result of having to go to prison for six months. So there's that lack of social stigma... So its a whole exciting experience, rather than a series of punishments or deterrents.

Foucault has pointed out how the multiplication of power comes about through the formation of new forms of knowledge (Foucault 1977:224). In this case the power of 'police knowledge' of how to operate as a police officer in Port Augusta is based on a 'police understanding' of their clients. Strictly speaking, the police do not have clients in the same way as welfare officers do. The police are not required to take care of specific cases but rather to follow up public and police instigated leads on alleged criminal activities in the community. Some are also required to appear for the prosecution case in court. Yet during my conversations with officers working in the Port Augusta area many talked about the families and children they had been working with as if these cases were their personal responsibility. The families become 'known' to them.

While the knowledge which police officers acquire about Port Augusta Aboriginal individuals and families is based on different experiences and assumptions to welfare

⁹ Gilroy (1987) has argued a similar case in relation to the representation of Black people of Afro-Caribbean descent who come before British courts of law. As he points out it is the very 'blackness' of these people which, in the eyes of the agents of the legal process as well as the media and politicians, equates them with a particular style of criminality which in its turn is supposedly predicated on their cultural background. Gilroy comments in respect to a young man brought before the court:

Samuels's laziness, his drug use, his hat, his locks, his insolence and the later revelation that, two weeks earlier, he had been bound over for two years on the charge of possessing a flick knife, are articulated by his blackness. They become a powerful signifier not just of black criminality, though the folk grammar of common-sense racism would recognize them immediately as the proof of black difference, but of black culture as a whole (Gilroy 1987:73-74).

agent's knowledge of the same people, nonetheless, it is specialised and can only be gained by working in the Port Augusta context. The formula for acquiring knowledge about Aboriginal identities was particularly apparent on another police patrol I joined. On this occasion, I accompanied an experienced police officer and a 'rookie'. During the course of the patrol, while the other officer was out of the car, the 'rookie' chatted to me about particular Aboriginal people he knew or knew of. It seemed to me that he was attempting to impress me with his repertoire of knowledge and his opinions on the idiosyncrasies and detailed family histories of these Aborigines. As he had only been on the job in Port Augusta for a few weeks, his 'in-depth' knowledge about Aborigines in town could only have come from information passed on from other officers not from his limited observations. This 'rookie' was learning how to be a specialist within the realms of police knowledge. He was learning to 'see the evidence' of the 'reality' of police work which in turn would become part of *his* reality. This process is decidedly similar to Luhmann's (1989) depiction of how novice witches become specialists in their craft in contemporary London. As she says:

Becoming a specialist often makes an activity seem sensible. The specialist learns a new way of paying attention to, making sense of and commenting upon her [sic] world.' 'There are new ways to define evidence which offer grounds to the expert that the non-specialist cannot see, and ways to order events so that the specialist sees coherence where the non-specialist sees only chaos...*there is a semi-explicit philosophy which creates the assumptions which frame most conversation* (Luhmann 1989:116) (my emphasis).

It is this level of knowledge, combined with a general stereotypical view of Aborigines as culturally inferior to the non-Aboriginal population, which is fundamental in determining whether police officers arrest or report alleged Aboriginal offenders (cf. Cunneen 1992). Gale *et al.* (1990:62) have argued that it is these police judgements at the initial stages of the criminal justice process which are a major factor in determining how Aboriginal juveniles will be subsequently treated as they move through this system. They go on to stress that during the course of their investigations:

...case after case emerged which brought into question the equity of police treatment of Aboriginal youth at the point of apprehension (Gale *et al.* 1990:65).

Certainly what I observed in Port Augusta supports their view. Of the 129 apprehensions by the police of juveniles during the period January, 1986, to June,

1987, 42 Aboriginal children were arrested and 39 reported. For the same period, 10 children who were not Aboriginal were arrested and 38 were reported.

Table: Types of police apprehensions (period January, 1986 to June, 1987)

<i>Type of apprehension</i>	<i>Aboriginal</i>	<i>non-Aboriginal</i>
report	39	38
arrest	42	10

These figures are significant considering that at the time Aboriginal youths made up only 13 per cent of all teenagers in the town.¹⁰ Not only were Aboriginal children being apprehended at a disproportionate rate to other children, they were also more likely to be arrested than reported. An arrest immediately implied a more ominous situation for the child than if they were merely reported. This more serious form of apprehension was more likely to push the child deeper within the juvenile justice process. For as I outline in greater detail in the next chapter, it was very often the case that a child who was arrested would be sent directly to the Children's Court and would therefore be forced to forego other less severe legal options within which their case could be dealt with.

Different life-styles

The patrol I have described in this chapter was routinely very similar to others I accompanied. But, like all the patrols I went on, my presence provoked the police officers conducting it to discuss their views on police work in a country-town. Probably because of the nature of my research which they all asked about, most police officers also freely offered their opinions on the relations between Aborigines and others in the town. The patrol I have outlined in this chapter was definitely no exception. As we had cruised along Simmons Street, for example, into the back streets

¹⁰ Numbers derived from the 1986 Census of Population and Housing. Australian Bureau of Statistics, 1986.

and tracks of Davenport reserve the sight of run-down and damaged houses with shabby, rubbish-filled yards evoked the sarcastic comment “lovely houses” from one of the police officers. He then speculated, “I wonder why they want to live here?” My presence provoked the officers to elaborate further on their comments about the place and its residents. Both officers concluded that “drink” was what made Aboriginal people “bad”. These police officers found that when “they” were not drunk, Aboriginal people were in fact “quite pleasant”.

The police officers continued their exposition on what they defined as Aboriginal culture as we headed out to Bungala. They commented particularly on Aboriginal family structure. The officers stated that they thought Aboriginal parents did not teach their children to respect property in the same way as white parents taught their children. They further commented that Aborigines were “always getting hand outs” from the government. It was this system of “handouts”, they argued, which was an instrumental factor in Aborigines developing an attitude where they did not respect property, “like Whites are brought up to do”. In providing an example, one of the police officers commented:

The kids have no remorse for stealing a car. It is just that they are bored and they don't have access to these things at the reserve so they just take what they don't have.

The other police officer indicated this situation was compounded by the fact that in his opinion the courts were too lenient:

All these kids get is a telling off and they are back out on the streets and they know they have got away with it. And every-time they go back [on the streets] the same thing happens. So they are free to keep going.

While the police officer's views of Davenport and Bungala residents are imbued with prejudice, I believe that the police officers on this patrol did not see themselves as being racist. Rather, their analysis of Davenport and Bungala life-styles were attempts by them to come to terms with the cultural logic of the Other. However, as Parker has pointed out, the very novelty of Aboriginal behaviour to the police who observe it also

concocts it as dangerous because of its difference.

Values and behaviour which deviate from those of the dominant relations in groups in Australian society are seen as potentially destructive of that society (Parker 1977:332).

Thus, within the very style and substance of their points of view these police officers reinforce to themselves the validity of the inequalities which exist between Aborigines and the wider society. Their views also legitimate their own roles in the maintenance of these inequalities. For, as police officers, they are expected to intervene where they perceive acts of 'crime' are possible. As they define Aboriginal children as likely perpetrators of such 'crime' the State provides them with an entitlement to keep Aboriginal children and their families under surveillance. The cognitive processes which produce inequalities are very subtle and circular. They are slippery precisely because to those who espouse the logics of inequalities as these police officers did freely, their ideas are a reasonable and just explanation of the world. The police officer's pronouncements, however, render opaque the complex social structures and relationships by which Aboriginal people remain subordinated. Bourdieu has labelled such explanations of the social world as objectivist knowledge whereby objective relations are constructed:

...structuring not only practices but representations of practices and in particular primary knowledge, practical and tacit, of the familiar world, by means of a break with this primary knowledge and, hence, with those tacitly assumed presuppositions which confer upon the social world its self-evident and natural character (Bourdieu 1973:53) (my emphasis).

As I continue to show throughout my thesis, the constitution of the Other as different and dangerous is a highly complex cognitive process which operates at many different levels of social reality.

The opinions of the police officers conducting the patrol, however, were far from idiosyncratic for they reflected a general perception held by many others, including shop owners, teachers and community workers, that Davenport and Bungala were squalid 'fringe-camps'. Even some Aboriginal townspeople voiced these views. The dominant culture was the standard against which Aboriginal culture was constantly

compared. Carrington has argued that:

The White gaze makes visible the problems of the Other, while hiding its own agency in producing these problems (Carrington 1991:167-168).

It is this same level of discourse and observation of Aboriginal life-styles which were fundamental to the way Aboriginal people in Port Augusta were treated under the legal process. At one level, Aborigines were excused for committing crimes because their social milieu apparently offered them no alternative. At another level, they were blamed because they had not adopted the social practices of the dominant culture which would alleviate the need for them to commit crimes, especially those against property. The police officers on this patrol had suggested to me that Aboriginal children commit crimes against property because they have no other means of obtaining the bounty of the dominant White culture.

This is a popularised 'culture of poverty' argument which identifies Aboriginal children as victims of their social circumstances. While Aboriginal parents are blamed for not teaching their children respect for property, they too are constructed as victims of their 'fringe-dwelling' life-styles because they are reliant on hand-outs and are seen as susceptible to alcoholism and family break-down. The legally defined criminal conduct of Aboriginal children is constructed by many police officers as an inevitable and normal response to this social condition. As I illustrate in the following chapters police officers find strong support for their views within the bounds of the legal and welfare bureaucracies operating in the town. Indeed, within the walls of the welfare office and the children's court an Aboriginal juvenile criminal identity shifts from being a philosophy of police officers to a constructed 'fact' of legal and welfare knowledge.

By becoming a legal 'truth', this definition simultaneously obscured and rendered silent Aboriginal perceptions of theft and ownership. I argue that thefts and abuse of property by Aboriginal children were very often imbued with a sharp sting of defiance against the dominant social order in Port Augusta. Of the crimes which happened in the municipal area of the town for which Aboriginal children were caught, the majority were for offences against property owned by people who are not Aboriginal. The

thefts and vandalisms which did occur at Davenport reserve and Bungala and were reported to the police, were generally directed at the buildings which housed the Community Council and the Aboriginal health service. I explore further, in later chapters, how these organisations which received government funding were frequently at the centre of frictions between community residents and town bureaucrats (both Aboriginal and others) who worked for them. However, this behaviour generally goes unreported by the victims and the police show little interest in the surveillance of offences of this nature (cf. Tonkinson 1983, Carrington 1990). Morice and Brady (1982) and Folds (1987) have argued that Aboriginal juvenile behaviour which is defined as criminal is actually a form of resistance to the police, welfare agencies and other dominant institutions such as schools, which encroach upon Aboriginal children's everyday lives.

While I show here, and in later chapters that this constitutes an important aspect of the abuse of non-Aboriginal property by Aboriginal children and some adults, I also show that there are other elements which must be considered. Attacks on or thefts of property by Aboriginal people are also inscribed with attempts to manipulate relations of power between individuals, or to manipulate individual positions within the established power relations of the dominant society.

An Aboriginal woman snidely described to me an incident which had happened while she was holidaying in Adelaide. The Aboriginal woman had visited a popular nightclub and while there had been approached by a white woman who was anxious to begin a conversation with her. The Aboriginal woman did not know this woman but she talked to her anyway. She said she "felt shame this woman coming up to me like that, I never knew her!" According to the Aboriginal woman the white woman had become quite friendly with her. She had told her how she believed in the 'Aboriginal cause' and greatly admired Aboriginal culture. This conversation had annoyed the Aboriginal woman as she felt she was being severely patronised. In her anger she took the woman's gold purse while the woman had her back turned. She intimated to me that this was an act of revenge and spite as she had no personal use for the purse. She had wanted to show this white woman that Aboriginal people were not all sweet. She

took pride in the fact that she had stolen the purse from under the white woman's nose while she had continued listening avidly to her. She also commented gleefully on how the white woman would not have found out about her stolen purse until the Aboriginal woman had left. The white woman would have no doubt realised then who had taken it from her - the 'friendly' Aboriginal woman.

While thefts and damage of property were usually directed against people who were not Aboriginal, as I illustrate in chapter six, sometimes they would be perpetrated against other Aboriginal people in similar acts of revenge. Yet among the Aboriginal people I mixed with there was usually little concern shown over items being taken by others. Property was generally a shared resource rather than solely an individual or family possession (cf. Morice and Brady 1982: 109-112, Hamilton 1981:111). If someone felt slighted because something of theirs had been taken then the matter would be dealt with by confronting those believed to be involved. The police were rarely called in. What was more of an issue amongst Aboriginal people living both in town and out at Davenport and Bungala were assaults and violence against other people. The police were often called by Aboriginal people over matters of personal assault. However these events were of minor importance to the wider Port Augusta community other than that they served to confirm the stereotype of Davenport and Bungala as 'fringe-camps' troubled by violence and alcohol abuse.

A dangerous place

The policemen on this patrol as with many other police officers and legal and welfare agents with whom I spoke, elaborated on their own definitions of 'fringe-camp' by identifying Davenport and Bungala as dangerous places, particularly at night. It was during this time, they alleged, that fights and other forms of violence, which occasionally resulted in a death, occurred. Like this particular patrol, routine police patrols which took in Davenport and Bungala were mainly designed to cruise and observe the activities of people from the safety of the patrol car. The presence of the police at the reserve was very much defined by their official duties. Yet despite their obvious visibility to Davenport and Bungala residents, the social barriers between the

police dressed in uniform and driving in patrol cars and the Aboriginal people who lived there, removed the individuality of these police officers. The police became a categorised amorphous *other* in this context.

The police officers I accompanied expressed their reluctance to visit the Community after dark. In fact, many people who were not Aboriginal, including the Davenport Community adviser, expressed their surprise to me that I spent time at Davenport at night. They felt I was risking my safety. Their opinions about the perilous nature of the reserve and Bungala were also shared by a broader cross section of the population of Port Augusta. Few would venture out there unless their occupations required it. Indeed, these images of danger were a powerful means by which the constructed divisions between Davenport and Bungala and the town were reproduced. Carrington has called such perceptions a “White mythology”. The Aboriginal Community of Wilcannia in New South Wales is:

...constituted in the town's white discourse as a place of exclusion, disease, horror and repulsion - a place of exile, a place where no white man or woman goes - well, not without a blue uniform, a baton and a gun (Carrington 1991:183).

The alleged night-time danger of the reserve was also talked about by some Aboriginal townspeople I spoke with. However their reasons were couched within a subtly different framework. The drinking and fighting they said occurred at night out at the Community was explained in a manner of disdain. To them, the perceived behaviour of Aboriginal people who lived at the reserve and Bungala was a reflection of their lower social status to themselves. Nevertheless, their views still served to reinforce the distinctions expressed by the dominant population between the town and Davenport and Bungala. Their perceptions became swallowed up in the rhetoric of the dominant Other.

Thus, Davenport became an extension of the official legal and welfare processes during ‘office hours’, after dark it returned to the control of the community. During the day the business of Davenport and Bungala was dominated by the activities of the Davenport clinic of the Pika Wiya Aboriginal health service. The clinic always had people waiting to be seen by one of the doctors or a nursing sister. The Davenport

Community Council office also operated during business hours. The staff there were kept busy with the financial and administrative affairs of the Community. Frequently people would wander-in to ask questions about their rent or their Social Security payments. Others would come to seek out employment opportunities with the Council's house and road maintenance team. The Pika Wiya clinic also ran forays known as 'soup runs' out into the houses and camps of Davenport and Bungala residents. Each morning, a nursing sister and an Aboriginal health worker would deliver pills and sandwiches to reserve residents deemed too sick to look after themselves. This was also an information gathering exercise. At the daily staff meeting the health and social habits of individual residents would be discussed by Pika Wiya staff, and strategies developed to remedy any 'problems' with the life-styles of these people in order to 'improve' their health.

The observation of reserve and Bungala residents by Pika Wiya staff and the Davenport Community adviser was matched by regular visits from government welfare officers and occasionally senior police officers. The visits by welfare agents were multifarious. Often a representative of the Department for Community Welfare would be invited to attend a formal meeting concerning reserve business by the Community Council. Occasionally they might also be invited to come to meetings arranged by Pika Wiya to discuss a client's case or other general health matters. But, most frequently, the workers of this department would come to Davenport to visit individuals and families in their homes. These visits would be centred around an analysis of the domestic environment of the householder and the type of parenting given to any children living there. In fact, Pika Wiya and the Davenport Council were often called upon by welfare agents to assist them to find particular adults or children who they believed lived at Davenport or Bungala. By contrast, in my observation, senior police officers were only occasionally asked to attend meetings concerning particular Davenport families or individuals. The police also took in Davenport and Bungala as part of their regular daily patrols around the precincts of Port Augusta. However, their visits were less ubiquitous than those of welfare officers. They tended to be focused around the surveillance of the entire settlement rather than, as with welfare officers, an analysis of the minutiae of the daily lives of reserve residents. Thus the roles of welfare

agents and the police who visited Davenport and Bungala remained very different even though, as I show in later chapters, they inevitably overlapped within the requirements stipulated under justice legislation.

Yet welfare agents and the police did come together in one particularly memorable instance. Senior police and senior Community Welfare bureaucrats had asked Pika Wiya to host a meeting to discuss an alleged increase in petrol sniffing among Aboriginal children at the reserve.¹¹ I was allowed to sit-in on this meeting. The police had originally suggested that the meeting take place because there was a strong belief among them that petrol sniffing was the cause of some of the 'criminal' behaviour which Aboriginal children got up to. There was also a fear that this behaviour included 'deviant' homosexual activity being perpetrated by older Aboriginal boys on very young boys. It was for this reason that welfare department bureaucrats had shown a strong interest in also attending the meeting. Under *The Community Welfare Act* (1972-1975), it is the responsibility of the Department to act on all cases of reported sexual abuse of children. The people at the meeting, none of whom were Davenport or Bungala residents, decided that an initial solution lay with the TjiTji Wiru youth program. It was concluded that the youth workers could distract these children from these activities by getting them involved in games and sports.

The meeting was disrupted, however, when a woman from Davenport burst into the room and demanded to be told what everyone was saying about her son. She had been told by others that her son was one of the 'accused' perpetrators. Indeed her son had been discussed during the meeting, yet the people at the meeting scorned the mother. They treated her as an irrational hysteric telling her to calm down and that the meeting was confidential. Two of the men present, including the police officer, physically escorted her out of the room telling her on the way that they would visit her house later. The woman continued her distressful and angry abuse of the people at the meeting for some time outside of the window of the meeting-room.

¹¹ In chapter six I discuss the role the syndrome of petrol sniffing came to play in the organisation of the TjiTji Wiru youth program at the reserve. The meeting I outline here took place just as the TjiTji Wiru program began to change direction from a focus on petrol-sniffers alone to Davenport and Bungala youth in general.

By about five in evening, the staff of Pika Wiya who mostly lived in town went home, returning only the next week day. Most of the administrative staff of the Community Council, including the Community adviser, also went back to their homes in town. It was only the Council maintenance workers who returned to their homes on the reserve. While the divisions between daytime activities and nights at Davenport and Bungala were based around bureaucratic procedures, these very procedures hid beneath them powerful symbols of order and disintegration. The police do inspect the area at night as Davenport is on their patrol routes. Yet they do so from within the enclosed space of their patrol cars. They generally only venture out of this space to investigate a domestic dispute or other disturbance if called upon by a Davenport resident. As I have shown, during the day, attempts were made by the agencies of the dominant society to maintain control of this potential violence. At night, this control becomes impotent, and the people are imagined to return to the 'violent' and 'savage ways' of their 'true selves'.

This outsider, 'official' vision, of Davenport neatly fits into European mythologies of the combined, yet contradictory divisions located within the 'savage' other. Both as a place and a representation of its residents, Davenport unifies both the nobility and ignobility of the savage. During the day, it is home to the remnant 'fringe-dwellers' of a once 'noble' race living a 'traditional' life-style now corrupted by the evils of western civilisation. In this, the Aborigines of Davenport have become representations of the ignoble savage (cf. Borsboom 1988). At night, Davenport becomes, in the eyes of the wider dominant population and, indeed, some town Aborigines, a dangerous and wild place. In its nocturnal guise, the residents of Davenport are seen to revert to their intrinsic 'savage' selves.

The good savage is representative of unsullied Origin, a sort of Eden before the fall when harmony prevailed, while the bad savage is the sign of the permanent wound inflicted by history, the sign of waste, degeneracy, and thwarted narrative (Taussig 1993:142).

Yet the place is more than this. It is not only unsafe in the terms of the reality of the dominant population, it is also dangerous because it is a reminder of the good and evil /

Jeckle and Hyde elements of the 'savage' which exists within the Western self (cf. Borsboom 1988; Taussig 1987, 1993; Clifford and Marcus 1986).

Such mythologies Taussig (1987) argues are in fact an insidious way of controlling the cultural Other through a culture of terror. The Other, in this case Aborigines, must be defined as a threat, as a terror, to justify a reign of terror to control them. The perpetuation of the myth of Davenport as a place of violence and primitivism, in turn, justifies the need for constant surveillance by welfare agents and police officers over Aborigines who choose to live there. The development of these mythologies — what Foucault calls the 'effects of truth' (Foucault 1980:118) — of what constitutes Aboriginal lives is reinforced by what outsiders deem to be supporting evidence. However, while fights and other forms of domestic violence do occur frequently at Davenport, for members of the dominant Port Augusta society to use these characteristics as confirmation for a perceived social condition is to deny any deeper cultural or individual meanings to such disagreements. Fights at the reserve or in town between Aborigines are by no means always only random acts of violence. In my observations, they were most often carried out within the social strictures of kinship and they followed an accepted pattern of dispute settlement practices (cf. Myers 1986; Williams 1987).

As I observed, even drinking itself was a criteria which in particular sorts of disputes was vital for the legitimation of the context of the dispute (cf. Collmann 1988; Sackett 1988). Getting drunk allowed for a shedding of the shame, a social construct which normally stipulated an Aboriginal person's behaviour in most social interactions (cf. Collmann 1979, 1988).¹² A number of Aboriginal women I associated with, for example, would discuss with me their intentions of getting 'charged up' so they could 'loose their selves'. In this state they felt confident in approaching another person they felt had wronged them in some way. Being drunk for instance enabled some women to confront others whom they felt were interfering in their relationship with a man. This would rarely happen when they were both sober. Rather they would deal with each

¹² I analyse the Aboriginal concept of shame in depth in chapter four.

other through avoidance, or if social contact was inescapable, through silence. Yet the denial of this sort of cultural depth, as Carrington has pointed out, is a continuing part of the homogenisation of otherness by those who dominate.

Through the invocation of a cultural homogeneity, the white gaze creates a number of powerful mythologies about the local Aboriginal community: that they are unruly, disrespectful, troublesome and so on (Carrington 1991:167).

It is through their own fear of venturing out to the reserve at night, unless under police protection, that members of the wider Port Augusta community create their own reality. In fact, Davenport *is* left to the control of its residents at this time precisely because of this fear. After dark, the people of Davenport and Bungala can conduct their private affairs with less direct scrutiny from the ever-interested agents of the state legal and welfare processes. Socialisation at the reserve was heightened in the evenings and at night. People would visit each others houses to drink and play cards, or to discuss private business. There were usually a few parties happening, and often a dance would be held at the Davenport hall. People would also wander between each others houses or camps carrying their drinks with them. In my observations welfare officers rarely witnessed these social evenings. Thus, in many senses night-time is the private sphere for these people as the domestic environment is for non-Aboriginal people in the town. The only intruders on these occasions, were the police who would cruise into the settlement to observe the activities taking place around camp-fires and houses and as people walked from one party to the next. Very often these police officers, protected within the metal casing of their cars, would be abused by vicious curses from those they passed. Many Davenport residents expressed to me their feelings of rage and frustration that the police seemed intent on spying on all aspects of their private affairs. While people certainly did socialise, discuss business, drink and play cards during the day these were usually less raucous and open affairs. Rather they would be conducted among small groups secluded in houses or in the sand-hills as much out of the sight as possible of the workers at the Pika Wiya clinic, Davenport Council and welfare department visitors.

Diversionary tactics

The views of Davenport and Bungala by outsiders who were mostly not Aboriginal, stand in stark contrast to the roles of the police and welfare and legal officials in Aboriginal lives. Since the most early days of contact the police have had a history of intervention in, and surveillance of, Aboriginal people. The police were empowered to enforce the residential separation between black and White, town and reserve until the establishment of the Davenport Community in the mid 1970s. In Aboriginal memories as well as in their everyday experience, the police *are* a very powerful and tangible symbol of State control. Added to the historical role of police surveillance of Aboriginal lives, is the present requirement of the police to patrol public places. Since the removal of its reserve status Davenport is subject to the same laws of policing which govern the streets and parks of the township of Port Augusta (cf. Cunneen and Robb 1987; Carrington 1990:6). There is no longer any official mandate to control the movements of Davenport residents in and out of the old reserve. Yet the laws governing surveillance of public places, which Davenport has now become, coupled with the maintenance of relationships with welfare clients, allows this surveillance to continue.

This sits uncomfortably with the attempts by the Davenport Community to restrict non-Aboriginal access to the reserve. While the Davenport Community Council had no control over the movements of the police or government agents, attempts were made to control public access to Davenport by the Davenport Council in early 1987. Ways were devised to discourage tourists from entering the reserve to take photographs. For example, signs were erected advising that only visitors with legitimate business could enter the area and photographs could only be taken with the permission of the Community Council. During this time Davenport and Bungala residents began to ratify through their own rules and regulations the separation of the reserve and the housing estate from the town which in the past had been imposed upon them by the mission and the government. By attempting to control their own

separation, Davenport and Bungala people had in effect begun a process of inversion of the previous strictures of government administration under which they lived.

As I have already pointed out, many Davenport residents I spoke with resented what they perceived to be the constant intrusion of the police and other government officers in their personal lives as well as in the administrative affairs of Davenport. Many believed that the police presence instigated more disputes than it resolved. In their anger at being confronted by police officers trying to break up a fight, for example, many defendants would lash out at the officers either verbally or physically and get booked for an extra offence in the process. Yet, at the same time, an accepted method of Aboriginal people living there in attempts to resolve disputes which were getting out of hand was for a bystander or one of those involved to call the police. Once the police had arrived, however, they were not necessarily wanted. Calling them to Davenport was merely a diversionary tactic. In many disputes I witnessed, by-standers would shout around the area but never directly at the disputers that they would call the police if the dispute did not stop. While these were threats at this stage in some cases the police were actually called when the violence threatened to escalate to severe personal injury. While some police officers were aware of how their usefulness was perceived of by Davenport residents, many others saw it as their duty to physically intervene in the dispute. This would often lead to arrests and reports and, in turn, court cases and convictions.

These views about the police held by Davenport and Bungala residents are an appropriation and manipulation of the values of the dominant society for their own internal ends. There is a conceptual space between their perspectives and that of the police. To many police officers the way they are used by Davenport and Bungala people appears to them contradictory. A number of police officers expressed their frustrations that they would be called to domestic disputes. Once they had arrived and assessed the situation they told me they would often charge the alleged perpetrator of the dispute. However, they lamented, before the case could come to court the person who had called them in the first-place would 'drop the charges'. Indeed, they would often comment that these situations made no sense to them. The complex kinship

obligations which determined the course of such events in Aboriginal eyes would be lost to the police officers.

In one instance, for example, a young woman had in weeks gone by been repeatedly beaten by her young husband over money matters and, she told me, his jealousy because other men found her attractive. She had called the police to her house several times. She said to me that they had persuaded her to seek a restraining order on her husband. However, just days before her case was to be heard she withdrew the request for the order. When I asked her why, she told me that her husband's family would 'cause trouble for her' and she would be 'too shame' to go to court. She was also petrified her husband would leave her for one of his other lovers. Nevertheless, when she called the police to her house she at least had some control over the course of the immediate dispute while leaving her social position within her husband's family relatively intact.

In the same way, therefore, that the Yolngu (Williams 1987) place the roles of white officials who work in their community within their own cultural definitions, the residents of Davenport attribute culturally appropriate roles to police officers which may be totally at odds with their official duties. These contrasting perceptions of the role of the police were brought home to me forcefully during a conversation with an old couple who had been long-time visitors to Davenport. The couple expressed to me their extreme anger at the brutality the police had shown when they had arrested their grandson, who was ten at the time, for a *break, enter and larceny*. Yet, further into the discussion, they stressed the need for the police to actively prevent Aboriginal children coming into the township of Port Augusta. For it was in town, they believed, where children were tempted to 'cause trouble'. The couple told me that

"It is up to the police to stop Aboriginal kids from the settlements from coming into town. The police should block the mall and the beach to Aboriginal kids".

They also stated that they thought the welfare department should take Aboriginal children away from their drunken mothers and leave them with relatives who were more responsible. These examples sign a further level at which the explicit tensions

which exist between Aboriginal people's overt dependency on the State legal and welfare systems and their desires for self-determination which are inscribed in these very processes are played through their very beings.

Conclusion

As it is at the point of capture by the police that a child enters the next stage of the juvenile justice process I now leave my discussion of police patrols. In this chapter I have investigated aspects of the inter-relationships between Aboriginal people and the police in Port Augusta. I have shown that it is the police who are the first point of contact for Aboriginal children with the juvenile justice process. Through this investigation I have explored some of the complexities of the different knowledges which Aboriginal people and police officers have formulated about each other. It is in the close quarters of interaction between police and Aboriginal residents of Port Augusta that I have probed the development of ideologies of difference and otherness, both by Aboriginal children and their families, and police officers. It is through these constructions of stereotypes by police officers, on the one-hand, and Port Augusta Aborigines on the other, that the 'knowledge' for each of how the other operates in social contexts forms a fabric for social interaction between the two.

Thus, I have looked in this chapter at how the processes of development of awareness or 'knowledge' of the Other develops through reflection and analysis by members of each party. I have analysed the locally defined logic behind the interactions and the meanings of these interactions between these two groups, while at the same time recognising that this very explication is a reification of these social processes (cf. Bourdieu 1990). For as Comaroff has shown, there is value in 'rethink[ing] the relationship between ideology as explicit discourse and as lived experience...' (1985:5).

Both the police and Aboriginal children must learn ways of dealing with each other in the Port Augusta context. These methods of understanding the Other help form the substance of these people's lives. While these methods reflect, and in many ways re-create overarching superstructural relations of domination and subordination, they are

nevertheless idiosyncratic, with meanings peculiar to life in Port Augusta. Yet, because the structural relations of power between Aborigines and non-Aborigines are so similar and pervading across rural and urban Australia, there are striking similarities between the common-sense stereotypes of Aborigines and the police which have developed in other social settings (cf. Cowlshaw 1988; Carrington 1991). Nevertheless, to look only at the structural relations between Aborigines and the wider society would be to gloss over these individual perspectives so important to an understanding of the relationship between Aborigines and the welfare and legal processes as they are played out in every-day practices in the Port Augusta context.

For the differences in the knowledges held by police officers and Aboriginal people are in turn played out through, reproduce and reinforce, the social divisions which already exist between Aborigines and the dominant Australian population of the town. They have also served to render precise through social rhetoric the reproduction of the historical divisions which have developed between the Davenport and Bungala communities and the township. It is via the legal process — of which the police are an intrinsic part — in particular the juvenile justice system that Aboriginal children are defined as criminal, different characteristically from other children. This situation, I have argued, is a reflection of the continuation of a history of separation of Aboriginal people from the dominant population, and of Davenport and Bungala from the township, by State authorities.

In the next chapter, I look in detail at the role of the State welfare department, the Department for Community Welfare (the DCW), in the juvenile justice process in Port Augusta. I show how the 'expert knowledge' about the behaviour of Aboriginal children and their families held by police officers, is reinforced and extended into these other realms of the legal and welfare systems. I also show how police knowledge while confirming the knowledge of welfare agents is also in conflict with it. For it is as children enter into the juvenile justice process where welfare agents have more obvious jurisdiction that conflicts of interest between the police and welfare agents becomes apparent. It is at these stages that welfare agents become intimately involved with Aboriginal clients for the first time.

As I illustrate in the next chapters, the construction of Aboriginal children as intrinsically criminal by these agents is all the more apparent when their treatment is compared to that received by other children as they move through the bureaucratic procedures of juvenile justice. These dominant knowledges in turn render silent Aboriginal perceptions of the very processes they are subject to. I explore some of the consequences of these disjunctures in understandings about the roles of welfare and legal agents as they conduct their duties through an elucidation of Aboriginal shame.

CHAPTER 4

Incorporation into the juvenile justice process

The more times they appear the less frightened they become generally because it's [the juvenile justice process] a toothless tiger.

Police prosecutor.

Introduction

The tensions extant in the artificial marriage of police officers and welfare agents within the juvenile justice process which I pointed to in the last chapter, continue into the formal structures of the South Australian juvenile justice system. Even though police and welfare roles are encapsulated within, and dictated by, the rules of their own organisations, the tasks of these workers inevitably and continually overlap by virtue of their dependence on the overarching requirements of the juvenile justice legislation. In Screening Panels, Children's Aid Panels and in the Children's Court, police officers and welfare workers came face to face with one another. It was in these contexts that they were required to help determine the fate of children charged with criminal offences.

In this chapter I review the first two stages of the formal juvenile justice process which operated in South Australia in the late 1980s, namely Screening Panels and Children's Aid Panels. I concentrate on the mechanics of how these Panels worked within the overall juvenile justice process. In so-doing I expose the structural background within which the tensions between police and welfare workers who operated these Panels, on the one hand, and the children and their families, on the other, whom they expected to deal with were played out. By looking at the mechanics of Screening Panels and Children's Aid Panels I draw out many of the insidious methods by which Aboriginal children are differentiated from other children. It is through the construction and maintenance of different stereotypes of the social behaviour of Aboriginal and other children that welfare workers and the police contribute to the manifestation of different character profiles for these children. Aboriginal children most particularly become entrapped within these characterisations as they become the focus for continuing surveillance through the juvenile justice process.

Juvenile justice in South Australia

The welfare system in South Australia is intrinsically linked to the judicial process. This is so particularly with juvenile¹ justice. While I was undertaking field-work in Port Augusta, between 1986 and 1987, the Department for Community Welfare (the DCW)² played an intricate part in the administration of juvenile justice. This department, under the auspices of the *Community Welfare Act* (1972-1975)³, provided welfare services to the varied sectors of the South Australian population. However, this Department's role in juvenile justice was defined under a separate act, the *Children's Protection and Young Offenders Act* (1979).

Since the introduction in South Australia over a century ago of a separate system of justice legislation for adults and children debate has circulated as to the appropriate methods for disciplining children. This debate had been strongly influenced by events which had occurred in the United States and Britain (cf. Gale *et al.* 1990). It centred around a fundamental query of whether children should be held responsible for their criminal activities and be punished accordingly - the justice model, or whether their criminal behaviour was a symptom of their social and familial circumstances - the welfare model. With the proclamation of the *Children's Protection and Young Offenders Act* (the *CPYOA*)⁴ philosophy had swung towards the justice model. Nevertheless, as I show, the act left ample room for intervention by welfare agents into children's lives. Bailey (1983b)⁵ argues that under the *CPYOA* children⁶ were no

¹ The term 'juvenile' is used by the welfare and legal bureaucracies to define young people within bureaucratic language. I therefore only use this term in my text when I am referring specifically to legal and welfare bureaucracies.

² After 1990 this Department became known as the Department for Family and Community Services (FACS).

³ The *Community Welfare Act* was rescinded at the time of the welfare Department's restructure in 1990 and replaced with the *Family and Community Services Act*, 1972 (reprint 2, 1994).

⁴ For expediency, I will continue to use the acronym the *CPYOA*, in place of the full name of the *Children's Protection and Young Offenders Act* in many places throughout my thesis.

⁵ Rebecca Bailey-Harris (as she has since become known) at the time of writing was a South Australian lawyer. She has produced a number of works on the juvenile justice system in South

longer considered exclusively a product of their environment from which they should be removed, but as agents legally responsible for their own actions. Yet, at the same time, this act reflected a belief that children who had been caught breaking the law would likely require guidance from welfare agents to rectify their 'criminal behaviour'.

The *Children's Protection and Young Offenders Act* was therefore an attempt to find a balance between penalties which recognised that children may be less aware of the implications of their actions than adults, the social environment from which children came and the protection of the community from their activities (Newman 1983⁷). Importantly, the combination of these considerations within the act led to the separation of the criminal and civil jurisdictions of the Children's Court. In keeping with its legal premise, the new act focused on the protection of due process for children. Consequently children who were charged with criminal offences as had occurred under previous legislation could now no longer be placed under the care and control of the Minister for Community Welfare simply because they had been convicted of a criminal offence. Nevertheless, as Gale *et al.* (1990:24) have argued, while the *Children's Protection and Young Offenders Act* was designed to redress an imbalance between legal and welfare solutions to juvenile crime, it was far from a pure justice model.

I illustrate how the system of welfare intervention, albeit well intentioned through Children's Aid Panels⁸ and court reports, failed to keep children out of long-term involvement with the juvenile justice process. On the contrary, it led, in fact, to increased welfare and police observation, arrests and reports. In Port Augusta, as elsewhere, this was particularly so for Aboriginal children (cf. Gale *et al.* 1990:32).

Australia, including statistical analyses with social geographers, Faye Gayle and Joy Wundersitz (cf. Gale *et al.* 1990).

⁶ Under the *Children's Protection and Young Offenders Act*, children are defined as persons between the ages of 10 and 18 years old.

⁷ Newman was a prominent South Australian judge who was instrumental in devising the *Children's Protection and Young Offenders Act* (1979).

⁸ Until relatively recently the court diversionary system of Children's Aid Panels was an element of juvenile justice which was unique to South Australia (Seymour 1988:248).

For example during the period from January 1986 to July 1987, the majority of sentences which were handed out to Aboriginal children in Port Augusta involved some form of bond which required both welfare and police surveillance. The imposition of bonds on Aboriginal children is, as I show, one means by which the State — as Gramsci (1971) might have argued — acts as an educator, not merely a punisher, by developing punitive sanctions with moral implications to reincorporate transgressors into accepted social norms. The philosophy behind the *CPYOA*, while appearing to be enlightened, was in many ways merely an example of what Garland (1985) has shown to be the processes of shifts in established criminological discourse. He points out that these type of changes within the criminological ethos are, in fact, attempts by agents of the penal system to redefine and extend State control over individuals. Indeed, the change in philosophy embodied in the *Children's Protection and Young Offenders Act* enabled welfare agents to become involved in the socialisation of children at the level of the family through a wider and more insidious range of mechanisms than previously available.

In 1992, sweeping changes to the juvenile justice system in South Australia were recommended by a government appointed select committee on juvenile justice (Groom *et al.* 1992, 1993). As a direct result of the findings of this committee four new Bills dealing with truancy, the restructuring of the Children's Court and the role of the welfare department in juvenile matters were placed before Parliament in early 1993. The resultant act, which deals directly with children, became the *Young Offenders Act*, 1993. These changes were mooted at a time when juvenile crime was identified by the media as a serious cause of the breakdown in social justice values in South Australia (see for example: *The Advertiser* 27/1/92, 21/5/92, 14/8/92, 4/6/93 and 7/4/93) even though official statistics produced by South Australian government authorities indicated that 'crime' committed by youths was on the decline.⁹ In turn, this media outburst was a response to a general concern over the effects of juvenile crime on society across Australia, and in particular in Western Australia (see for example: *The Advertiser* 8/1/92 and 5/2/92). This media and public response to a perceived juvenile

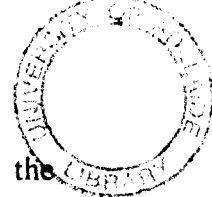
⁹ Statistics on the rate of 'crime' and its characteristics are produced by the Office of Crime Statistics of the Attorney-General's Department of South Australia regularly each year.

crime epidemic in Australia was itself running parallel to, and was no doubt influencing and being influenced by debates within legal and academic circles about the merits of existing juvenile justice legislation throughout Australia (cf. Gale *et al.* 1993).

While youth in Australia generally have become the brunt of social reformers and government perceptions of the fragmentation of social order (cf. White 1990; Sandor 1993; Warrell 1994), the so-called juvenile crime epidemic has been strongly identified with the activities of Aboriginal youths (Advertiser 26/4/90, 4/5/90 and 21/5/92). I attest that, as with the *Children's Protection and Young Offenders Act*, the revised act is also likely to effect this minority group the most.

What is significant about these changes to the juvenile justice process in South Australia is the even stronger move towards the separation of punishment for crimes as defined by law from welfare solutions for children deemed to be in need of care. The *Young Offenders Act* has reintroduced a dominantly legal solution to juvenile offending, a situation which harks back to models advocated in legislation preceding the earlier *Children's Protection and Young Offenders Act*. By following the lead on juvenile justice legislation in operation in New Zealand, as it does, the *Young Offenders Act* has introduced family conferences. These replace the Children's Aid Panels which operated under the original legislation. In so doing, in many ways, the new act makes explicit and extends the philosophies of individual responsibility which were implicit in the *Children's Protection and Young Offenders Act*.

The *Young Offenders Act* has therefore put into legislation recent theories espoused in criminological discourse (cf. Braithwaite 1989) which advocate the public shaming of youths in front of the people they have apparently wronged. Members of the youth's family as well as representatives of the police welfare and the judiciary are also invited to attend these sessions. The Family conference structure also allows for prominent community representatives to be invited. As Sandor (1993) has pointed out, there are inevitable dangers in dividing the world into victims and offenders. He argues that championing the plight of the victim, in the name of reducing crime and the costs of justice, has in some states in Australia actually led to the introduction of legislation



which encroaches on the rights of due process for the accused. It is ironic that the original *Children's Protection and Young Offenders Act* as I have already argued, was designed to protect these rights while still advocating that children take responsibility for their actions. Now the tables have shifted further to the right with current legislation setting up children as an insidious threat to general social stability.

Equally disturbing under these emergent shifts in juvenile justice legislation I have discussed are the implications of extending the role of the Police in the juvenile justice arena. Sandor warns:

There are more pervasive consequences to viewing police as just another player in the juvenile justice arena. Given the symbolic value of police activity for the victim discourse, their involvement risks sending a wrong message about rising juvenile crime. *Support for new methods for diversion run the grave risk of bolstering alarmist claims of a rising juvenile crime problem when this is simply not supported by data* (Sandor 1993:107) (my emphasis).

As I illustrated in the last chapter the nature of the interaction between police officers and Aboriginal children has very particular consequences for how Aboriginal children are incorporated into the South Australian juvenile justice process. With police powers increased with the introduction of new recent legislation it can only be assumed that the situation for Aboriginal youths will become even graver.

Thus, under the *Children's Protection and Young Offenders Act*, and even more so under the recently enacted changes to this legislation, the juvenile justice process in South Australia has been set up to deal with young offenders as delinquents. However, like Aboriginal youths in all other states in Australia, Aboriginal youths in South Australia are disproportionately represented at all stages of the juvenile justice process. Even when compared to children from other cultural groups this has been shown to be the case. The statistical surveys which Gale *et al.* (1990) conducted on the South Australian juvenile justice process indicated that:

The pattern is clear: Aboriginal youth receives harsher outcomes, even when compared with other visible and culturally distinctive minority groups in the community (Gale *et al.* 1990:35).

Asian youths who, like Aborigines, constitute a generally visibly distinct group, were found by these researchers to have the lowest representation in the South Australian juvenile justice process. While they accounted for 1.1 *per cent* of the youth population they made up only 0.4 *per cent* of all youth apprehensions at the time of the survey. I suggest that a major reason behind this statistical over-representation of Aboriginal children is that in South Australia the imputed criminality of these children is established in opposition to a philosophy of juvenile delinquency. Rather than being considered as responsible for their actions by legal and welfare representatives, Aboriginal children are constituted as a product of their environment to which they are merely reacting.

From the streets into the welfare office

Once a child had been arrested or reported by a police officer the second phase of the juvenile justice system took over. Legally, children were defined as persons between the ages of ten and eighteen years old. Under the *Children's Protection and Young Offenders Act* the details of the circumstances surrounding a child's arrest or report for criminal activity were presented before a Screening Panel. These Panels were composed of a police officer and a representative from the Department for Community Welfare. While Screening Panel representatives were legally entitled to determine the fate of a child within the juvenile justice process, children and their families were not allowed to appear before, and had no recourse to make representations to, these Panels. In Port Augusta Screening Panels were usually held at the Department for Community Welfare offices. However, I was told that on some occasions a Screening Panel would be held in the police station instead.

The Screening Panel was the point at which a decision was made by the police and welfare officers of whether to send a child to the Children's Court or to a Children's Aid Panel (CAP). Under the *CPYOA*, Children's Aid Panels were designed as a less severe experience for children than the Children's Court. For Children's Aid Panels were meant to provide the ambience of a meeting between children and their families and a police officer and a welfare worker to *discuss* a child's case. By contrast the

Children's Court remained a very formal court proceeding in which children became the passive recipients of a magistrate's unchallenged judgment. The decisions of where to send a child were based around the seriousness of a child's misdemeanour and their previous record (Seymour 1988). Other factors were also considered. These included whether a child had been arrested or reported and whether the child had failed to appear before a CAP three times in succession. Screening panellists were also required to abide by section seven of the *Children's Protection and Young Offenders Act* (1979) (Gale *et al.* 1990:82).¹⁰ The decision of the Screening Panellists was final and children and their families had no rights of appeal (Newmann 1983).

In Port Augusta, as I discovered a police officer's decision to arrest or report a child very often influenced the screening panellist's decisions of whether to send a child to court or not. As I show, this situation denied for these children the more favourable options Children's Aid Panels offered to them in terms of punishment. Gale *et al.* (1990:93) have illustrated, through statistical analysis that Aboriginal children in South Australia have been consistently disadvantaged at the Screening Panel level of the justice system. According to their findings, the majority of Aboriginal cases which came under the *CPYOA* were referred to the Children's Court.

Screening panellists were required to make an assessment of the criminal propensity of children based on the paper work which was put before them. This included data provided by the police on the arrest or report of children. An arrest implied that the

¹⁰ Section 7 of the *Children's Protection and Young Offenders Act* (1979) is worded as follows:

In any proceedings under this Act, any court, panel or other body or person, in the exercise of its or his (sic) powers in relation to the child the subject of the proceedings, shall seek to secure for the child such care, correction, control or guidance as will best lead to the proper development of his personality and to his development into a responsible and useful member of the community and, in so doing, shall consider the following factors:-

(a) the need to preserve and strengthen the relationship between the child and his parents and other members of his family;

(b) the desirability of leaving the child within his own home;

(c) the desirability of allowing the education or employment of the child to continue without interruption;

(d) where appropriate, the need to ensure that the child is aware that he must bear responsibility for any action of his against the law;

and

(e) where appropriate, the need to protect the community, or any person, from the violent or other wrongful acts of the child.

situation was serious, or that the child had committed criminal acts before. Because of this, it was more likely that children who were arrested would be sent to the Children's Court rather than a Children's Aid Panel. Nevertheless, some panellists *would* give children the benefit of the doubt even if they had been arrested or if the panellists did not know them. These children would be sent before a Children's Aid Panel instead.

Like those children whose cases came before the Screening Panel, I was also denied access to these Panels. The Department for Community Welfare in Adelaide refused permission for my attendance in Port Augusta at this stage of the juvenile justice system because the procedure was seen as administrative and confidential. A major concern for the officials with whom I discussed my research was that I would be viewing a legally designated non-public procedure without the express permission from the children and families involved. These welfare officials were also concerned that I would be observing a procedure which children and their families were unable to attend themselves. They therefore saw my attendance as a breach of ethics. In my experience, welfare workers were obsessed with the privileged and secret nature of their work. They justified the maintenance of secrecy on the grounds that they were dealing with the private and domestic lives of families.¹¹

It was clear to me that the management staff were anxious to instil in their other staff a philosophy of client rights through confidentiality. This management practice coincided with planned changes to state legislation on freedom of information which dealt with public access to government files. Thus, I felt that the bottom-line reason for denying me access to the Screening Panel process was the fear that the Department may be taken to court by a client for breach of confidentiality. The irony of this situation, of course, was that children and their families in almost all the cases I reviewed had no knowledge that Screening Panels even existed, let alone the extent to

¹¹ I continually return to this theme of private and secret knowledge versus public and open knowledge. In particular, I focus on the differences of what is considered private knowledge by Aboriginal welfare clients and how this compares with welfare workers definitions of such knowledge.

which these Panels determined their future involvement with the juvenile justice process.

While I have no doubt that the concern for the privacy of the family and child stated by welfare managers was genuine, I also believe it hid a more pervasive concern for the protection of legal and welfare bureaucratic procedures from the public gaze. Legal and welfare knowledge is specialised knowledge for those 'trained' in these systems (cf. Bourdieu 1987; Handelman 1978, 1983). Penetration from outside this inner sanctum, especially from those clients on whom the juvenile justice process actually relies for its very existence, threatens the security of such knowledge. I was told many stories by welfare workers about cases they had heard about in other Australian states whereby welfare officers and the departments for which they worked had been taken to court by a client. According to the stories I was told, these clients had obtained access to their own welfare files. This information was the basis upon which court cases were apparently being mounted against welfare officers for their treatment of clients.

Foucault has pointed out, for surveillance to be successful, specialists must be trained to recognise and control deviancies in the bodies of others. And in order to maintain this control over others, the specialised knowledge must remain the provenance of a select and skilled few. This, in turn, creates a hierarchy of power, for while the welfare personnel may claim an expert knowledge of their profession and their clients, they too are under scrutiny from others (including the legal profession) to operate in a manner appropriate to their *discipline* (in both senses of the word).

The success of disciplinary power derives no doubt from the use of simple instruments: hierarchical observation, normalising judgement and their combination in a procedure that is specific to it, the examination (Foucault 1977:170).

What Foucault's argument ignores, however, is the knowledge about the systems of power developed by those being controlled by them. In contrast to the welfare workers concern with confidentiality of information on clients was the desire by the Aboriginal people I mixed with that I reveal to others the treatment they received from 'welfare'. In fact, some young Aboriginal adults implored me to include their real

names in anything I wrote or published. I illustrate, that while this 'other' knowledge held by welfare clients plays a part in the very recreation of the structures of dominance, at the same time it also subverts it in very particular ways.

Foucault thus allows us an insight into the mechanics of institutionalised power. But it is Bourdieu (1987) who has provided a theoretical framework, by introducing the notion of social field, within which to view and analyse the internal power plays between *actual* people operating within broader institutional frameworks such as the legal and welfare systems. It is this minutiae of social interaction between different social agents which I continue to examine. I explore the shifting contextual ground on which relations of power are built between Aboriginal people and others in Port Augusta's social arena. Intrinsic to an understanding of the relationships between Aboriginal and other Australians is an examination of the gulf in cultural understandings between them and the methods with which they each manipulate this divide.

Despite being denied general access to Screening Panels by the welfare office in Adelaide, I found some welfare workers and police officers less concerned with procedures of secrecy. On one occasion, for instance, a police officer and a welfare workers invited me to stay while they conducted a Screening Panel after they had finished talking to me about other aspects of the juvenile justice process. What struck me the most was the casualness of the panel procedure in contrast to the seriousness of the effects of the panellists decisions for the child. In a very open manner, verging on flippancy, these panellists discussed each case. They made comments about the character of children and their families as if they knew them even when it was clear to me that they did not. Remarks were made along the lines of:

That kids been to a panel at least three times for a similar offence. I don't think he's going to learn his lesson going to another Children's Aid Panel, we should send this one to court.

If the police officer or welfare worker knew the child and possibly their family also, their decision on the outcome was imbued with a moral undertone of what they felt the

child deserved or was in their best interests. Decisions were voiced in a manner such as:

Well she has appeared only once before a CAP we'll give her a chance, its a minor matter. If she's told what happens to girls who shoplift it might put her off.

Despite the concerns of the managers in the main welfare office in Adelaide that I might disrupt the flow of procedures in the Port Augusta office, these two panellists viewed Screening Panels as merely routine and bureaucratic. Yet in their very casual attitudes these panellists revealed to me at the same time the fundamental power they *actually* had over the life histories of particular children who had been charged with criminal offences, a power they themselves seemed unaware of. On the contrary, I was led to believe by many police and welfare workers, that the *real* work of panellists in preventing juvenile crime only began with Children's Aid Panels.

The operation of Children's Aid Panels in Port Augusta

Until 1994 an appearance at a Children's Aid Panel or formal prosecution in the Children's Court constituted the third and final stage of the criminal justice process for children in South Australia (cf. Gale *et al.* 1990). Children's Aid Panels were designed to provide an informal forum in which children, their parents or guardians, and representatives from the Department for Community Welfare (the DCW) and from the Police Department discussed the circumstances surrounding the offence and what action should be taken. All of the CAPs I observed were held at the district office of the Department for Community Welfare in town.

For the panel to proceed the child must have admitted to the offence. Interpretations of the *Children's Protection and Young Offenders Act* by legal writers such as Newmann (1983), Seymour (1983) and Bailey (1983), claim that the panel was not a court, and therefore had no power to decide whether or not a child was guilty. Yet to admit guilt was a prerequisite for children being dealt with outside of the jurisdiction of the Children's Court. Children who claimed they were not guilty would automatically go before the Children's Court. The Panels were designed to give children a 'second

chance' (Bailey 1983). Indeed they provided a means by which children and their families could avoid social disgrace through a criminal conviction and a more public court hearing.¹² In effect, however, those children who insisted on their innocence were punished through the threat of social stigma attached to a court appearance. Yet, as I show, Children's Aid Panels did not free Aboriginal children from social stigma. I contend, that an appearance for an Aboriginal child actually increased their visibility to police officers and welfare agents markedly.

Despite the apparent good intentions behind these panel hearings, I argue, that they were, in fact, an absolute legal conundrum. Once a child admitted guilt which provided them with the right to by-pass the court process and the possibility of legal conviction, they also relinquished their rights to legal representation for no legal representation was permitted at these panel hearings. The parallels with the rules of confession under the Spanish Inquisition are striking. Under this ancient judicial system the prisoner who pleaded guilty had their case heard quickly and received a light sentence. If, on the other hand, the prisoner refused to admit their guilt this was seen as evidence of their heresy and their hearing was likely to be drawn out and the punishment severe (Henningsen 1980). Seen in this light, the acclaimed social progression of the *Children's Protection and Young Offenders Act* (cf. Gale *et al.* 1990) takes on a completely new colour.

Moreover the outward appearance of informality of Children's Aid Panels provided an avenue for extended welfare intervention in the lives of children and their families. Records of an appearance were kept by the Department for Community Welfare and the Police Department until the child reached the age of eighteen. Prior Children's Aid Panel appearances could also be brought up as evidence of a child's criminal record both at a CAP and in the Children's Court in relation to sentencing. Further, the

¹² As I describe later, the Children's Court was closed to the public. Nevertheless the personnel present at Children's Court hearings numbered far more legal and welfare representatives than the two which sat on a Children's Aid Panel. A Children's Court session would comprise at least the magistrate, the prosecutor, the defence lawyer, court stenographers and clerks, other police officers and lawyers, a welfare representative and the child and members of the child's family. While the court room itself may have been closed to the public, the outside waiting area generally was not. Those children and their families waiting for their case to be heard could be easily viewed by any member of the public as they walked past the court house.

Department was able to insist that children and their parents or guardians entered into an ‘undertaking’ with the Department to be supervised and counselled by welfare officers. As I clearly show these Panels also became a source of information on family matters which the Department often attempted to act on at a later date outside of the jurisdiction of the *Children’s Protection and Young Offenders Act*.

While Aboriginal children were more often referred to a Children’s Court than a Children’s Aid Panel by a Screening Panel, referrals of Aboriginal children to CAPs still outnumbered those of other children. In the period between July 1986 and February 1987 I recorded the following statistics:

Table 1: Referrals to Children’s Aid Panels

REFERRALS	
Aboriginal children	90
Other children	71

I show how this over-representation of Aboriginal children at Children’s Aid Panels in Port Augusta confirmed the stereotypes of Aboriginal people on which this very over-representation was based in the first place. In the next chapter I discuss the variations in approach of the panellists towards Aboriginal and other children which both reflected and reconfirmed the common-sense views they held about the life-styles of these different children. I show how the treatment which Aboriginal and other children received at a Children’s Aid Panel played an important role in determining the levels of future welfare and police intervention into their lives. An appearance by a child at a CAP often re-kindled the interest of welfare agents and police officers in the affairs of families who had been welfare clients in the past.

Gale *et al.* (1990) and Bailey (1983) have provided similar examples of Aboriginal over-representation at CAPs for the whole state. Yet, these authors claim that the offences for which Aboriginal and other children appeared were similar. They found that the most common charges laid against both groups of children were for offences against property. According to their investigations, property offences accounted for

61.1 per cent of all Aboriginal appearances and 58.8 per cent of all other appearances. What they found critical within these statistical similarities was that Aboriginal children were being charged with the more serious property offences such as *break, enter and larceny*, rather than with the more minor charges such as *shop lifting* which other children were charged with.

I found a different situation. The offences for which children who were not Aboriginal generally appeared at a Children's Aid Panel in Port Augusta included: *possession of cannabis and instruments; traffic offences; and larceny*. Aborigines, by contrast appeared most often for serious offences against property. These included: *break, enter and larceny; larceny and wilful damage*. There were no appearances for traffic offences, and only one for possession of cannabis.

Table 2: Appearances¹³ before Children's Aid Panels for the period July 1986 to May 1987

Offences	Aboriginal	Other children
Possession of cannabis & instruments	1	22
Traffic	none	16
Larceny	14	16
Break, enter and larceny	47	5
Wilful damage	10	1

These figures are remarkably similar to those I collected on appearances in the Children's Court. They show an expressly local pattern to the differences between the type of offences Aboriginal and other children were being brought before the juvenile justice process in Port Augusta.

As the table below illustrates the panel outcomes for each group were also significantly different.

¹³ 'Appearances' refers to the number of times particular offences were being dealt with by a Children's Aid Panel. It does not refer to the number of children *per se*. A child's case may have come before a Children's Aid Panel as many as three times before it was referred to the Children's Court because the child did not attend the panel. Furthermore, a child would often appear before a Children's Aid Panel on various charges.

Table 3: Results of Children's Aid Panel appearances for the period July 1986 to May 1987

Result	Aboriginal	Other children
Counselled and warned	26	50
Referred to court	7	5
Non-appearances	36	9
Transferred to another office	5	2
Undertaking	5	5

This table shows that the results for Aboriginal and other children who came before a Children's Aid Panel were not markedly different considering the differences in crimes committed. However, the generally more serious nature of crimes attributed to Aboriginal children meant that they were subject to on-going police and welfare surveillance. For the majority of other children, most of whom were simply counselled and warned, this was their one and only experience with the juvenile justice process. The result of 'counselled and warned' was exactly what it implied. Children were counselled about the significance of their actions. They were told that it was wrong, and warned that they might appear before a Children's Court if they were caught doing something similar again.

In my experience, Aboriginal cases were rarely completed in the first session. The far greater number of non-appearances at a Children's Aid Panel by Aboriginal children than other children, was an important factor contributing to their greater numbers (19) than other (8) children who subsequently appeared before a Children's Court in the period under review. The high non-appearance rates of Aboriginal children also meant that police officers and welfare agents had an ongoing interest in the lives of many of these children. Yet, as I show, such welfare and police interest would often extend beyond the requirements of Children's Aid Panels even when the panel was finally completed. According to my findings, the number of undertakings, which involved welfare supervision was the same for Aboriginal and other children in the period reviewed. Nevertheless the consequences for each group of children were markedly different. An undertaking for an Aboriginal child would provide welfare workers and police officers with access to many other Aboriginal children. In all cases involving an

Aboriginal child, an undertaking would involve welfare supervision administered through a youth program.

As I illustrate in chapters seven and eight, welfare supervision of Aboriginal children charged with committing crimes was intimately bound up with the welfare department's involvement in Aboriginal youth programs in the town. An important criteria for inclusion in such youth program was a CAP record with the Department for Community Welfare. For other children, the situation was markedly different because undertakings remained an affair between the child's family and the welfare office. The wider social group of which these children may have been a part was not included in the considerations of the composition of an undertaking. The insistence on confidentiality surrounding justice proceedings involving children was very much in line with legal requirements to keep children who had become involved with the juvenile justice process from public scrutiny. However, as I show, the common-sense views of Aboriginal culture held by many legal and welfare agents, meant that such confidentiality for Aboriginal children was compromised. In particular, a belief that Aboriginal families were part of an intimate community network saw the types of punishments Aboriginal children received become part of a general knowledge among many other Aboriginal people who often had little intimate social connection with the children and families involved.

Such a casual approach to the rules of confidentiality for Aboriginal children contrasted dramatically with the insistence by welfare workers and officials that I gain written permission from all children and their parents, both Aboriginal and others, to attend Children's Aid Panels and to review welfare files. While I respected this request as a proper course of action, I found it ironic as I have pointed out elsewhere, that Aboriginal children and adults would often implore me to use their real names when I wrote up their stories about their experiences with the juvenile justice process.

Gale *et al.* (1990) have offered the most recent exposé of the *Children's Protection and Young Offenders Act*. In fact, it was their critique of the South Australian juvenile justice system which played an important role in the subsequent changes to the system which were enacted in 1994 legislation. Statistical surveys, like those of Gale *et al.*

(1990); Gale and Wundersitz (1985, 1986a, 1986b and 1987) and Bailey-Harris (1983) have been important because they highlight discrimination within the justice process, yet they do little more. In fact, Gale and Wundersitz argue that Aborigines suffer discriminatorily at the hands of the law mainly because they possess the characteristics of a minority group which makes them more visible to law enforcement agents, in particular, the police. Such traits include: unemployment, low income and extended family structures. While they recognise that racial discrimination may be a factor determining police decisions to direct Aboriginal children through the juvenile justice process at a disproportionate rate to other children, they point out that this form of prejudice is difficult to prove statistically. They conclude that:

Our crucial findings - that the initial arrest decision, the facts of being unemployed and living in a household other than a nuclear family crucially influence those decisions taken by agents of the juvenile justice process - are not race-specific. But they are features far more common to young Aborigines than other children. Thus, although steps have been taken in recent years to improve the South Australian juvenile justice system, Aborigines are already disadvantaged when they enter it, and the very ways in which they are disadvantaged are used by the system itself to compound that disadvantage (Gale *et al.* 1990:124).

This reasoning, however, fails to address why other ethnic or minority groups are not as over-represented in the juvenile justice process in South Australia. As I discussed earlier, this is an anomaly Gale *et al.* have themselves pointed out, but which they have failed to adequately account for.¹⁴ More importantly, such reasoning does not take into consideration a whole body of literature, including authors such as Eggleston (1972, 1976) and Parker (1977), which has provided documentation that Aborigines have historically been singled out as a target for police and welfare scrutiny simply because they are Aboriginal. Race, as Cowlshaw has argued, cannot be ignored as a factor influencing the decisions of those in positions of power in Australian society:

Race is a dependent variable, a factor that is evoked as an idiom through which power relations are exercised both through institutions and in terms of everyday interactions and practices ... (Cowlshaw 1988 66).

In the next two chapters I show very clearly that not only were Aboriginal children treated very differently from other children during their encounters with police officers

¹⁴ See pages 101 to 102.

on the streets, but they also faced differences in treatment during Children's Aid Panels and when they came before a Children's Court.

Conclusion

In this chapter I have provided an overview of the structure and operation of the second phase of the juvenile justice process which operated under the *Children's Protection and Young Offenders Act*. I have shown that in the Port Augusta context the number of Aboriginal children who were called before a Children's Aid Panel was significantly disproportionate to other children. I have also pointed out that the types of activities for which Aboriginal children were being called to account by legal and welfare agents differed substantially from those of other children. This in turn ensured more often than not an extended and intimate involvement of welfare agents with Aboriginal children and their families. To date, reviews of the juvenile justice process in South Australia such as that by Gale *et al.* (1990) have failed to adequately explain such differences and the effects of the juvenile justice process on Aboriginal people, other than to highlight that they exist.

In the next chapter I look at the interactions between the police officer and the welfare worker who ran Children's Aid Panel sessions and the children and families who came before them. I focus on the expectations from welfare and legal agents of the behaviour of children and families at panel hearings. Children's Aid Panels, as I show, were designed to elicit shame and remorse from children for the activities they had been involved in. While Aboriginal children certainly exhibit shame, this is a shame which is not recognised by most welfare and legal personnel. Rather as I illustrate, the behaviour which characterises Aboriginal shame is interpreted by these agents as shameless and is seen as disrespect for the legal processes. My analysis of such differences in interpretation is the core of my argument in relation to many of the reasons behind the differences in treatment of Aboriginal children and other children at Children's Aid Panels. I thus move beyond the statistics I have presented in this chapter to seek out the internal dynamics of social interaction as these were played out in the practices everyday panel hearings.

CHAPTER 5

Different shame: Children's Aid Panels in Port Augusta

You get about five chances - you go to the Aid Panel about five times and then you keep doing it then you go to court where there is a big mob of people. Then if you keep doing it you go to a home. ... And if you keep it up you go to jail.

Aboriginal boy aged 12.

Introduction

There was a dramatic shift in the level of interaction between Aboriginal children and the agents of the legal and welfare processes after a police arrest, or report had been made on them. The surveillance and intrusion into the everyday activities of these children and their families took on new forms as they became involved with the next stages of the juvenile justice process. No longer were Aboriginal children able to play such a personal part in the construction of their relations with the police officers they confronted in the streets. Children's Aid Panels brought them into the enclosed environment of the welfare offices.

In this highly constructed atmosphere every word Aboriginal children uttered and every action they displayed became a criterion which panellists would use to manufacture their criminality. Aboriginal children's single most potent defence against such an invasion into their social being was through an embodiment and expression of shame. Indeed, the very physical placement of the different social actors within the Panel room set up the conditions for an exhibition of shame from Aboriginal people. Yet, as I show, this was also their weakest defence; for this Aboriginal shame was defined by most welfare and police workers as defiance and disrespect. Aboriginal children were considered shameless, sullen and rude. However, most panellists remained oblivious to the meanings of this shame. In fact, the behaviour of Aboriginal children was often enough evidence for panellists to determine that these children were in need of welfare guidance to 'correct' their deviant ways.

I go on to show how the differences between an ideology of punishment espoused by police officers and one of rehabilitation and reincorporation as voiced by welfare workers, also had profound effects on the outcomes of Children's Aid Panel sessions for any child. I compare the situations for Aboriginal and other children who were required to attend Children's Aid Panels. I show how the understandings about the cultures of Aboriginal and other children held by the panellists dominated their treatment of those children who came before them. The perceived social differences between the Davenport reserve, Bungala and town also subtly pervaded the interactions between the panellists and Aboriginal children and members of their families as they sat before one another.

The subtle, yet significant, differences between the opinions of welfare workers, the police and Aboriginal children and their families also point to the conflicts of interest existing between the police, welfare and their clients as to the *raison d'être* of a criminal justice system. Welfare agents were concerned with the rehabilitation of the offender and the protection of the long-term welfare of children and their families. The police on the other hand were concerned with lowering the crime rate by implementing appropriately severe punishments as a means to deter crime. Aboriginal children, I argue, were fighting to retain their *own* social and cultural definitions of the world in the face of an all encompassing welfare and legal process. While the *Children's Protection and Young Offenders Act* (1979) was an attempt to marry welfare and justice concerns, these conflicts, as I show, continued to surface in practice through the implementation of the juvenile justice process in the Port Augusta context.

These social differences and understandings were subtly mediated through Aboriginal welfare workers. In fact, Aboriginal welfare workers embodied within their very beings the contradictions between Aboriginal shame and the shame of the dominant other. Yet to carry the tensions of these different perceptions within their personae was an inevitable burden. For in their attempts at mediation they walked a thin tight rope where at any moment they were in danger of compromising either the Aboriginal people they were seen to represent or the welfare organisation for which they worked.

No transport

As with all Children's Aid Panels held in Port Augusta during 1986 and 1987, the Panel that Jason Moore was expected to attend was scheduled for early Thursday morning at the offices of the Department for Community Welfare located in town. Jason, a twelve year old Aboriginal boy, lived at Davenport with his mother and older sister. He had recently been charged in conjunction with a number of other Aboriginal children with the *break, enter and larceny* of a shoe shop located in the main street of Port Augusta. As will become clear later, the 'great shoe store robbery' (as I have dubbed this escapade) epitomised, in a variety of ways, the tensions existing between the police and many Aboriginal children living in Port Augusta at this time.

In February 1987, the Screening Panel which deliberated on Jason's case had decided to send Jason to a Children's Aid Panel set down for the following month. Jason had been to the Children's Court on one previous occasion in 1984 for truancy. As this was a misdemeanour which was considered minor by legal and welfare agents, it had not counted as a serious enough 'criminal' record to send Jason to the Children's Court for a second time¹ for the *break, enter and larceny*. Jason did attend not this first Panel hearing for reasons unrecorded by the panellists. The Panel session was duly rescheduled by officers of the welfare department for the next available Panel time in April, one month away. This would make it a month and a half after Jason had been picked up by the police before he was actually dealt with by the juvenile justice process.

The conflicts between the various agents of the legal and welfare processes and their clients became very apparent in the handling of Jason's case. In many ways, Jason epitomised the legal and welfare characterisation of the Aboriginal child caught

¹ With the changes to the juvenile justice legislation in 1994 truancy has gained the status of a serious misdemeanour. The state government investigation into the juvenile justice process (Groom *et al.* 1992, 1993) determined that truancy was linked to an increase in the rate of juvenile crime in South Australia. In order to address this perceived problem, more extensive methods of surveillance have been devised under the *Education (Truancy) Amendment Act 1993* to catch those suspected of this offence.

between two cultures. His mother came from the Pitjantjatjara Lands in the far north of South Australia and she spoke very little English. Jason, however, went to school in Port Augusta and he mixed with other town Aborigines. While the police officer and the welfare worker were concerned to maintain contact and surveillance of Jason's family through the monitoring of his behaviour, their methods for achieving this were very different. As I show, this difference led to significant tensions being built up between the two officers during the Panel proceedings.

The Department for Community Welfare expected children and their parents or guardians to make their own way to a Panel hearing. On the morning of the Panel, Jason and his mother were waiting in their house at Davenport for a lift into the welfare offices in town. A few days previously an Aboriginal liaison officer with the Pika Wiya Health Service had come to see Jason and his mother to let them know what day the Panel was being held. This woman had been chosen by Pika Wiya and the Department for Community Welfare to inform Aboriginal families of when Panel hearings were being held.

Jason and his mother had no means to get the five or so kilometres from Davenport to the welfare offices. A few days earlier, however, one of the Aboriginal TjiTji Wiru² youth workers had arranged with them to take them into town. Jason and his mother had also asked me to come with them to the Panel. TjiTji Wiru youth workers and Pika Wiya³ health workers would often be called upon by their employers, and sometimes Davenport residents themselves, to provide transport for Davenport people to go into town for appointments with the welfare department or a doctor.

² TjiTji Wiru was an Aboriginal youth centre operating at Davenport during my field-work. I discuss the development and organisation of TjiTji Wiru in later chapters. According to another anthropologist who has conducted field-work at Davenport since my own, TjiTji Wiru is still in operation albeit in a different form (personal communication Marika Moisseff).

³ Pika Wiya (a Pitjantjatjara phrase meaning *no sickness*) was an Aboriginal health organisation administered and funded by the then state Health Commission. The organisation was headed by a non-Aboriginal health administrator. The senior medical staff such as doctors, nurses and a psychiatrist were also white or of an ethnic background other than Aboriginal. For example, during the period I was in the field, a black South African doctor and an Indian doctor were employed by the organisation. The clerical staff and health workers were generally Aboriginal. I discuss the role of Pika Wiya in greater detail in later chapters.

When I arrived at the Davenport Community Council's offices that morning the youth worker told me she had since made other plans for her morning and could not take Jason and his mother to the Panel. She asked me if I would do her job for her. It became clear that if I had also been unavailable Jason would have found it extremely difficult to get to the Panel hearing. If he did not make this Panel then he was one step closer to being sent to the Children's Court.

We arrived at the offices of DCW just in time for the Panel appointment. Jason, his mother and I were asked to wait outside the Panel room while the panellists — a female Aboriginal welfare worker and a white policeman — discussed Jason's case behind closed doors. After a few minutes the welfare worker, who knew Jason and his mother from her previous welfare work with them, ushered us all into the Panel room.

At the beginning of each Panel the panellists were supposed to explain the procedures which were to follow to children and the adults who accompanied them. Jason's mother was duly asked by the welfare worker if she had received the papers explaining the procedures of the Panel and if she had read them, or if anyone had read them to her. Jason's mother replied that, yes, she had received the papers. As she could not read, it was unlikely she had understood the procedures to follow, however. Yet even though the panellists were aware of her illiteracy, her affirmation of receipt of the papers was enough for the panellists to begin the Panel hearing.

The important procedure of explaining in detail a child's right to disagree with the allegations and opt for the case to be held before a Children's Court was ignored. As a consequence, Jason was denied a fundamental right under the *Children's Protection and Young Offenders Act*. Yet, in most other cases I observed the panellists had gone to some trouble to explain to children and their parents their legal rights under the *Children's Protection and Young Offenders Act*. This *special* treatment of Aboriginal children and the adults who came with them to Children's Aid Panels was repeated in various different scenarios in *all* the Children's Aid Panels I observed where an

Aboriginal child was present. As I show later, the panellist's treatment of Aboriginal children contrasted dramatically with how they dealt with other children.

The treatment of Aboriginal children at Panels was highly influenced by the presence of an Aboriginal welfare worker. In fact, in my observation the presence of an Aboriginal welfare worker brought into sharp relief many of the subtle tensions operating within the triangular interactions between welfare worker, police officer and family. The panellists formed the strong base of this inverted triangle of constructed relationships of power as they focused their attention and domination upon all children. Yet for Aboriginal children the gaze of the panellists was particularly acute. As I show, Aboriginal children represented all Aboriginal people in the Panel context. Other children, however, represented the kernel of the family. For Aboriginal welfare workers then, their treatment of Aboriginal children in the Panel context became a metaphor for the treatment of Aboriginal people in all contexts involving the welfare department. These welfare workers found they had to draw on the flat stereotypes which their colleagues could understand in their attempts to get a reasonable Panel outcome for Aboriginal children. Yet, in the process, they themselves simply reinforced a dominant perception of Aboriginal people as a people in need of welfare aid and surveillance. The relationship between Joan, the Aboriginal welfare worker, and Jason, and his mother Emily, highlighted many of these social tensions and subtle interplays.

Joan was an Aboriginal woman in her mid-forties who had lived and worked in Port Augusta since her early twenties. She had a house in town. A number of her relatives also lived in town. Joan had received an education in welfare work through the Department for Community Welfare.

Joan was not related to Emily and she was from a different local group. However, through her work as a social worker in Port Augusta and its precincts, she had come to know Emily and her family. Joan had a respect for their co-identity as Aboriginal people. However, she distinguished herself from Emily on the grounds of residence, group affiliation, urban association and education. Emily was the type of person who

was described by town Aboriginal people alternatively as a 'myall blackfella' — a derogatory term for Aborigines believed not to be versed in urban ways and who generally lived at Davenport or stayed there if they were visitors to Port Augusta — and 'tribal' — a sign of respect for Aboriginal people believed to be still conversant with 'traditional' Aboriginal practices.⁴ Joan's decision not to pursue the issue of whether Emily adequately understood the procedures of the Children's Aid Panel was, I believe, a reflection of these type of beliefs. Joan had explained to me on other occasions her ideas on 'traditional' Aboriginal people who lived at Davenport. These people she stated required guidance and direction from more educated Aboriginal people in dealing with state welfare bureaucracies in order to get the best deal for them. The State welfare structure operated through Joan nevertheless (cf. Howard 1982). For, as I demonstrate, by assuming a voice on behalf of Emily, Joan exacerbated an already powerless situation for the mother.

Even though Joan had greater power than Emily in the Panel context it was nevertheless minimal within the overall scheme of the welfare department's operations and particularly the expectations of Panel procedures. The options available to Joan were limited by the procedures and philosophies of the organisation in which she worked. For example this welfare office made no provisions for interpreters to be present at Children's Aid Panels despite a high proportion of Aboriginal people who passed through Port Augusta not being able to speak English fluently or understand the language effectively. In any case, at this period of time there were no requirements under *The Children's Protection and Young Offenders Act* for interpreters to be present at Children's Aid Panels. However, options did exist under the *Act* for special permission to be granted for people other than the panellists to be present at a Panel hearing. It appears that the welfare office in Port Augusta made no attempts to explore this option as a means to make interpreters available for Aboriginal people.

Furthermore, Joan had little bureaucratic power in such instances as she was one of a few Aboriginal welfare workers who faced prejudice everyday working in a non-

⁴ I explore some of the ramifications and meanings behind the labels 'traditional' and 'tribal' for Aboriginal people and others in Port Augusta in greater depth in chapters seven and eight. I also raised some issues in regard to the use of these terms by professionals and others in chapter one.

Aboriginal legal and welfare context. Indeed, the employment of these few Aboriginal welfare workers in the Port Augusta office was seen as a solution to dealing with awkward cross-cultural situations such as this. Thus, the pressure on workers like Joan was enormous. Rather than complicate matters further even if alternative solutions came to mind, in these type of situations it was often easier to take on the role of cultural broker as expected of them by the welfare system in which they worked (cf. Paine 1971).

However, the complexities of Joan's role as an Aboriginal welfare worker went even deeper. She was an Aboriginal *woman* working alongside a white *policeman*. Unlike Joan, the policeman was under no social obligation to show respect for Jason and his mother in order to ensure the continuation of social relations with this Aboriginal family. While Joan was not related to Emily, she was nevertheless expected to act toward her in an appropriate, culturally-defined manner. Any assumed mistreatment of the situation by Joan could easily be talked about by Emily to other Aboriginal people. If this were to occur, Joan faced the prospect of an indefinite period of disapproval and she could have faced ostracism from Emily's relatives. Not only would such a situation affect her ability to carry out her work, it would also spill over to her private life in the small-town social circles of Port Augusta.

As the Panel progressed, it became obvious to me that the policeman was dominating the Panel proceedings in this case. Indeed, in most of the CAPs I viewed where there was a female welfare worker — be they Aboriginal or not — and a male police officer, the police officer dominated the course of the Panel.⁵ In Jason's Panel the effects of this domination were particularly telling. The tensions between the welfare worker and the policeman became increasingly palpable throughout the course of the proceedings.

It was the policeman's wish to put Jason on an undertaking to be supervised by the department. He also wanted to add the proviso to the undertaking that Jason not come into town from Davenport, alone. The implications of such a stipulation were severe.

⁵ In all the Children's Aid Panels I observed the police officer was a male.

Jason could be picked up by the police if he was seen in town and charged with breaching an undertaking. As had happened with other Aboriginal children I knew, this more often than not led to these children being sent to the Children's Court. Such conditions of punishment at Children's Aid Panels and also in the Children's Court actually set Aboriginal children up to be 'criminal' by them simply going about their everyday activities.

The police officer went on to threaten that if the welfare worker did not endorse this recommendation then Jason should be sent to the Children's Court. This was his advice despite the fact that Jason had admitted to the offence and had not requested the matter be dealt with in court, which precluded him from being sent to the Children's Court in any case. At one point the police officer went so far as to argue along the lines that:

The only solution to this case if you don't agree with me is to send Jason to court and let the magistrate decide what to do with him.

In order to deal with the impasse and to gain support for her position, Joan excused herself from the proceedings and went to seek advice from her colleagues in another part of the building. The situation in the Panel room had curtailed her behaviour. Joan was placed in a very awkward position in the face of a male co-worker stridently disagreeing with her. She could not forthrightly insist that her view be heard without putting herself in a position of shame.

This was particularly so as she was operating in the presence of other Aboriginal people who respected her government position as a welfare worker. Joan's standing as a cultural broker was not only appreciated by the welfare department, it was also appreciated by Aboriginal people as well, albeit from a very different perspective. For Joan was a source of information and assistance to access scarce government funds and advice. It is unwise for an Aboriginal person to insist on the correctness of their personal view without eliciting the support of others first (cf. Sansom 1980; Myers 1986; Williams 1987). By calling on the support of others the outcome of a decision could not be blamed on, or identified with an individual. If the decision had proved to

be unfavourable for Jason then Joan could not be identified with it and suffer the humiliation of social ostracism and public blame. The respect of others towards her and her relatedness to other Aboriginal people could remain intact and unquestioned in relation to this incident.

This, of course, did not mean that Joan would now be free from the judgement of other Aboriginal people in the future. It merely meant that in showing shame, by considering the situation Emily, Jason and herself were in this time, Joan had acted in a manner which diverted public shame away from herself and them. I pointed out in my introduction that shame is mutually attached to the concept of respect.⁶ To have shame is to illustrate respect for the social situation one is in with regards to one's relations with others who may be present. Myers has also pointed out the mutual inclusiveness of shame and respect. As he states, shame and respect:

...present two sides of the same coin. Showing respect for someone by consulting that person's wishes, by not overstepping one's bounds, or by "shyness" in stating claims, avoids embarrassment (Myers 1986:123).

By seeking out her welfare colleagues Joan was shifting the responsibility for Jason's case back into the hands of the Welfare Department. At the same time, Joan was attempting to strategise for her preferred outcome of the Panel. If the outcome had proven to be negative then it was more likely, as I had witnessed in other situations, that Aboriginal gossip circulating about the situation would have blamed the white welfare workers rather than Joan. Of course, the other side to this scenario was that while DCW remained the source of blame for wrongs to Aboriginal clients, it also retained its symbolic and actual power over them in the process.

Joan came back into the Panel room moments after she had left with another welfare worker. This worker was in a more senior position to Joan, he was a male and he was white. He asked the police officer to leave the Panel room and join them and other welfare workers to discuss the impasse. Jason, Emily and I were left alone to talk amongst ourselves. Both Jason and Emily were confused and upset, and neither the

⁶ See page 14, footnote number 16.

welfare worker nor the police officer had told them or me what was going on. I only found out in more detail later on. When the panellists returned, it appeared that it had only been after considerable persuasion on the part of the welfare officer, with the support of other welfare staff, that the police officer agreed to conclude Jason's case with a 'counselled and warned' verdict. With disgruntlement he spoke to Jason saying:

As there is no-one who can supervise you on an undertaking you will just be 'counselled and warned'. Well that's it!

While the outcome of this CAP was favourable, it had nevertheless been highly traumatic for Jason and his mother. Not to mention the trauma for the welfare worker. The disagreement between the welfare representative and the police officer along with the threat of a harsh sentence despite Jason's obvious remorse, led Jason to become tearful and his mother to become agitated. Once outside the welfare office I asked Emily how she felt about the outcome of the Panel. She commented:

Panel alright. Least Jason don't go to court now.

A process of negotiation

The apparently informal structure of Children's Aid Panels allowed for a series of negotiations to take place between the welfare officer, the police representative and clients. It was during these negotiations that the panellists established the character of children and their parents. It was on these character assessments that decisions were made on the type of penalty children were to receive for misdemeanours. The differences in the expectations which the panellists held about Aboriginal and other children led to significant differences in the way each group was treated. Further, while the official findings of the Panel were important, for the future of the child's dealings with the legal and welfare processes, as important if not more so, was the course of the Panel itself. The establishment of a 'character' for the child helped to determine how welfare and legal agents, including the police, would treat this child in any future encounters they had with them.

Children's Aid Panels were, therefore, an important forum for the acquisition of an 'expert' knowledge on children and their families. This knowledge operated at two levels. Firstly, there were official records of the findings of the Panel which could be used as evidence at any subsequent Children's Court hearing. This level of knowledge was part of what Foucault has identified as the 'index-carding' of the population. It was part of the means by which delinquency functions as an arm of the policing procedures which control it. As Foucault states:

Delinquency, with the secret agents that it procures, but also with the generalised policing that it authorises, constitutes a means of perpetual surveillance of the population: an apparatus that makes it possible to supervise, through the delinquents themselves, the whole social field (Foucault 1977:281).

The second level is based on personal knowledge of the children and their families. 'Delinquents', as Foucault has indicated, become the medium through which to view the activities of whole families and, by extension, the community from which the families come. To understand the children and their 'delinquent' behaviour, the welfare agents, in particular, are trained to delve into any child's family history for clues to their deviancy. As I clearly show, welfare and legal personnel do not come to this task with a blank cultural slate. Rather, they judge the behaviour of their clients through a window tinted by their own cultural predispositions and their understandings of the cultures of others. As both Aboriginal and other welfare workers' knowledge of both their Aboriginal and other clients was based on different sets of cultural assumptions, this became an important factor in the differences in treatment each client group received in the second stages of the juvenile justice process.

The cultural understandings of the world held by these agents of the legal and welfare bureaucracies were further tempered by the knowledge and language they had acquired about the unique procedures of the judicial field (Bourdieu 1987). Even though welfare and legal agents allowed their common-sense cultural understandings to inform their practices in dealing with clients be they Aboriginal or White, judicial knowledge remained the penultimate knowledge which they bowed to. It is as if the law is the only legitimate 'truth' to which other knowledges are subordinate. As Bourdieu has stated:

This insistence upon the absolute autonomy of legal thought and action results in the establishment of a specific mode of theoretical thinking, entirely freed of any social determination (Bourdieu 1987:814).

As I have already shown in Jason's case, the welfare worker's actions to ensure Jason was not sent to court were generated from within her own cultural framework as an Aboriginal woman. Nevertheless, the actual outcome of the Panel hearing and the rhetoric surrounding it fell into the framework of the *Children's Protection and Young Offenders Act*. Joan's very methods of saving face were constrained to action acceptable to the welfare office. In fact, Joan's efforts to save face in front of a respected 'tribal' woman went unnoticed by the other welfare workers and was buried under the welfare requirement for Jason's rehabilitation. This was an acceptable option within the judicial field, despite the opposing views of the police officer. Thus, this very tension from within the legal and welfare arena was merely one of the 'competitive struggles' which formed the specific logic of this field.

Police officers, welfare workers and Aboriginal children

The Panel Jason and his mother attended highlighted the tensions which existed between police representatives and welfare workers as to the appropriate methods of implementing the juvenile justice process on children. The welfare officers I spoke with after this particular Panel were adamant that *break, enter and larceny* was a serious offence. Yet, as I have shown, their major concerns remained the 'welfare' of the child. However, many police officers I spoke with were angry over the commission, as they believed, by so many Aboriginal youth of the 'great shoe store robbery'. As with this Panel which sat only a few days after the robbery, this anger was expressed by police officers in subsequent Children's Aid Panels and Children's Court sessions. The police often recommended harsh sentences and they asserted contemptuous attitudes towards the children who came before them.

Jason's case therefore provides a backdrop from which to tease out many of the complexities and contradictions in the operation of the juvenile justice process in South Australia during this period. I argue that the incongruities and tensions between the

intentions of the legal and welfare bureaucracies and their agents, and the understandings of the legal and welfare processes held by Jason and his family, were fundamental reasons behind Jason not turning up for most of the Children's Aid Panels he was expected to. Yet there is no official space in the legal and welfare worlds for the varying interpretations of these systems by their clients.

While legal and welfare agents frequently blamed bureaucratic processes as having some part in the greater frequency of Aboriginal people coming before them, ultimately they agreed the real causes remained Aboriginal people nonetheless. On this point Gale and Wundersitz (1990:95) give a poignant insight. In their review of the operation of the *Children's Protection and Young Offenders Act* in South Australia, they show that the reasons frequently cited for the high non-appearances of Aboriginal children at CAPs (such as failure to attend the hearing, failure of a parent accompanying the child, and the likelihood of the child breaching a CAP undertaking), simply did not match the statistical evidence from the Children's Aid Panels they reviewed. Indeed, it appears that the preconceptions of welfare and legal agents about Aboriginal people actually held greater weight in the construction of a stereotypical profile of Aboriginal children.

As I have shown with Jason's case, and as is borne out in other examples I give, many Aboriginal children and their families found it very difficult to get to Children's Aid Panels. Nevertheless, as Jason's ordeal shows, genuine efforts *were* made by Aborigines to attend scheduled Children's Aid Panels. In fact, many Aboriginal children would turn up for Panel hearings on their own. Yet the panellists would tell them to go home because the Panel could not be heard without a parent or guardian present. The Aboriginal children I spoke with about this found such situations puzzling. Often their parents were away in another town or were too busy to come. Furthermore the children often felt that the Panel had nothing to do with their parents. It was the business of the child. This belief was supported by Aboriginal parents I spoke with. They often saw that there was no need to come to a Panel because their child was responsible for their own actions. These parents felt they had no part in their child's activities and it was something for the child to deal with. As I show, Aboriginal

children are generally considered by Aboriginal adults, to be fully responsible human beings. While their activities may elicit shame for them by Aboriginal adults by the same token, these adults are not responsible for the actions of their children.

According to the explanations given by legal and welfare workers and police officers I spoke with, it is an assumed intrinsic 'primitiveness' of Aboriginal people which makes Aborigines incompatible with a western legal system. Many welfare workers and youth workers, some of whom were Aboriginal, would lament what they believed to be the long time delays between a child being charged with an offence and the case being completed under the *Children's Protection and Young Offenders Act (1979)*. They argued that for Aboriginal children, in particular, it was necessary to inflict the appropriate punishment as soon as possible after the event if the offence was proved, so the children would understand the gravity of their actions. Justification for this belief was based on an understanding that in Aboriginal culture, punishments for a breach of cultural law, traditionally were meted out immediately or very soon after the misdemeanour had happened. It followed, under this logic, that the Western bureaucratic procedures of the *Children's Protection and Young Offenders Act (1979)* generally had no cultural relevance to Aboriginal children and this was one reason why they continued to offend. It was presumed these children did not really understand that they had done something seriously wrong. These views are also racist in that they suggest these children have a limited understanding of the wider Australian culture in which they are embedded. It portrays a stereotypical vision of modern Aborigines as being trapped within a 'primitive', 'traditional' culture.

However, these welfare and police philosophies fly in the face of the opinions of many Aboriginal children I spoke with. Aboriginal children were well aware that some of their activities were against the law even if they had practical reasons for carrying them out, such as stealing a car to travel to another town (cf. Morice and Brady 1982). For example: I was told by some young teenage children who had broken into the golf club house that they were very mindful that they were 'breaking the law'. They had also heard rumours that the store room of the club house was well stocked with alcohol and

food. They had been intent on getting at this food for a party some of the older children were having later the same night.

Running parallel to the welfare and police theories for the reasons for Aboriginal children's criminal behaviour was an opposing belief that criminal activity was evidence of an Aboriginal person's disrespect for social rules. Interestingly, the two views would often be expressed by the same welfare or police agents, but at different times. A number of police officers and other welfare services officers I spoke with believed that the long time delays within the juvenile justice process taught children (both Aboriginal and others) disrespect for the Law. Frequently, they would comment to me that juvenile offenders continued to carry out crimes because they quite often got away with simply a telling off. Furthermore, because punishment was not immediate this allowed children to think that they had indeed 'got away with it', and this encouraged them to carry out further criminal activities. Yet even though this perception of juvenile crime blamed the incumbent it still did not give credit nor agency to the Aboriginal children's motives.

As Foucault (1977) has pointed out, it is in the best interests of a legal system to maintain a delinquent yet subservient element within the community not only to ensure the system's survival, but also to survey and control the population at large. As I have already pointed out Aborigines, along with other marginalised groups in Australian society such as youth and the unemployed (cf. Warrell 1993; White 1990), have become the focus of such delinquent characterisation in this country.⁷

⁷ This is a functionalist argument the roots of which derive from Durkheim. In *The Division of Labour* (1933) Durkheim makes the point that government instrumentalities of the State create their own rules of conduct which apply to the populace at large. In turn, along with these rules, are created crimes and delicts against which such rules are reinforced and empowered. It is via the creation of these crimes and delicts that these State instrumentalities justify their very existence.

It is surely true that once a governmental power is instituted, it has, by itself, enough force to attach a penal sanction spontaneously to certain rules of conduct. *It is capable, by its own action, of creating certain delicts or of increasing the criminological value of certain others* (Durkheim 1933:83) (my emphasis).

Durkheim also points out however, that while these rules are generally very specific to the State and may generate little sentiments of injustice from the populace at large, they nevertheless resemble the moral sentiments against particular activities as expressed within the collective consciousness of society. This is a powerful means, therefore, by which the State generates its control over the populace. As Durkheim says:

... the life which is in the collective conscience is communicated to the directive organ as the affinities of ideas are communicated to the words which represent them, and that is how it

Panellists therefore inevitably also interpreted non-appearances by Aboriginal children and their families at CAPs as a sign of apathy and disrespect for the juvenile justice process. This belief persisted despite the panellist's attributing life-style explanations, such as poverty and kin commitments, to their reasons why Davenport residents such as Jason and his mother found it difficult to make the journey into town. The number of non-appearances for Aborigines as compared to non-Aborigines during the period I was in Port Augusta was 36 to 14. The high non-appearance rates among Aboriginal youth was also evidence for these agents that the system was not working for this sector of the population. This view was especially evident with the police officer presiding in Jason's case. The officer had avoided doing Children's Aid Panel duty for over four years because he did not like it and he felt Panels were a waste of time. He believed Panels did not deter children, and in particular Aboriginal children, from re-offending. As he stated:

Oh Well! I suppose all good things have to come to an end. I haven't had to do one [a Children's Aid Panel] for four years while in Port Augusta.⁸

It is interesting that many of the changes introduced to the South Australian juvenile justice legislation in 1994 were based around a concern with preventing recidivism amongst Aboriginal youth. This has led to the development of a variety of research projects by government welfare and legal agencies, designed to create mechanisms for the retention of Aboriginal children within the clutches of the legal and welfare process. It appears from these government projects that to constantly re-offend is evidence of a lack of understanding of society's rules and is a pathological social

assumes a character which puts it above all others. It is no longer a more or less important social function; it is the collective type incarnate. It participates in the authority which the latter exercises over consciences, and it is from there that it draws its force. Once constituted, however, without freeing itself from the source whence it flows and whence it continues to draw its sustenance, it nevertheless becomes an autonomous factor in social life, capable of spontaneously producing its own movements without external impulsion, precisely because of the supremacy which it has acquired (Durkheim 1933:84).

⁸ Prior to coming to Port Augusta the police officer had been stationed in the Riverland, a country area with a proportionally high Aboriginal population. While based here he had clocked up six years experience working on Children's Aid Panels.

wound which cannot heal and must be constantly (ad)ressed by the bureaucratic State.

In some welfare and police officers' opinions the leniency of the law actually worked in Aboriginal children's favour, in particular, because they understood Aborigines to have extra 'privileges', such as the Aboriginal Legal Rights Movement, over other Australians to help them fight police convictions. One welfare services worker put it this way:

Aborigines don't get picked up [for crimes] because they get ALRM to get them off before they go to court.

and a police officer made the comment to me:

ALRM aren't good because they try and get people off who are clearly guilty, there is a breach of lawyers ethics here as a lawyer must advise the client to get another lawyer if he feels his client is guilty or the evidence attests to that.

Gale *et al.* (1990) have pointed out, however, that while the establishment of the Aboriginal Legal Rights Movement is an example of positive discrimination, the Movement was largely ineffectual in deterring the disproportionately high numbers of Aboriginal children passing through the Children's Court. They stress that legal representation for Aboriginal youths would have been more appropriate at the Screening Panel stage to prevent these children going to court in the first place. They also indicate that in some instances in order to compensate for the availability of legal representation for all Aboriginal youth, the police deliberately laid more charges against Aboriginal children at the point of apprehension. This was done, *Gale et al.* believe, in order to compensate for the likelihood that some charges laid against Aboriginal children would be dropped in pre-trial negotiations. Certainly, in my observations, pre-trial negotiations between the police prosecutor and Aboriginal Legal Rights Movement lawyers was an on-going event at the majority of Children's Court days I attended in Port Augusta. This is an issue I take up in greater detail in the next chapter.

As was apparent in Jason's case, therefore, and is echoed in other cases I observed, panellists generally held preconceived ideas about the nature of Aboriginal clients who attend Children's Aid Panels. These views, as I show, motivate the attitude of disrespect with which the panellists often treated Aboriginal children and their parents who are obliged to attend CAPs. The views of police and welfare agents attested to a major dilemma facing Aboriginal people who live in Port Augusta. They are caught in between two opposing definitions imposed on them by the non-Aboriginal population of the town.

On the one hand, Aborigines were defined as acting in a culturally valid manner, and on the other, they were seen as acting in a culturally corrupt way. In recent times there has been a celebration of Aboriginal culture and life-styles as being distinct from those of the wider Australian society, through the establishment by the Australian Federal and State governments of many organisations and positions exclusively for the benefit of Aborigines (such as The Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal Legal Rights Movement).

Yet in many ways this recognition of Aboriginal people has moved little from its inception in the recent past through the missions and early government departments like the Department of Aboriginal Affairs. As Jacobs (1983) has argued in the case of land rights, the recognition of the difference between Aboriginal culture and the dominant White culture is based on the notion of Aborigines as being spiritually connected to a 'traditional' way of life. Many Aborigines living in Port Augusta do not fit this perception of them as 'traditional', however. They do not conform to White cultural norms of what constitutes a 'true' Aborigine. As such they are viewed as a corruption of the 'true' Aborigine and they become defined as urban, yet with a 'traditional view' of the world. As they are perceived to be neither truly 'traditional' nor part of White culture, they become 'trouble-makers' who roam in between the two.

Shameless children

Statistics on the differences between Aboriginal and other children's appearances at Children's Aid Panels fail to reveal the very different cultural interpretations of the significance of CAPs to Aboriginal families and the welfare workers and police officers they confront. Children's Aid Panels were set up under the *Children's Protection and Young Offenders Act* as a means by which children could avoid the formal judicial procedures of the Children's Court. In the Panels I observed, the panellists worked hard on eliciting shame from children and members of their families. The panellists also laid responsibility for the prevention of further criminal activities firmly at the feet of children and their families.

Aboriginal children who appeared before a Children's Aid Panel presented a completely different scenario for the panellists than other children. Unlike other children, Aboriginal children did not sit attentively listening to the admonitions of the panellists. Rather, they would hang their heads and avoid looking directly at the panellists. Nor did they answer the questions put to them in regard to the offence they had been charged with committing in the way the panellists expected them to. Usually the children just shook or nodded their heads, or gave one word answers. This reaction by Aboriginal children was in fact an expression of shame. However, the panellists interpreted it as defiance and disrespect.

Panellists often dealt with this situation of perceived non-compliance by answering the questions they asked, themselves. For example, welfare officers often enquired:

Do you know what you did was wrong?

When they received no reply they would comment:

Yes well you do, don't you!.

The panellist would then proceed with a lengthy lecture on why offences such as *breaking and entering*, for example, were not acceptable if the child intended to live by the rules of society.

The same pattern of procedures was followed whether the welfare worker was Aboriginal or not. Aboriginal welfare workers took on the roles of the authority structure of the wider society in which they operated.

Despite such apparent compliance with the norms of the legal and welfare bureaucracy, however, the Aboriginal welfare workers I spoke with frequently did not agree with how Aboriginal children were treated at Panels. They were acutely aware that the methods used by panellists were very often contrary to Aboriginal cultural norms. Nevertheless, as I have already argued, these workers were under pressure to conform to the bureaucratic structures of their department as part of their job requirements. To compensate, these workers would often speak to Aboriginal clients in Aboriginal-English or in a way which softened the formality of the Panel procedure, but did not compromise their position. While the Aboriginal welfare worker's intentions to protect Aboriginal children from the vagaries of the juvenile justice process may have been honourable, their treatment of them was nevertheless patronising. By way of example: in an attempt to elicit information about a young Aboriginal boy's role in a *malicious damage* offence the Aboriginal worker presiding on his Panel asked him:

Youse boys was in that house wasn't you?

Earlier I introduced the concept of shame as being a social construct which pervades the every-day actions and interactions of Aboriginal people. A group of Aboriginal children described what shame meant to them in the following ways:

People staring at you — 'shame job'
One Aborigine and all the white kids outside
Feel angry inside, feel shame — hurt feelings, feel mad, annoyed
Think that they [white people] are too interested in what your doing and its none of their business
They [white people] think they're good, they think its their business, but its not. 'Cause they think they're tough. They think they can stop you.

These children identified shame as an emotion felt when their autonomy and individualism was being scrutinised by outsiders whom they believed had no social authority to question their behaviour.

Despite the existence of rigid rules on social behaviour, kinship obligations and child-rearing practices, Aboriginal people in Port Augusta are encouraged and expected to retain a solid boundary around the self. This boundary constitutes their individualism. Aboriginal personal autonomy is so pervasive that, as Brady has stated:

The acceptance of personal autonomy and the unwillingness to impose one individual's will on another exists to such an extent in Aboriginal society that individuals are, at times, allowed to harm themselves, and to disrupt the flow of daily life for others (1992: 72).

Still the tensions between fulfilling one's kinship obligations and retaining one's own identity remains a precarious tightrope to walk along for many Aboriginal people (cf. Collmann 1988; Brady 1992). Among Aboriginal people living in Port Augusta it was very rude to ask directly the intentions of another's actions. Individual autonomy should not be questioned as it is sacrosanct. Shame, therefore, is intrinsic to Aboriginal methods of social organisation. It is no wonder then that the perceived intrusive questions panellists asked of Aboriginal children, most notably from those panellists who were not Aboriginal, provoked an embodiment of shame from these children.

Aboriginal people show a physical expression of shame by lowering their head, averting their eyes and 'closing' the ears. By doing so, they avoid incorporating the shameful behaviour of others who are seen as acting in an inappropriate manner. These physical expressions protect the individual from another's inept social behaviour. Yet, at the same time, Aboriginal people also feel shame on the behalf of others. This is so because the other person is believed to be acting in a manner which is 'ignorant' of correct social behaviour.

'Ignorant' was a word used by Aboriginal people in Port Augusta to describe, with emphatic disdain, someone who acts with stupidity and without knowledge of accepted social rules. Yet it is recognised that such unacceptable social behaviour is most often not the other's fault as they no know better. This is particularly the case with drunk people. To get drunk is to lose shame (cf. Brady 1985; Collmann 1988; Sackett 1988).

In this state individuals are 'permitted' to overtly overstep social rules in order to achieve particular ends.

For example, in my observations if an Aboriginal woman wanted to verbally abuse her sister or female cousin for not caring for her own children correctly she would get 'charged up' before she confronted her. The woman could not state her dissatisfaction so openly if she was sober and would have to find a more subtle and indirect method to let her sibling know of her displeasure. Similarly, Aborigines I mixed with saw most white people as being 'ignorant' of polite behaviour. They were identified as rude and intrusive. In Children's Aid Panels this situation was particularly acute. Thus, an interesting twist occurs in the enactment of CAPs. The behaviour exhibited by Aboriginal children is an expression of their feelings and understandings of shame. Yet this behaviour was far removed from the panellists expectations of the bodily constitution of shame and remorse. In fact, it was the opposite. Both parties, therefore, viewed the conduct of the other with contempt. And this misalignment in understandings was a major factor in the incorporation of Aboriginal children within the juvenile justice process beyond the CAP stage.

Children's Aid Panels as I have already pointed out, were designed to protect children and their parents from the public shame of the more open forum of the Children's Court. The form of shame the panellists operated with was based around the notion of community and family shame. To be brought before a court had the potential of bringing disrepute on an entire family.

Aboriginal shame, however, focuses on the individual. Aboriginal parents identified the activities for which the police charged their children as an issue for the welfare department to work out with the children concerned. They did not see such activities as a personal or family concern for which they had the responsibility to rectify. Similar situations have been reported by other writers working in different areas, including Morice and Brady (1982) and Tonkinson (1982). Unlike with many families who were not Aboriginal, welfare involvement for Aboriginal people was not usually seen as a source of stigma or punishment for the entire family. Neither was it seen as a threat to

an Aboriginal family's standing in the wider community as it often is for other families. Indeed, criminal behaviour was not intrinsically shameful for many Aboriginal families. It only became a source of shame in their conversations and dealings with non-Aboriginal people. Aboriginal people were acutely aware that in these interactive contexts they were often being judged by other people who were not Aboriginal. It was this scrutiny of their personae which engendered reasons to exhibit and feel shame, it was not the 'criminal' history of their families.

It was in these interactive contexts with welfare and legal agents that Aboriginal parents felt shame for these people. They were aware that non-Aborigines felt ashamed about criminal activity. Aboriginal parents and their children would often feel a sense of sympathy for the feelings of these workers. They would show shame for them and feel 'sorry' for them. They took on the shame of these workers and they felt empathy for their feelings. This could occur because shame for Aborigines is an emotion felt on behalf of others (cf. Myers 1986). At the same time, Aboriginal people were also well aware that other people constantly judged them by very different standards than their own. In order to avoid conflict, and often to achieve their own ends, they would often agree with the decisions of the welfare workers and police officers working on their Panel.

Panellists received little support from the families of Aboriginal children in their endeavours to elicit remorse for the acts done. In all of the Panels I observed, Aboriginal adults who had accompanied a child would physically remove themselves from being involved in any of the interactions between the panellists and the child. They would sit at the back of the room or near the door and would distance themselves from the proceedings. Aboriginal family members would usually not voluntarily enter into any conversations with the panellists. They would also avoid eye contact with them or they would use other children they had brought along as a distraction. If the parent or guardian was brought into the conversation and asked about parental control over their child, they commonly replied that their children did what they wanted, they were old enough to look after themselves, and parents could not tell them what to do. If goaded by the panellists an Aboriginal parent usually agree with them that their child

should not mix with particular youths. Yet, they would always point out that they had no authority to stop them. These children were their own bosses.

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Even though the *Children's Protection and Young Offenders Act* was considered at the time by legal and welfare professionals to be an advanced form of social justice for wayward youths, its advancement upon previous acts were not necessarily filtered down to the people it was imposed upon. Welfare intervention was perceived by many Aborigines in Port Augusta along much the same lines as it had been in the past; that Welfare assumed the responsibility for issues concerning Aboriginal children and their interaction with the wider society, including their education and involvement with the judiciary. Many parents and grandparents I spoke with had in the past had children in their care put under the guardianship and control of the Minister for Community Welfare because investigations alleged that the children suffered neglect in the home environment. Once the children were returned to them, the parents would often expect the Department for Community Welfare to take over the responsibility for their care again if the child was in trouble with the law or if the family was having financial difficulties.

I illustrate this type of scenario with the case of a grandmother who was given custody of her daughter's four children. Her daughter was considered by the welfare department as unfit to care for her children because she was classed by them as a chronic alcoholic. The grandmother, daughter and grandchildren all lived in the same house. It was at a time when the mother's children were being interviewed frequently by the police over an incident of *wilful and malicious damage*, that the grandmother approached the Department for Community Welfare to see if she could arrange short term foster placements for her grandchildren as she felt she could no longer cope with their behaviour.

The grandmother did not get her wish. The welfare workers I spoke with told me they no longer placed Aboriginal children in foster care without careful investigation to find suitable foster families from within the Aboriginal community. Government welfare organisations across Australia were facing intense criticism from Aboriginal people at

this time for their previous policies of removing Aboriginal children from their relatives' care. Yet these policies of removal of Aboriginal children had usually happened without *any* consultation from Aboriginal families and other relatives. In the grandmother's instance, she *herself* was requesting the foster placement of her children. What her request did achieve, however — and it was no doubt not her intention — was an on-going and intensified intrusion of welfare officers in the lives of her family members. After the Children's Aid Panels at which her grandchildren appeared, these children were placed on an intensive youth program with the Youth Project Centre run by the Department for Community Welfare. As I discuss in chapter seven, the Youth Project Centre provided an avenue by which welfare workers were able to observe the activities of adult members of the Aboriginal population through the intense surveillance of their children.

The lack of 'appropriate' concern shown by Aboriginal people, particularly the adults who accompanied children to Panels, was judged by panellists as symptomatic of wider cultural traits of Aboriginal people *per se*. They perceive parental neglect of their responsibilities to rear and socialise their children to standards equivalent to those of the wider population as being attributable to wide-spread alcoholism among them. Indeed, as I show, this negative characterisation of Aboriginal people arises time and again in contexts where Aboriginal people interact with legal and welfare agents. Importantly, therefore, criminal activity among Aboriginal children was considered by most legal and welfare workers as an inevitable response to the social conditions in which these children were reared. Furthermore, the high appearance rates of Aboriginal children at Children's Aid Panels was seen as proof of this. Yet, it was the common-sense understandings of Aboriginal culture which were held by welfare personnel and police officers which were instrumental in this over-representation. The perception of the statistics of Aboriginal over-representation served to constitute a self-fulfilling prophecy.

During Children's Aid Panels, panellists would often point out to Aboriginal children that they were already at a disadvantage in society because they *were* Aboriginal. They would go on to suggest to these Aboriginal children that they needed all the help they

could get to cope in the wider world. Panellists would make recommendations to the child that they should attend a TAFE college⁹ or return to school to improve their chances of employment. It was assumed that such courses of action would keep these children from continuing a 'life of crime'. In some instances, the perceived neglect by Aboriginal parents would incite the panellists to suggest that the parent or guardian might need some welfare assistance. Aboriginal parents would often agree — often enthusiastically — to such welfare assistance. The department's offer to help was not seen by them as a penetration of the family, but as dealing with a single member of the family - the child.

Thus, despite the panellist's attempts to construct Aboriginal children into the accepted frames of reference of Children's Aid Panels, the established processes of Panel negotiations broke down and the situation remained problematic. The child was subsequently identified by the panellists as a likely 're-offender', and became a person to look out for in the future.

To extend Handelman's (1983) argument, the stereotypical views of the panellists subsumed the Aboriginal clients' social reality under their own 'stock[s]-of-knowledge'. These judgments denied the relevance of Aboriginal child-rearing practices and social constructs. Aboriginal youths were automatically singled out as potential offenders before they had even entered the legal and welfare processes. Once there, they were labelled for direct and indirect welfare and police surveillance. Knowledge about the client was built up from their appearances before Children's Aid Panels, and was extended when the panellists discussed the case after the Panel with other welfare and police officers. By this method, Aboriginal children became 'known' as juvenile offenders. The development of an informal and formal case history was initiated which, by necessity, involved extended police and welfare intervention.

⁹ TAFE colleges (or colleges of Technical and Further Education) have been set up by the South Australian government to provide vocation orientated education courses not covered within the secondary and tertiary systems for young and mature adults.

'Real crooks' and bad children

A minority of children who were not Aboriginal and who came before a Children's Aid Panel were considered by the police officer presiding to be potential long-term offenders, or to come from an 'undesirable' family background. This assumption was based on the police officer's previous experience with the child (for example, he may have come in contact with the child while on a police patrol and he may have had to issue warnings on occasions relating to the child's behaviour in public), or with the child's parents or siblings, who may have committed offences in the past. If this was the case the police officer presiding would make comments such as:

I've had dealings with this kid's father before. He's a real crook. I don't expect the kid will turn out much better.

While these children were generally "counselled and warned" by the panellists, it was presumed by the police officer that this would not be the last occasion that the child would turn up somewhere in the juvenile justice process. They saw the result of "counselled and warned" as merely stalling the inevitable. While these non-Aboriginal 're-offender' delinquent 'types' were considered an exception to the rule, however, as I have shown for Aboriginal offenders this characterisation was considered typical.

The majority of such cases involving children who were not Aboriginal were treated very differently. In a few of these, the police officer personally knew the family and child involved. Many police and their wives participated in social activities in the town, such as sport and service clubs, and church groups, or spent evenings at the Port Augusta hotels. Because of such socialising they inevitably became friendly with many local town residents. Such personal experience of a family enabled the police officer presiding at a Children's Aid Panel to make positive value judgements on the family and child before them. In Panels I witnessed where this was the case the police officer would often make comments that the child came from a 'good upstanding background' and that their parents were respected members of the Port Augusta community. In almost all of these cases, the police officer took over the control of the Panel from the

welfare worker. It was in fact in their best interests to be seen to be treating such children leniently if they were to remain in favourable social contact with the family.

Police officers would make comments prior to a penalty decision being reached such as:

Well they seem to be a good family” or concerning the child, “You’ve obviously had a good upbringing and what you did was out of character.

It was assumed that the offence committed by the child was a one off event due to peer pressure and was just part of growing up. The child was treated with leniency. He was given a lecture on the disgrace and the potential disrepute he had brought on his parents as a consequence of the crime he had committed, and a result of “counselled and warned” was then recorded.

In one Panel, the Police officer had even gone so far as to visit the child and family with whom he was personal friends, at their home at the parents’ request prior to the Panel hearing. This was outside of normal Children’s Aid Panel procedures. As the Panel unfolded it became clear that during this informal visit the police officer had given the child’s parents the reassurance that their child would be given special treatment at the Panel.

In Panels where the non-Aboriginal children and their families were not known to the police officer or welfare worker in either of these two ways, the character of such children and their families had to be established during the actual Panel proceedings. In some instances, the family may have been recognisable to the panellists because they owned businesses in Port Augusta, or were involved in community organisations. These cases were treated in much the same way as the previous cases, with the panellists displaying respect and deference to the community status of these clients. Alternatively, a family and child were judged on the way each member presented themselves to the panellists. For example, if it was obvious that the family had ‘dressed’ up for the occasion, this was taken as an indication of their respect for the authority of both the panellists as workers of the legal and welfare bureaucracies, and

the juvenile justice process. The panellists would frequently make comments to this effect once children and their families had left the Panel room.

But the most important means of establishing an outcome to a Panel which was acceptable to the both of the panellists as well as the clients was through the process of negotiation between the two parties. For the panellists this required the restructuring of children back into the milieu of family control and discipline. For the child and family it meant the avoidance of any form of welfare intervention. It was during this process that delinquent 'types' were defined and various strategies developed to reincorporate clients into accepted social mores. Such 'types' were based on common-sense understandings derived from the day-to-day contact these officials had with the community and which were informed by over-arching ideologies. For example, welfare and legal personnel would refer both to their training and to less direct avenues such as media reports on the nature and frequency of crime, as a means to justify the form of interaction taken.

Far from these sentiments being their mere opinions of the state of the world however the views of the panellists found sanction in the very bureaucratic rules of the justice process in which they operated. The panellists saw themselves as the 'experts' qualified to pass judgement on the families and children who came before them. For unlike their clients they *had* received 'training' to identify the constitution of delinquency, a form of knowledge to which they believed their clients had no access (cf. Handelman 1978).

Donzelot (1980) has argued that 'the Juvenile Court is a visible form of the State as family, of the tutelary society'. The family becomes the focus of penetration for social control by the State. As the power of the family has been reduced historically to the level of rearing and supervising children, it is under constant scrutiny for rebellious members; be they 'children in danger' because of their upbringing or 'dangerous children' — 'delinquent 'types' (cf. Warrell in press). Tutelage embodied in the public sphere through education, juvenile law, medicine and psychiatry, becomes a means of establishing and reinforcing social norms in the private sphere of family life. This was

reflected in both the philosophy of the *Children's Protection and Young Offenders Act* and in its enactment through Children's Aid Panels.

Importantly, these elements of the judiciary were also symptomatic of wider shifts in the Australian Welfare State. Graycar (1983); Cass and Gaide (1983) and White (1990), have argued that in the late 1970s and early 1980s Australian governments shifted the responsibility for social support services for the disadvantaged onto the family arena with its structures of obligations and dependencies, as well as private organisations. At the same time, however, structures still existed within State welfare organisations directed towards intervention and substitution for such family support systems if these were seen to break down.

Children's Aid Panels helped to re-establish families within the existing social structure by reinforcing notions of correct and acceptable child-rearing practices. At the same time, they placed the onus of responsibility for a child's future behaviour back with the family unit. This was achieved through the process of negotiation between the panellists, the parents and the child. There was a standard format followed at each Panel. It was explained to the child and their parents that the purpose of the Panel was to find out why the child had committed an offence, the circumstances surrounding the offence, and to elicit any family 'problems' it might reflect. To extract this information a set of questions was asked at each Panel such as:

Did you know what you did was wrong? Why did you do it?

and

How do you feel about damaging some one else's property — you wouldn't like it if someone did it to you, would you?

and so on.

Most non-Aboriginal children and their parents seemed to answer these leading questions in a manner which satisfied the panellists. For example the welfare officer would comment:

And what will you do next time a group of your friends suggests that you should all go and steal something from the shop?

The child would invariably answer along the lines:

I will walk away and ignore them.

The welfare worker would then comment:

Yes, you'll walk away, it takes a man to walk away rather than go along with somebody to steal something.

If there were any anomalies in the response the child was given a lecture, or suggestions were made to their parents about how they might spend more time caring for their children.

Occasionally, the panellists would ask directly if a family needed help to discipline their children. But more often the parents would be offered more subtle suggestions about how to change their current practices. For example: enquires were made as to how often a father was away on business from the family home. The implicit implication being the child was offending because they lacked paternal parental supervision. To avoid possible welfare involvement in their family life, the parents generally responded to these enquires by indicating their concern and responsibility for their child's future, and vowed to change any habits, the panellists deemed as unhealthy for their child's well being. In their attempts to convince the panellists of their worthiness as parents they would also emphasise factors such as their own employment status, that the child was doing well at school, and that their siblings were not in any trouble with the law.

As a result of these processes of transactions in understandings the panellists most often identified these non-Aboriginal children as being 'once only' offenders who were unlikely to offend again. This was particularly the case because the panellists considered such children to come from respectable family backgrounds. Rarely in the cases I observed were these children placed on undertakings involving welfare supervision. If this did happen, it was generally after the child had appeared before a Panel several other times. In these instances, the ability for the parents to adequately socialise their child was seen by the panellists to have broken down. Therefore, appearances of children who were not Aboriginal were generally considered to be routine and straight-forward by the panellists. They expected the end result to be

compliance by the children and their parents. This situation, in turn, rendered the process of negotiation between the clients and panellists unproblematic.

Conclusion

The processes of differentiation in the treatment of Aboriginal and other children at Children's Aid Panels set the stage for the development of different 'criminal' career patterns for them within the perimeters of welfare and legal processes. Aboriginal youths were labelled by panellists as being more likely to 're-offend' and to commit more serious crimes against property than other children who were sent to Children's Aid Panels. In the next two chapters, I discuss how it was the perceptions held by welfare workers and police officers which were instrumental in determining how Aboriginal children were differentially treated compared to other children in the next stages of the juvenile justice process. It was through the stereotypical characterisations of the social life-styles of Aborigines by welfare and legal agents that Aboriginal criminality became defined as 'natural'. Aboriginal responses to the legal and welfare processes merely served to reconfirm such views.

Yet such responses were predicated on the interactions between the panellists and the Aboriginal children and adults who attended the Panels. For these people, Children's Aid Panels were merely another manifestation of the historical relations between Aborigines and the dominant Australian society. Children's Aid Panels thus instituted the social contexts within which Aboriginal people continued to play out methods of manipulation and resistance to welfare and police surveillance of their lives. In their expressions of shame, however, Aboriginal children actually established the conditions for their reincorporation within the processes of the legal and welfare bureaucracies. For those children who were not Aboriginal, on the other hand, an expression of shame for their behaviour hastened their freedom from the surveillance of the very same processes.

CHAPTER 6

'Natural' criminality: an exploration of the Children's Court process in Port Augusta

Children's Court a big mob of people, and have to tell a story, tell them what happened and then [they] make a decision on it.

Aboriginal boy aged 11.

Introduction

This chapter is about the formation of, and belief in, different 'knowledges'¹ of the legal process as it operated in the Port Augusta context. In the previous chapter I discussed the tensions which existed between the police and welfare representatives in their treatment of young offenders during Children's Aid Panel sessions. Despite their different philosophical standpoints they nevertheless operated within the same overarching Juvenile Justice framework which linked welfare and legal concerns (cf. Bourdieu 1987). In the light of these connections between the law and welfare in the juvenile justice process I have focused on the development of notions of criminality by legal and welfare officials which they have used to justify welfare intervention. Children's Aid Panellists established a 'normality' of Aboriginal juvenile crime through interpretations of the character of Aboriginal defendants in opposition to models of the 'typical' white child and family who attended Panels.

Yet, as I argued, these characterisations of what is supposed to constitute Aboriginal offending behaviour were problematic for Aboriginal welfare workers, not to mention

¹ My use of the term knowledges to describe the different formulations of understandings about aspects of the social world among Aborigines and other people has been inspired by both Bourdieu (1973, 1987) and de Certeau (1984). Following Bourdieu I analyse the exclusivity of legal knowledge as it is used and understood by the agents who operate within its fields of action. Yet I also look at how Aboriginal people who become entangled within the legal and welfare networks of the State develop their own knowledges about these processes.

As de Certeau has made clear, many different knowledges are possible within the boundaries of the same structure. The precepts of the legal field such as the Children's Court and Children's Aid Panels demand a very particular knowledge from legal and welfare professionals to operate within them. This knowledge remains dominant because it emanates directly from its source, the law. Aboriginal children and their families are not privy to the same means of acquisition of this knowledge. Nevertheless, their different knowledges about these processes are inspired by the very same institutions which are a part of it, including the Children's Court and Children's Aid Panels.

the stresses of the inconsistencies and contradictions in interpretations they caused for Aboriginal children and their families. I now take as a setting the Children's Court process to explore further the social effects of the very different interpretations of the legal and welfare systems by Aboriginal people, welfare workers, legal representatives and the police who operate within it's fabric. Again I follow the same path as those children who have entered the juvenile justice system and are journeying through it's separate stages. But I do not take the institution of the Children's Court for granted, unproblematic and as 'natural', as they do. Rather I use their journey as a means to examine the different contexts and perspectives (or points of view²), from interviews at the Aboriginal Legal Rights Movement (ALRM) to standing in the dock in court, in which meanings of crime, resistance and the law are constructed and articulated. In so doing, I also present a de-construction of the very bureaucratic and legal processes in which these 'knowledges' gain meaning.

The 'great shoe store robbery'

They broke in to get shoes, there was nothing else to break into so they decided to break into the shoe shop. It was easy anyway cause - well they jumped on the roof and the roof part was nearly already open anyway - so they decided to get through there. There was about a thousand or something dollars worth stolen in shoes... They got some of them back, some of them they didn't get back. [The story was all around town] and the shoes were all around town too. Most of the kids going to Court today were going for the shoe shop. There was about fifty kids who went in there and got shoes and ran out, and half the shoes were given out, half the kids just broke in and messed the place up. There was some white kids too off the streets and the ones who came out of the pictures you know and they just ran in there and stole a couple of shoes and ran off. Yeah, it was about 10 o' clock at night, and the owners didn't know anything about it until Sunday night [the following night], it happened in the main street and everybody was just stealing shoes and running out the door with them (Aboriginal girl aged 14).

The 'great shoe store robbery' was a major event for legal and welfare agents who worked in Port Augusta in 1986.³ It generated a flurry of frenetic activity in all sectors

² Here I am using term 'point of view' in the manner of a fiction writer or filmmaker. In these professions 'point of view' refers to the perspective from which the film or piece of written fiction tells it's story. For example the film 'The Piano' told the story from the mute women's point of view. I am *not* using 'point of view' to indicate an opinion. Thus, for example, I examine the meanings of ALRM interviews from the 'point of view' of Aboriginal children, as well as the 'point of view' of the white lawyers or Aboriginal legal workers who conduct them.

³ I have also analysed the events surrounding *The Great Shoe Store Robbery* in an article by that name published in *Oceania* (Hutchings 1993)

of the juvenile justice system, from the police working the streets and assisting with Children's Aid Panels, to welfare workers attempting to find placements for 'delinquent' children, to lawyers protecting the interests of their clients. It also became a regular theme for a time in the Children's Court. Indeed, the 'robbery' created such a sense of moral outrage among some members of the police force in the town that, as we have seen with the case of Jason, it dramatically affected many of their subsequent dealings with Aboriginal children. The *Transcontinental*, the local Port Augusta newspaper, described the incident thus:

Thieves walk out in style: There were some well shod thieves in Port Augusta following a break-in on Friday night at Jones' Shoe Store, Commercial Rd. Five juveniles aged between 14 and 16 have been arrested for the theft of about 21 pairs of shoes, valued at more than \$1100. Five others, aged between 15 and 20 were reported for shop-breaking and larceny. Two juveniles have also been reported for receiving stolen goods. A police spokesman said several other people were expected to be questioned about the theft. The theft followed another break-in on Wednesday night which was not reported to police until Saturday morning. Police believe one person was involved in the incident - in which two pairs of shoes were stolen - then returned with a group of friends on Friday. One of the thieves allegedly climbed through the roof of the building and let the rest of the group through the back door. The five juveniles arrested have been released on bail and will appear in court later this month (*Transcontinental* February 4, 1987).⁴

In contrast to the cynical and moral tone of the white dominated Port Augusta establishment the event was a major 'coup' of adventure for Aboriginal children. The incident itself occurred in the main street, a block away from the Police Station. Most of those eventually charged were not apprehended until the following week. Significantly though no non-Aboriginal children connected with the robbery appeared before the Children's Court.

⁴ The story was also reported in *The Advertiser's* northern country edition (*The Advertiser* is Adelaide's daily newspaper) a day earlier. This article detailed slightly different statistics and read as follows:

12 charged over shop break-in: Port Augusta police arrested one adult and 11 children after a shoe shop in Commercial Road, Port Augusta, was broken into at the weekend. A police spokesman said the group, ranging from 12 to 21 years allegedly had broken in the E. H. Jones and Sons shoe shop through a rear door on Saturday and taken shoes worth \$1104.90. Police later arrested and charged a 21-year-old Port Augusta man with shop break and larceny and reported six males, ranging from 12 to 17 years also for shop break and larceny. On Sunday two females and two males, all aged 16, were arrested and charged with shop breaking and larceny. Another youth, 15, also was charged with receiving stolen goods. The shop also had been broken into the previous Wednesday night. Police did not suspect an organised racket but were looking for other suspects over the break. All those arrested had been bailed to appear in Port Augusta Court on February 17.

The event became the topic of gossip and jokes among Aboriginal children for some time after it occurred. The ease with which the crime was carried out was often remarked upon, and a number of children were wearing the spoils of the escapade long after the court cases were over. As the young girl's rendition of the event illustrates, the children were well aware that they had subverted, to some extent, the State legal process. They had also disrupted the operations of a non-Aboriginal run business and in so doing had challenged the covert racial hierarchy operating in the town. Port Augusta's private sector economy was dominated and controlled by the non-Aboriginal population. In fact, it was via commercial enterprise that many of the racial divisions within the town were maintained, as Aborigines were surreptitiously denied access to this sector of the economy. Instead, they were confined to the public arena of government organisations associated with Aboriginal affairs (cf. Jacobs 1983).

To subvert Port Augusta's hierarchy of power was important then as most Aboriginal children saw themselves to be under constant police surveillance and by extension the surveillance of the entire population of the town (cf. Foucault 1977). Many of these Aboriginal children resented attempts by particular police officers to befriend them. It was assumed these officers only wanted to elicit information about other Aboriginal children who may or may not have been involved in legally defined illicit activities. Even those Aboriginal youths who had not previously been in contact with the legal system were complicit in their celebration of the humour of the event.

The activity was also affirmed by some of the parents of those children involved: they laughed about it and did not believe their children would suffer any severe legal sanctions as a result of their involvement (cf. Cowlshaw 1988:235-236). Rather they admired the children's ingenuity. For, as even the *Transcontinental* item attests, the stage for the crime had been set the previous night when two Aboriginal boys had climbed through the roof of the building and unlocked the back door. Also jokes abounded about the incredible places in which the shoes were hidden. In one instance, a pair of expensive exercise shoes was stuffed into a flower box in the main street. The mother and daughter who told me about this laughed uproariously at the irony that the shoes had been hidden without being found for over two weeks after the robbery took

place almost right outside the police station door. The image portrayed was of a bunch of police officers running around looking for a pair of expensive shoes that were slowly getting ruined in the weather, but the police were too stupid to look right under their noses.⁵

However, while these stories and renditions of events, which affront established White social norms, affirm an Aboriginal exegesis, they are silenced by those versions espoused by members of the official State legal and welfare systems. As I show, even when Aborigines *were* able to explain their version of events in their own words in some official settings, such as in Aboriginal Legal Rights Movement interviews, their views invariably became reinterpreted back into accepted legal language (cf. Bourdieu 1987). And it is, of course, in the interests of the police to reconstruct these incidents in such a way as to reinforce *their* established interpretations of Aboriginal juvenile crime. The police interpretation must remain the dominant and official interpretation, not the interpretation expounded by the Aboriginal children to their friends and relatives.⁶

Interviews at the Aboriginal Legal Rights Movement

Aboriginal people in Port Augusta, and in South Australia generally, always have the right to be represented by the Aboriginal Legal Rights Movement.⁷ Rarely during my field-work would Aboriginal juveniles and/or their parents or guardians refuse legal

⁵ No doubt there were some Aboriginal people in Port Augusta who did not see the 'great shoe store robbery' in this light, and they may have even disapproved of it. Yet, no one I spoke with expressed these views.

⁶ In the court-room setting the police interpretation, as it is presented by the prosecution, may be challenged by the defence on the basis of interviews held with the children involved. Nevertheless, the case presented to the court by the defence is also a reconstruction of the defendant's version which not only coincides with the rules of court procedure but, as I argue, actually reinforces a view of Aboriginal juvenile criminal behaviour as normal.

⁷ The Port Augusta office of the Aboriginal Legal Rights Movement was opened in 1977, six years after the establishment of the Movement in South Australia (Wanganeen 1986). The ALRM in South Australia was based on the structure of the Aboriginal legal service in New South Wales which had been set up a few years previously to cater for the legal requirements of Aboriginal people in that state (O'Neil 1982; Wanganeen 1986). At the time I conducted field-work the ALRM in South Australia operated both a criminal and civil legal service. Recently the ALRM has added a Native Title section to these other services and this section operates from the central office in Adelaide

representation by the Movement. Aboriginal people I spoke with in the town saw it as their unquestioned privilege to be represented by an Aboriginal Legal Rights Movement lawyer. Other juveniles were much less likely to be legally represented than Aboriginal youths and this in effect excluded one avenue for the construction of mitigating circumstances for them. During the period of my research, 50 per cent of all non-Aboriginal juvenile appearances at the Children's Court were legally represented. Whereas for appearances of Aboriginal children, 90 per cent were represented (usually by the Aboriginal Legal Rights Movement).

As Gale *et al.* point out, however, legal representation is often a mixed blessing. These authors found evidence to suggest that lawyers were at least partly responsible for the high level of adjournments of Aboriginal cases (Gale *et al.* 1990:100-101). I contend that the contradictions in the 'blessing' of a legal system designed exclusively for Aborigines actually went a lot deeper than this. For as I show, Aboriginal 'clients' received a standard of service which was compromised by the differences in the knowledges of the legal system held by its agents and many Aboriginal people.⁸ Yet it is a service few Aborigines I spoke with would give up as they saw it as, very much, *their* organisation.

If an Aboriginal child had been sent to the Children's Court by a screening panel, the Aboriginal Legal Rights Movement was often the last to know. This occurred despite an agreement between the police, welfare and ALRM that the organisation be informed of any Aboriginal cases expected to appear before the Children's Court. According to the ALRM lawyers I spoke with, in most cases they did not know which clients they were expected to represent until the cause list was posted by the magistrate's court. This meant that very often Aboriginal defendants were not interviewed by a lawyer

⁸ The Aboriginal Legal Rights Movement was dependant on Federal government funding through the DAA at this time. The organisation's lawyers and Aboriginal staff with whom I spoke often lamented to me that their service and standards were restricted by what they believed to be a low annual budget. While this constituted a major reason for a low level of service delivery in the eyes of ALRM employees and many of their clients, the economy of budgets masks deeper contradictions between Aboriginal people as clients dependant on the overarching State legal and welfare processes and the agents who administer these bureaucracies.

until the very day they were expected to appear.⁹ This situation led to rushed interviews, often conducted on a bench outside the courtroom or in a small office provided by the court. Generally, however, the interviews were conducted in the lawyer's office at ALRM on the morning the child was expected to appear in court.

The structure of the interviews, whether at the ALRM office or outside the courtroom, I submit, allowed very little space for the child to present their story as a legitimisation of the events with which they had been legally charged. Rather, the obligation was on the lawyer to get the most suitable rendition of the events to mount a legal defence to present to the magistrate in the short space of time available. The lawyer's reconstruction of events then became the 'legitimate story'. In this context Aboriginal children became invisible as individuals as their legal counsel lifted them out of their personal history of the events in which they came into contact with the police, and reconstructed them into a client for the defence.

In one ALRM interview, for example, an Aboriginal girl, Diedre, aged fourteen, provided her version of events surrounding an offence of *unlawfully set fire to grass* [sic]. She admitted that she had played a part in this incident. She also said she had carried it out in the company of two other Aboriginal girls. But what she wanted to get across quite strongly to the lawyer conducting the interview was that she played a part in setting the fire because of her loyalty to her friend who was one of the other of two girls involved. Her friend was infatuated with a Port Augusta police officer and the friend believed by doing something dramatic she would get his attention and get closer to him. Diedre explained it to the lawyer this way:

Rachel is now in SAYRAC.¹⁰ I did it with another girl too. Rachel wanted to get into trouble for a policeman that she likes.¹¹

⁹ This pattern was repeated in other country towns, including Coober Pedy, Whyalla and Oodnadatta, where ALRM travelled to represent Aboriginal clients.

¹⁰ The South Australian Youth Remand Centre located at Magill, a suburb of Adelaide.

¹¹ As I pointed out in chapter three, Aboriginal children often form what they believe to be familiar relationships with particular police officers. I explore further the tension which existed between the police in Port Augusta and Aboriginal children later in this chapter.

Yet such premeditation did not look good as an argument for the defence. During her ALRM interview the lawyer re-fabricated her story as she spoke. He would say things like:

So it was really Rachel's idea to light the fires? And she ran off when you couldn't put them all out?

The love interest in a policeman by Diedre's friend, the kernel of her reasons behind the escapade, was lost as the story was legally reinterpreted. In the Children's Court, Diedre's story was reconstructed further to make her appear a naive victim of the strong-will of her friend. Despite a plea of guilty, the magistrate was told it was Rachel who was the main instigator. Rachel was constructed as already criminal because she was serving time in SAYRAC. The implication of the Defence Counsel's argument was that Diedre was 'virtually' innocent because she had been led astray by a person who had now been established as criminal.¹² Diedre's social circumstances were also brought up as further evidence of why she became involved in the escapade. It was pointed out she came from an unstable home environment with no permanent parent figure available to her. In his concluding remarks the lawyer said:

Diedre is from an unstable home environment as she has been living with different people over the last year. She has been led astray, I therefore ask Your Honour for leniency in this case.

In another example a young Aboriginal boy aged ten, charged with the offences of *wilful damage, larceny and illegal interference with a motor vehicle*, was accompanied by his father to his ALRM interview. After the interview, the father told me he was angry that the lawyer had not listened to the reasons he and his son had given for the commission of these misdemeanours. The lawyer was told by them that the boy had stolen because his family house had recently burnt down and he was trying 'to make things up' again. The father suggested the lawyer was more interested in

¹² I had also observed Rachel's Children's Court hearings. She, too, was portrayed as a victim of her social circumstances. I point out later in this chapter the implications for the movement of Aboriginal children through the juvenile justice system of the construction of them as victims of their social circumstances. In this particular case, however, Diedre was being constructed as a victim of another Aboriginal girl who, in turn, was constructed as a victim of her Aboriginality in other legal settings.

trying to scare his son and make him understand what penalties were attached to each of the charges, than in understanding why he did what he did. I propose that the lawyer was in fact giving the young lad a lesson in the 'correct' interpretation of the law.

In this instance, and in many other interviews I observed, the lawyer would be intent on pointing out the maximum penalties a child might face for any particular offence. Additionally, the lawyer would sternly tell the child what the penalties would be if they were to appear in court as an adult. No doubt, the lawyers were carrying out a duty of their position by informing a child of the possible penalties which could be imposed. Yet it was achieved in a manner which negated the child's understandings of what they might or might not have done. Rather than making the legal process more comprehensible for the child as was intended, these interviews only added to a 'distorted' view of the legal system as the children reinterpreted the information they received from the lawyers into their own schema of the process.

This activity is a classic example of what Bourdieu (1987) has described as the institution of "judicial space". As he puts it:

In reality, the institution of "judicial space" implies the establishment of a borderline between actors. It divides those qualified to participate in the game and those who, though they may find themselves in the middle of it, are in fact excluded by their inability to accomplish the conversion of mental space — and particularly of linguistic stance — which is presumed by entry into this social space (p828).

But, in the Port Augusta context, as I demonstrate, there is much more to the tensions existing between ALRM lawyers, as members of the State legal system, and the Aboriginal people with whom they work and whom they legally represent. Bourdieu argues that the State uses symbolic violence to enforce a vision of the 'legitimate' social world through the law.

This means in effect that those who have not been trained in the ways of the law can only 'see' themselves through the discourses of those with the appropriate symbolic capital. In this way the expert and the lay-person, despite coming from two different

systems, nevertheless concur on the expected actions within the legal field (Mahar *et al.* 1990:13-14). In my experience Aboriginal children and their parents expected a great deal from 'their' ALRM lawyers. Yet, as the previous examples show, their expectations of what the lawyers should be doing differed markedly from what the lawyers knew was necessary within their field of expertise. I argue, therefore, that the Aboriginal people as 'lay-people' who were coming before the legal system in Port Augusta were far from concurring with a vision of the law that the lawyers, magistrate and the police as 'experts' portrayed to them as legitimate.¹³

Tensions in the Legal Rights office

The tensions between these two 'knowledges' reverberated beyond the client/lawyer relationship. It was also particularly evident within the very structure of ALRM itself. The general administration of the Port Augusta office was operated by Aboriginal secretarial staff and field officers who were from Port Augusta or had lived in Port Augusta for a considerable time. These workers considered themselves to be Port Augusta locals. Yet all the lawyers without exception working from this office at the time of my field-work were not Aboriginal and had moved temporarily to Port Augusta from Adelaide or other inter-state cities to take up their positions. The social background of the ALRM lawyers, therefore, was markedly different from their co-workers, not to mention their clients, from a variety of angles. The lawyers were university trained 'legal professionals' from strong White middle-class backgrounds. The Aboriginal staff received good incomes, they lived in town and were members of

¹³ Lovell (1994) has made a related point in her work on the legal constitution of rape cases. As she points out:

...the legal institution ritualistically and procedurally proclaims itself an arena of specialised knowledge (Lovell 1994:182).

Thus the everyday or 'lay' knowledge of the jurors in attendance at rape trials is carefully bracketed out by the agents of the legal field as tainted knowledge which may effect the impartiality of the trial proceedings. Jurors are thus asked to only utilise the evidence admitted at the trial in considering their verdicts.

Lovell also notes the explicit difference between the knowledge that rape victims expect the agents of the law, including the police, would want to know about their experiences, and the actual expectations of these agents of the manner in which the evidence of that experience is presented to them (Lovell 1994:236-241).

the Port Augusta Aboriginal bureaucracy.¹⁴ All of the staff however, including the lawyers, answered to an Aboriginal majority governing Council in Adelaide through the director of the Movement who operated out of the Adelaide office (cf. Wanganeen 1986:25-26).¹⁵ Thus, the relationship between the Aboriginal staff and the lawyers of the Port Augusta office was ambivalent as the Aboriginal staff believed the lawyers were working for them as Aboriginal people because ALRM was an Aboriginal organisation. Yet, at the same time, they recognised that within the structure of the office itself the lawyers were the bosses, yet, they were White.

The tensions between the lawyers and the Aboriginal staff were expressed in many ways. Like the ALRM clients to whom they were often related, the staff frequently did not agree with the way the lawyers conducted their work. However, their complaints were different reflecting a difference in their structural positions in relation to the clients appearing before the court. This was expressed most succinctly in their disapproval over the way the daily business of the ALRM office was run. For example, some of the staff abhorred the fact that some of the lawyers expected clients to come into the office for interviews when they were 'charged up' (drunk) and sick. These staff felt shame that their fellows should be forced to appear in a place of public business in such a condition. In turn, they felt the lawyers showed no respect for Aborigines by enforcing these rules. There was also disgruntlement that the lawyers expected not only the field staff, but also the secretarial staff to chase after, and find clients who did not turn up for appointments. They felt that the lawyers did not respect the pressures staff were under to complete the jobs for which they got paid. One Aboriginal legal rights worker went so far as to interpret this treatment of the Aboriginal staff as an expression of White racism. This person saw the lawyers as holding a fixed view of Aboriginal people as disorganised and culturally disenfranchised. Some Aboriginal staff also felt that the disrespect these lawyers held

¹⁴ Most of the Aboriginal staff were, in fact, Adnymathanha. As I illustrate in the next chapters, this group dominated government funded Aboriginal organisations in Port Augusta.

¹⁵ At the time of my field-research the ALRM was controlled by a Council of twenty members each of whom was a member of the Aboriginal Legal Rights Movement and who had been nominated onto the Council by an Aboriginal community in South Australia. Port Augusta, however, was represented by two members (Wanganeen 1986:25).

for Aboriginal people received its ultimate expression in the manner in which some of the lawyers dressed. For despite their positions of authority, these lawyers insisted in dressing in unironed, dirty attire even when they appeared in court.¹⁶

Despite the lawyers administrative authority over the running of the Legal Rights office, the day to day activities were very much determined by the priorities of the Aboriginal staff. The staff would avoid undertaking directives from the lawyers if they did not deem them appropriate. This would occur in subtle ways which did not overtly threaten the lawyers' authority. For example, a staff member might not turn up to work on time if they wanted to avoid a particular client interview or other task. On other occasions typing was not done when the lawyer needed it but when the staff member got around to it, which was sometimes days later.¹⁷ Occasionally, the lawyers would be told outright by a staff member that they did not have the time to do what was asked or, what was being asked of them was inappropriate. In these instances, the cultural gap between the two parties was explicitly drawn. For while the lawyers had the ethics and standards of the legal profession and the rules of the legal system to adhere to, the Aboriginal workers had other concerns to consider. In particular, the Aboriginal staff were required to be mindful of their relationships with clients to whom

¹⁶ At one stage a new lawyer came to work for the organisation. Whenever this lawyer was at work in the ALRM office or in court he dressed in a suit and tie. After this lawyer was employed, the atmosphere in the office changed from one of covert to overt efficiency.

¹⁷ Scott (1985) in *Weapons of the Weak* has made the point explicitly that the acts of resistance of those people locked into subordinate social positions are very often couched within the activities of everyday life. He also points out that such acts change and generate different effects depending on the social context in which they are carried out by their executors. Thus, while members of the ruling classes may not suffer overt resistance from the peasants who are bound to serve them, they are nevertheless, often the subject of gossip and slander from among these people. As Scott states:

Where everyday resistance most strikingly departs from other forms of resistance is in its implicit disavowal of public and symbolic goals. Where institutionalized politics is formal, overt, concerned with systematic, *de jure* change, everyday resistance is informal, often covert, and concerned largely with immediate, *de facto* gains (Scott 1985:33).

I discuss other aspects of Scott's theories in another part of my thesis (see page 221).

Other researchers have analysed the forms of everyday resistance among Aboriginal people. Authors such as Myers (1986), Sackett (1988) and Collmann (1988) for example, have suggested that the particulars of a social context is important in determining the form Aboriginal reaction to European domination takes. Sackett notes however, that while drunkenness may have once been a tool of covert resistance among Aboriginal people (cf. Morris 1986), in the settlement of Wiluna in Western Australia at least, Aborigines who are drunk now confidently confront local Whites. I analyse some of the social meanings behind drunkenness for Aboriginal people living in Port Augusta in greater depth throughout chapter eight.

they might be related or to whom they might be in opposition due to political splits between different Aboriginal groups.¹⁸

This did not mean the Aboriginal workers did not take the business of the legal system seriously. It was an on-going concern for them and for Aboriginal people in Port Augusta generally (as the findings of the Royal Commission into Aboriginal Deaths in Custody have shown). Rather their knowledge of it was based on very different precepts.

The inter-relations between ALRM lawyers and ALRM Aboriginal staff were complex and subtle. Many of the staff disapproved of the manner in which some of the lawyers conducted their business and presented themselves through their demeanour and clothes. If the Aboriginal staff had admonished them, this would have been behaviour imbued with shame, just as would admonishing another Aboriginal person. Rather, the workers generally chose methods more acceptable to their own cultural frames of reference.

As I pointed out in the previous chapter in a different context, it is not one's place to question outright another's behaviour. Everyone is their own boss.¹⁹ Other, more subtle methods, must be found to let another know their behaviour is unacceptable. In the ALRM office, such methods included avoidance of a lawyer's requests and also

¹⁸ I discuss the political rifts which existed within the Aboriginal community in Port Augusta during my time in the field in the following two chapters.

¹⁹ In my use of 'boss' I have extended Myers (1986) use of this term. Myers points out the value of personal autonomy among the Pintupi (cf. Sackett 1988). He highlights the tensions which such a value generates within the realm of constant and socially legitimate kinship demands on others. He argues that village councillors, for example, have very little effective power over others precisely because of their kin relations to these others in the community, and because in the eyes of these others they have no greater standing than anybody else. 'Bosses', such as white advisers, are supposed to operate outside of these intense kin networks of the community. They are nevertheless also bound by obligations of reciprocity that they themselves may be totally unaware of.

I have, in effect therefore, conflated Myers terms of 'autonomy' and the social obligations of 'bosses'. In so-doing I highlight the tensions between individual autonomy and responsibility towards others among Aboriginal people in Port Augusta. But by using the term boss I also point to the fact that Aboriginal people are both 'outside' the social strictures of behaviour because their individual autonomy suggest they can act as they wish. But at the same time their actions will have consequences which will effect their relationships with others. Such actions will in time demand obligations towards those others. Their individual autonomy is thus an illusion.

included talking about some lawyers to others just within earshot of the lawyer who was going about their routine business. This is *not* behaviour reserved for white people. I observed many situations where children, and sometimes adults, who were seen as 'ignorant' of an accepted form of behaviour, would be allowed to continue that behaviour. Those around them would indicate their disapproval, however, by talking about the person to others in front of the 'culprit', but never directly to them (cf. Hamilton 1981; Cowlshaw 1982). In one instance, for example, an eleven year old girl was throwing a tantrum because her bike had been given to her young cousin. Instead of scolding her, her aunties ignored her. Occasionally they would comment to one-another:

Listen to that bitch carrying on. Who she think she is crying like that. she not a baby anymore!

However, the subtleties of such 'talking around'²⁰ the modes of conduct of others was often lost on the lawyers at whom it was directed. The lawyers I spoke with commented that they believed the office was run along Aboriginal lines. They saw what they believed to be disorganisation and tardiness as somehow a reflection of Aboriginal cultural norms. Yet their knowledge was frustrated, I suggest, by a lack of in-depth understanding of what were the motives behind many of the actions of their staff. Ironically, the cultural precepts of shame and respect held by the Aboriginal workers at ALRM prevented any explicit cultural lessons for those ALRM lawyers who spent time in Port Augusta. This misalignment in knowledges was also determined by the structural positions of those who worked in the office. The lawyers were technically the office leaders who held the power to recommend to the ALRM Council in Adelaide who should be hired and fired. They also earned more money and held more responsibility within the organisation for what the organisation achieved than the field and secretarial staff. In this capacity, the lawyers had the right to make work demands on their subordinates. The lawyers were also representatives of the dominant state legal system, even if they illustrated a sympathy for the Aboriginal cause by working for an Aboriginal organisation.

²⁰ I thank Lindy Warrell for suggesting this term to me as a description of this aspect of Aboriginal control of social behaviour.

My point is though that despite the power invested within their positions, this power was often tempered by the Aboriginal cultural context in which they worked. In my experience, for example, lawyers at ALRM rarely had the courage to fire an employee for fear of inciting the wrath of the employees' relatives in the wider Port Augusta community.²¹ Many ALRM lawyers felt their success in working for an Aboriginal organisation depended very strongly on the precarious approval they gained from Aboriginal people. Within the restricted, internal realm of Aboriginal sociality in which these lawyers operated Aboriginal power was palpable. For power, as Dirks *et al* have stated:

...belongs to the weak as well as to the strong; and it is constituted precisely within the relations between official and unofficial agents of social control and cultural production (Dirks *et al.* 1994:5).

As Taussig (1987:68-70) has shown, the relationships and shifts between power and knowledge of the so-called dominant and dominated as internalised by social actors, are subtle and exist in a state of flux. In the minutiae of social interaction knowledges and power often become confused and no longer accurately mirror, in their expression, the power structures of the broader social realm. The ALRM lawyers, despite being representatives of the dominant social order, were also subject to the social rules of the very people suppressed by this domination. As this occurred, the lawyers social identity became blurred. Like the debt-peonaged English rubber traders of the Putamayo, the lawyers operated on slippery social ground. They represented 'tainted' members of the dominant society because of their links with Aboriginal people. Yet, at the same time, they were *not* Aboriginal people, even though they had become, unwittingly, subject to their codes of conduct.

My argument surrounding 'the great shoe store robbery' has illustrated methods of opposition and resistance within Aboriginal society in Port Augusta against the imposition of the dominant State legal and welfare systems over Aboriginal lives.

²¹ In only one instance while I was in the field did a lawyer recommend to the board that an employee be fired. The board backed up this decision and the worker ceased work in the Port Augusta office.

However, to suggest that Aborigines in this town were expressing an 'oppositional culture' (Cowlshaw 1988, 1994) in the very aspects of their life-style, I believe, is going too far. Indeed, to suggest as Cowlshaw has, that Aboriginal feelings towards other Aborigines who are drunk, for example, are ones of acceptance and, therefore, the reverse of the White perceptions of drunken Aborigines as disgusting and shameful, is to interpret many aspects of Aboriginal social structure from within the very White social criteria she aims to critique.

I argue, that to say that the uniqueness of town-based Aboriginal life-styles gain meaning *only* in opposition to the dominant White culture and its codes of morality, is to deny its own integrity. Collmann (1988) and Sackett (1988), for instance, have presented the case that Aboriginal drinking patterns not only make statements about the relationships these people have with the wider non-Aboriginal society, they also are determined by the cultural understandings and interrelations exclusive to the Aboriginal social arena in which drinking takes place. Myers (1982) has also demonstrated, in the case of the Pintubi, that Aboriginal models of social relations are used by them as a means to organise and give meaning to their relations with white people. I have shown that in the Port Augusta context Aboriginal reactions to the conduct of white legal and welfare workers were not simply defined by their methods of opposition to domination, they were also expressions of other criteria such as shame and the political sensitivity of a given situation. Aboriginal culture in Port Augusta does not exist exclusively in relation to the dominant White culture, it also exists in relation to itself through the social interactions of its members. Thus, I have shown that relations with the wider White population are very much imbued with the cultural precepts of Aboriginal people's understandings of the world.

The incongruities in the knowledges of the legal and welfare systems held by Aboriginal people, compared to those held by legal and welfare agents who are not Aboriginal, are impregnated with the information Aboriginal people gather about these very systems. Aboriginal children and their parent's interpretations of the legal and welfare systems develop as a result of their interaction with different aspects of the structure. Matza (1964) argues that 'the delinquent' develops knowledge of what the

law should be which is based on similar precepts to the official legal view, but which is interpreted differently. Both interpretations, he suggests, develop out of conventional society. He comments:

Because the subculture of delinquency is itself delicately and precariously balanced between crime and convention, it best achieves stability within a context of wider cultural reaffirmation (Matza 1964:91).

While Aboriginal juvenile criminal action operates in contradistinction to the official legal structure, Aboriginal children and their parents, on the one hand, and Aboriginal legal and welfare workers, on the other, nevertheless take the existence of the welfare and the legal systems for granted. Their actions occur within this overarching framework. Knowledge of the system is mediated to Aboriginal children through their contact with particular police officers, magistrates, Aboriginal Legal Rights Movement lawyers, and welfare personnel. This occurs both in the highly structured court-room and Children's Aid Panel settings, and in the more general contacts they have with these agents, on the streets, in private homes and in the offices of the legal and welfare organisations. But because these personnel offer different perspectives from their different locations within the legal and welfare systems, the information the children and their parents receive is fragmented and, therefore, becomes refracted and distorted.

It is upon this distorted view that Aboriginal people develop their own interpretations of the system. Thus, despite their reconstructions of the operations of the legal and welfare systems, their knowledge is nevertheless dependant on an understanding of these systems which is passed to them by the system's agents. They have only the limited choice to accept the given system, even if they disagree with the outcomes of legal and welfare decisions. An important consequence of this process is that Aboriginal children actually become structured back into the dominant State legal welfare systems. Here, I return to Bourdieu's (1987) argument that the legal field has accumulated the power to gather all other interpretations of its methods within its own corpus. In so doing the law remains the dominant 'field' of knowledge. I suggest that no greater example to date of the power of the judiciary to envelope Aboriginal

knowledges and understandings of the legal process has been the investigations and findings of the national Royal Commission into Aboriginal Deaths in Custody.

Aboriginal children and the Children's Court

The development of an Aboriginal juvenile criminal identity, which began in the Children's Aid Panel arena, was extended further during the enactment of the Children's Court process. It was in this context that a notion of Aboriginal juvenile criminality was ratified since an appearance before the court represented an initiation into the criminal justice system proper. While Children's Courts remained separate to adult courts and were closed to the public, they were nevertheless run on almost identical lines to a magistrate's Court of Summary Jurisdiction. The prosecution and the defence presented their cases to a magistrate who handed down his²² sentence on the defendant standing in the dock. Children, while facing less serious sentencing options than an adult, as directed under *The Children's Protection and Young Offenders Act*, still confronted the same formal court procedures and the same sentencing regime as their adult counterparts. As I point out, despite Aboriginal and other children passing through this same court system, the differences in the way each was treated in the process ensured significant discrepancies in outcomes for these two groups of children.

During the period between January, 1986 and August, 1987 the Children's Court in Port Augusta sat once a month and was held in the magistrate's Court of Summary Jurisdiction. The court room was located adjacent to the police station in a building complex which also included the Supreme Court rooms, the police lock-up, the court holding cells and an area for cars involved in accidents. As with all Children's Courts operating at this time, attendance was restricted to members and officers of the court, officers of the Department for Community Welfare, parties to the case and their legal

²² During the period I was in the field all the magistrates presiding in the Children's Court were male.

representatives, the prosecutor, witnesses, the child's parents or guardians, members of the Children's Court Advisory Committee, and other persons specially authorised to be present²³ (Seymour 1983). This restriction on public observation of Children's Court matters was designed to preserve some anonymity for the child. As with Children's Aid Panels a "closed court" was established to restrict the impact of judicial proceedings on the child's future career and social status (Newman 1983). Similarly, it was intended to provide the child with another opportunity for a 'second chance' before reaching adulthood.

In practice, in Port Augusta, this anonymity was rarely assured. As was the case with all court hearings, a cause list was posted detailing the children's cases to be dealt with on any one day. Appointment times for each case were not made, rather children were required to attend the court rooms in the morning and wait for their case to be called. While this is accepted procedure generally for court hearings in South Australia, it had particular ramifications, as I show, for the appearance rates and public scrutiny of Aboriginal and other children in Port Augusta. Young Aboriginal defendants especially, and their parents, guardians and friends, congregated outside the court house and in nearby Gladstone Square, the major public park in the town, waiting, for most of the day for their cases to be called. Defendants and their families who were not Aboriginal tended to confine themselves to the less exposed waiting room which opened out onto the laneway.

The whole spectacle, however, was open to public observation as many people used the lane on which the court house was situated as a thorough-fare from one part of Port Augusta's central business district to another. To add to this paradox, on occasion the actual names of children were called by the prosecution outside of the court room despite a legal procedural directive that each child's case be called by number (Seymour 1983). In some instances, an individual's name was called up to three times. This practice revealed the defendant's identity both to passers-by and

²³ For example the Children's Court granted me permission to sit in on Children's Court sessions and to take notes of the proceedings as part of my research.

others waiting for their cases to be heard. In this, Aboriginal and non-Aboriginal defendants were treated in the same manner. However, from this point onwards practices adopted for non-Aboriginal and Aboriginal children diverged substantially.

As with Children's Aid Panels, Aboriginal children were significantly over-represented compared to their non-Aboriginal counterparts in the Children's Court in Port Augusta. During the period from April 1986 to July 1987, on average, Aboriginal youths made up 58 per cent of the total number of appearances at the Children's Court. Considering that Aboriginal youths made up only 13 per cent of all teenagers in the town at the time of field work (ABS²⁴ Census 1986) this figure is telling. The situation in Port Augusta confirmed what Gale *et al.* have identified for the state of South Australia as a whole, that Aboriginal children have been increasingly over-represented at each stage in the juvenile justice system compared to non-Aboriginal children. This dilemma they argue, has been a result of the complex inter-relationship between the pre-Court and Court stages of the juvenile justice process as well as the different elements of the court process (Gale *et al.* 1990:113). What I argue here, is that this over-representation of Aboriginal juveniles in the South Australian juvenile justice system, has also been highly dependent on the construction by the agents of the legal/welfare system of an Aboriginal juvenile criminal identity and, as a result of this identification, Aboriginal children have been singled out for special treatment (cf. Cunneen 1990).

After 1986, until the enactment of new juvenile justice legislation in South Australia in 1994,²⁵ various amendments were made to *The Children's Protection and Young Offenders Act* most notably with *The Children's Protection and Young Offenders Amendment Act* (1988). These amendments represented a further shift from the welfare model and placed increased responsibility for criminal activity upon the child and family. New sentencing options required that the child remain within the family

²⁴ ABS stands for the Australian Bureau of Statistics.

²⁵ From January 1, 1994 the *Young Offenders Act* (1993) came into effect in South Australia.

environment as much as possible through community service orders and the like. While under these new rules there was technically less chance of the child being sentenced to detention, the methods for surveillance of the family by welfare agents were substantially broadened. Gale *et al.* (1990:58) also point out that the changes to any legislation probably had negative implications for Aboriginal children because they were frequently unemployed and did not always reside in a nuclear family environment conducive to their supervision by family members. No doubt these characteristics of Aboriginal families have contributed to the reasons for their increased surveillance and incarceration by police and welfare officers. Yet, as I have argued elsewhere in this thesis, Gale *et al.*'s arguments fail to adequately address the impact racism has on these decisions.²⁶ To suggest it was predominantly the effects of the social and cultural contexts which made Aboriginal juveniles more likely to attract police and welfare scrutiny ignores the historical relations between Black and White Australians: it situates and maintains Aborigines as 'victims' open to 'rescue' by the Welfare State.²⁷ If taken to its logical conclusion this line of argument may define the condition of Aborigines as ultimately their own fault simply because they do not fit into the cultural constructs of the wider society.

The juvenile justice system in South Australia in all its recent manifestations, therefore, has been set up to deal with young offenders as delinquents. In South Australia, I contend, the imputed criminality of Aboriginal children was established in opposition to such a philosophy of juvenile delinquency and that this was effected collectively by

²⁶ See chapter four, page 113.

²⁷ Beckett (1987) has made explicit the very particular treatment Aborigines and Torres Strait Islanders, as categories of people, have received within the auspices of the Welfare State in Australia. Prior to receiving citizenship rights in the 1960s governments had relied on missionaries to provide education and welfare support to Aboriginal people (cd. Rowley 1971, 1972a). I have documented in chapter two the role of the Brethren Missionaries in the provision of welfare assistance and education for the Aboriginal people of Port Augusta. It was thus with citizenship rights that Aborigines also became the subjects of the Australian Welfare State as governments took an explicit and active interest in their welfare. But as Beckett has noted:

The redistributive activities of the welfare state are carried out in recognition of the social rights of citizens, in particular to a guaranteed minimum living standard. While citizenship initially arises as an ideological response to class division, it can subsequently spread into colonial enclaves for which it is not intended. Under certain conditions, the extension of citizen rights to indigenous minorities becomes a moral and political issue for the society at large and even internationally. Welfare colonialism is as much a matter of politics and ideology as of economics (Beckett 1987:173)

diverse agents of social control. Despite their opposite roles in judicial proceedings the prosecution, defence lawyers, welfare officials and magistrates, each contributed to the overall construction of a distinct Aboriginal juvenile criminal identity. This constructed identity helped to legitimate a wider perception held by many of the non-Aboriginal Port Augusta population that Aboriginal children were the major group threatening public order in the town (cf. Cunneen and Libesman 1990; Cunneen and Robb 1987). The criminality of these youths was portrayed by the legal protagonists as an inevitable reaction to the social milieu in which they lived. The Aboriginal social environment was seen as being characterised by parents who drank heavily, periodically abandoned their children, had a low level of formal education, and exhibited high mobility between various urban centres and Aboriginal settlements. Further, it was believed the children reacted to this type of upbringing by constantly indulging in heavy alcohol consumption and petrol and glue sniffing.

Significantly, this perception of what specific characteristics were believed to constitute and identify Aboriginal juvenile illicit activity were reiterated and expanded outside of the official setting of Children's Aid Panels and the Children's Court. To many white people living in the town, the activities of Aboriginal children appeared as wanton destruction and senseless abuse of property. Many white business owners I spoke with held no respect for Aboriginal children. In some instances, the venom of their feelings was expressed in statements which likened Aboriginal children to unwanted vermin. These sentiments were often echoed by police officers.

To the police and others, the property offences with which Aboriginal children were charged indicated a total disregard for others' property. What particularly outraged these officers was the apparent lack of feeling these children showed for the financial and emotional loss to the victims of property offences, not to mention the inconvenience they allegedly caused the former owners. One police officer commenting contemptuously on the 'great shoe store robbery' said that the Aboriginal children involved simply went on a rampage for the shoes stolen were not even the right sizes (cf. Goodall 1990). He implied the robbery may have made more sense if

the children had bothered to steal something they could actually use. The defiance and opposition to the codes of social morality of the dominant whites of the town was lost to this officer. Perhaps, understandably, he also failed to appreciate the humour of the joke these children played on the town's White business establishment. Welfare agents and lawyers were generally less harsh in their judgements. Yet, they nevertheless expressed an incredulity that, in their view, the kinds of goods stolen more often than not had no use or value to the children involved. It appeared to them that these youths stole simply for the sake of stealing, and such behaviour reflected symptoms of cultural and family breakdown (cf. Collmann 1988).

Although not necessarily apparent to those who hold such views, there are a number of contradictions in this line of argument. Most importantly these views ignore the value Aboriginal children themselves place on the goods they steal (cf. Morice and Brady 1982). In contrast to this attitude, some lawyers (who generally had more intimate contact with alleged Aboriginal juvenile offenders and their families than welfare personnel and the police because they were working for an Aboriginal organisation) of the Aboriginal Legal Rights Movement were aware of such contradictions. However, as I have shown, it was not in the best interests of the client for the defence counsel to express greater intention as it may have led to the alleged illegal activity being perceived as more serious and therefore warranting greater punishment. While this stance was in the best interests of the client legally, as it restricted the severity of the sentence, nevertheless, it had the effect of reinforcing the stereotypes which perpetuated the normalisation of Aboriginal juvenile crime.

I argued in an earlier chapter²⁸ that Aboriginal children were under constant surveillance for the commission of property offences. As with Children's Aid Panels, Aboriginal children appeared before the Children's Court most frequently for offences against property including: *break, enter and larceny; larceny; break and enter with intent; wilful damage; illegal interference and illegal use*, than any other category of

²⁸ See chapter four, page 110

offence. Other children in comparison were more likely to appear for traffic offences. During the period April 1986 to July 1987, 78 percent of property offences that came before the Children's Court were committed by Aboriginal children. In comparison, property offences committed by other children constituted only 22 percent of the total and traffic offences made up 74 percent.

Thus, offences against property by non-Aboriginal children appeared to be far less common and those involved are credited with a degree of expertise and foresight in the execution of their misdemeanours. In the case of a *break, enter and larceny* of a service station by three non-Aboriginal youths, it was alleged that the gearboxes stolen were intended to be sold at a later date. Further, the crime was only brought to the attention of the police when one offender decided to inform on the others. My findings stand in contrast to those reported by Gale *et al.* (1990), Gale and Wundersitz (1985) and Bailey (1985). These other authors claim that the range of crimes committed by each group was similar. Bailey (1985) for example has suggested that the frequency of appearances for the five major offences²⁹ she recorded for Aborigines and non-Aborigines appearing under *The Children's Protection and Young Offenders Act* in the first six months of its operation were the same for each group.

Yet it is the differences in the characterisation of offence profiles for Aboriginal and other children, as I recorded them, that had particular ramifications for the construction of an Aboriginal juvenile criminal identity by the police, welfare and the judiciary in Port Augusta. Offences against property were considered, both by the legal system and the general population, as far more serious than traffic infringements³⁰ which were dealt with under the *Road Traffic Act* (1961 to 1984). Furthermore,

²⁹ These included: *break, enter and steal; illegal use; interference; common assault; larceny; and disorderly behaviour.*

³⁰ Traffic infringements took on a far more serious dimension relatively recently. In the early 1990s in both South Australia and Western Australia there was public outrage over deaths and injuries to drivers involved in vehicle accidents with other cars being driven at high speed by children fleeing the pursuit of the police. Significantly, while white youths have been involved in these 'car chases', these type of offences were being associated by the media particularly with Aboriginal children (*The Advertiser* 21/5/92; *The Australian* 4/6/93).

police priority in regulating these type of 'misdemeanours' also elevates them in the public eye as activities which need to be monitored (cf. Carrington 1990:5).

The prosecution, the magistrate, and many non-Aboriginal children I spoke with, saw traffic matters which come before the court as routine with a standard outcome. While certain offences such as proscribed concentration of alcohol and driving under the influence were considered a threat to public safety, they were not held to constitute serious criminal acts. For these matters it was not always necessary for the defendant to appear in court, and the offences themselves carried little stigma in the wider community³¹ The lightness with which these offences were viewed was emphasised by the high numbers of defendants who chose not to be legally represented in these cases. They would often prefer the matter to 'be over and done with'. In most instances, depending on the seriousness of the offence/s, a combination of a fine and disqualification of licence was imposed.³² This was then the end of the matter and defendants were under no obligation to return to court provided they honoured their sentence.

Offences against property, on the other hand, are defined as criminal acts by both the Judiciary — under the Criminal Law Consolidation Act 1935 — and the general public. A Durkheimian (cf. Durkheim 1933) perspective has thus entered current popular criminological discourse and theory for as Braithwaite has argued, for an activity to be labelled a crime in society there must be some consensus within the differing levels of that society, from the judge through to the mother of an alleged perpetrator, that an act is indeed criminal.

³¹ The only exceptions here being the offences of *illegal use* and *illegal interference with a motor vehicle*. While these misdemeanours come under the *Road Traffic Act* they are nevertheless treated as forms of property offences before the court. They also invoke far more serious penalties than minor traffic matters and are for all intents and purposes constituted as criminal acts.

³² Traffic offences, unless very serious, were dealt with by way of summons. Property offences on the other hand were dealt with by arresting or reporting the alleged offender. The implications of these methods of charging, as I show, were far greater for the alleged property offender.

There is no other way for the participants to make sense of such interactions without some shared view of the institutional orders involved - in this case those of the criminal law and the criminal justice system (Braithwaite 1989:2).³³

Of course, as I have already shown, such consensus does not account for the various meanings different sectors of society may attach to legally defined criminal behaviour. Nevertheless, as these are crimes perpetrated against a victim, either personally or via their possessions, they embody within them a desire for immediate social injustice. Consequently the range of penalties devised by the legal system is more severe: there is greater provision for incarceration as well as other restrictions on an offenders personal liberty which involve welfare intervention. Such penalties were restricted under *The Children's Protection and Young Offenders Act* in compliance with the philosophy that children were less culpable than adults who committed similar offences. Under this act the maximum period of detention for any offence, other than murder, was two years. But the magistrate was guided as to the form of penalty to be imposed on children by the type of penalties set out in those acts which govern traffic and criminal offences.

Despite the adage that all are equal before the law, therefore, the more serious the crime is perceived to be, the more serious both the penalty for the crime and the treatment of the alleged offender become, with imprisonment being the most extreme punishment. Foucault (1977) has pointed out that the development of a hierarchy of punishment within a legal system proclaiming that the power to punish is exercised equally over all its members, marked the birth of the prison. It allowed for the introduction of:

... procedures of domination characteristic of a particular type of power. Hence the expression, so frequently heard, so consistent with the functioning of punishments, though contrary to the strict theory of penal law, that one is in prison in order to 'pay one's debt' (Foucault 1977:232-233).

³³ In an earlier footnote I pointed out that Foucault's (1977) theories on the creation of crime to maintain criminal institutions have their genesis with Durkheim (1933). I also noted that Durkheim states that there must be some consensus about what constitutes crime from both the general populace as well as the institutions of the State in order for the State's constitution of crime to retain its legitimacy (see footnote 7. Page 130).

As their debt to society is considered greater, considering the type of crimes they allegedly commit, Aboriginal children are more likely to enter the judicial system at the Children's Court level and be subject to more severe penalty options than can be dealt with under the diversionary system of Children's Aid Panels (cf. Gale *et al.* 1990). Taking all these factors into consideration, it is not surprising that Aboriginal children in Port Augusta in general have totally different experiences of the juvenile court system than other children.

This process of incorporation of Aboriginal children into the juvenile justice system cannot be seen in isolation from the social interaction of Aboriginal youths with the agents and structures of its apparatus. Morice and Brady (1982) and Folds (1987) argue that Aboriginal juvenile illicit activity is a form of resistance to the police, welfare agencies and other State institutions such as schools, which encroach upon Aboriginal children's everyday lives. Evidence of this is provided by the fact that the majority of offences for which Aboriginal youths were apprehended occurred in the non-Aboriginal sectors of the communities studied, and were perpetrated against property which was not owned by Aborigines.

The information I collected support these findings. Of the crimes in the municipal area of Port Augusta for which Aboriginal children were arrested or charged, the majority of those reported offences against property occurred in the town itself and on property which was owned by whites. The property offences which do occur in the Davenport Community and were reported to the police were generally directed at the buildings which housed the Community Council and the Health Service. These organisations received government funding and were frequently at the centre of frictions between Davenport residents and the non-Aboriginal bureaucrats who worked for these organisations. Other forms of vandalism and theft by Aboriginal children did happen at Davenport. This behaviour generally went unreported by the victims, however, and the police show little interest in the surveillance of offences of this nature (cf. Tonkinson 1983; Carrington 1990). As the 'great shoe store robbery' showed,

contrary to welfare, police and Port Augusta resident's interpretations of vandalism, larcenies and so forth, such acts were often consciously executed on a specific target and with a specific motive. In another case, for instance, three twelve year old boys vandalised the school class-room of a teacher with whom they did not get on well.

However, the implications for children who had been charged with an offence against property spread beyond the type of penalty imposed. For misdemeanours of this nature, the magistrate would usually order that a Social Background Report on the child be prepared by the Department for Community Welfare. These reports entailed an investigation, by a welfare worker, of the child, their family, and the circumstances surrounding the offence. The child was obliged to attend interviews at the Department for Community Welfare office. Their family might also have been visited by a welfare worker to gather information for the compilation of the Social Background Report. These reports were designed to give the magistrate some contextual background to the child's social environment as part of his consideration of an appropriate sentence. The assessment was based on factors such as attendance at school, the peer group with which the child kept company, aspects of their family life, as well as the child's adherence to the conditions of any bond or order which may have been requisitioned at an earlier court hearing (Seymour 1983).

Once a Social Background Report was ordered by the magistrate, the case had to be adjourned or remanded for an appearance at a later date when the report was to be submitted. During the intervening period, the defendant remained under the auspices of the legal and welfare apparatuses. If the case was remanded the defendant was usually placed on bail. In a very few cases I witnessed, the child was remanded in custody to Adelaide. While this was not common procedure, those cases I recorded where this did occur had particularly telling characteristics for the treatment of Aboriginal youth by the juvenile justice system. I discuss these implications later. The point here being that placement on bail put the defendant under increased police scrutiny.

For instance, during the study period, 61 Aboriginal cases compared with 14 non-Aboriginal cases involved bail arrangements. Significantly, the imposition of bail also served to augment the criminal identity attributed to these offenders. To impose bail suggested the defendant might flaunt the judicial process. Bail was a means to ensure a financial penalty if a defendant failed to appear for a subsequent court hearing. Thus, bail imbued the defendant, who had not yet been found guilty of any alleged offence, with nascent criminal tendencies. In the court sessions I observed, bail was granted in lieu of imprisonment on remand to Aboriginal and other children who had failed to attend the court on previous occasions, children who had a number of prior convictions or court appearances, or children who were appearing on serious crimes against property or the person. Bail was imposed by the magistrate, I contend, in recognition of a child's 'proven' or potential criminality.

Social Background Reports also were an important mechanism for defining the perceived criminality of a child as they acted as a point of initial welfare contact for the development of a formal case history on any particular child. The legal sanctioning of this kind of intervention allowed the Department to make value judgements on the conditions of a child's family and social life. I discuss the implications of such welfare intervention in greater depth in chapter seven. Suffice it to say here that in my experience, Social Background Reports commented on elements such as the state of cleanliness of a child's home and whether the parents were alcoholics; they also allowed for assessments to be made on the activities of other children present in any particular family (Social Background Reports 1986, Department for Community Welfare, Port Augusta).

It was these factors among others, which were scrutinised by welfare agents as environmental catalysts likely to produce 'criminal activity' in the future. Case histories were developed for welfare records (cf. Handelman 1983) and children became 'known' to the police and welfare agents. Children then often became targets for police investigation for other incidents reported in the town of a nature similar to the ones for which they were originally apprehended. It was the case in many incidents I recorded that these subsequent police investigations, in turn, opened up new avenues

of inquiry for the welfare worker assigned to a child's case. These stepping stones, by which particular youths were labelled as potential re-offenders, were thus reinforced in the procedures undertaken by welfare officers when they conducted research for Social Background Reports and when they managed supervision and community service orders issued by the Children's Court. A child's activities were continually reviewed through regular visits to the family or guardians during the period of the order (Seymour 1983). It was this process of appearing for an offence against property, becoming a welfare case, and coincidentally, becoming the subject of additional police and welfare investigations which opened up a path by which a child became stigmatised as a juvenile offender who was, it was assumed, quite likely to re-offend.

'Poor Blackfellas'

I have argued that the differences in the type of offences for which Aboriginal and other youths were apprehended by the police had profound implications for their long-term involvement with the state legal and welfare systems. The ramifications of this process were compounded, however, by the treatment these Aboriginal and non-Aboriginal youths received in the court-room environment. Procedures separating Aboriginal and white children by the legal apparatus began with the apportionment of the Children's Court day into two segments. All non-Aboriginal cases³⁴ were dealt with in the morning session: Aboriginal cases were left until the afternoon session. This time-frame was initiated by the magistrates presiding in Port Augusta at the request of the lawyers and field staff of the Aboriginal Legal Rights Movement. The request was based on a number of alleged needs of the Movement. Firstly, it was argued by the lawyers of the Movement that the generally more serious nature of Aboriginal offences would require detailed and lengthy legal preparations by the lawyers representing these defendants. Having their sessions in the afternoon allowed the lawyers more time to undertake this preparation. Secondly, it also allowed them

³⁴ I use the term case here and elsewhere because even if a child did not show for their court hearing their 'case' would come before the magistrate anyway. While a final decision was usually not made if the child did not appear, other decisions were. For example, the fact that a child did not appear may have prompted the magistrate to order a warrant for the child's arrest to ensure they did appear at the next scheduled Children's Court day.

more time, apparently, to track down their clients before they were required to appear in court.

In a similar vein, it was argued by ALRM staff that an allotted time for Aboriginal appearances helped to ensure that the court day became known to the Aboriginal community and, this, in the process would cut down on the number of non-appearances and possible warrant orders being made. This system, supposedly, also allowed for more time to be devoted to the greater number of Aboriginal than other cases coming before the courts. At any one time, two lawyers from the Aboriginal Legal Rights Movement represented the majority of Aboriginal cases appearing in the Children's Court. Other children, if they were represented, chose their lawyers from one of the three private legal firms in Port Augusta, or were assigned a Legal Aid Lawyer by the Court. This personal representation ensured that children who were not Aboriginal were treated as separate, individualised and unrelated cases. Aboriginal children, on the other hand, were treated in the court-room setting as belonging to a specific group of offenders with particular identifying characteristics. Thus, Aboriginal children were not only defined as different to other children, they were also treated as different. Common-sense perceptions about Aboriginal children were reflected back to legal and welfare agents in the very treatment these agents imposed on them. In effect, these agents created their own reality as they equated 'evidence' of Aboriginal behaviour with their perceived actuality.

The defence and the prosecution are constituted within the confines of the court-room in structural opposition to one another. Yet, as McBarnet (1983) has pointed out, as the personnel of both parties work in different components of the same institution, the legal system, they develop shared stereotypes and understandings as well as methods for the routinisation of procedures to such an extent that the only person who is not part of this routine is the defendant. Despite their different, and often opposing roles, in judicial proceedings, therefore, the prosecution, defence lawyers, welfare officials and magistrates, each contributed to the construction of a distinct Aboriginal juvenile criminal identity. Even though Aboriginal children were part of the routine as

defendants the construction of them as different to other children meant that, in fact, they were treated very differently than the legally defined 'norm'.

Foucault (1977) has argued that delinquency is a form of illegality which is both a product of, and is controlled by the prison system. It is a means by which the dominant classes maintain their positions of power and control over the lower social strata. Put simply, the legal process needs delinquency to maintain its own legitimacy of power. The legal apparatus in Port Augusta via legal and welfare protagonists, played an instrumental role in defining Aboriginal 'delinquency' as the major type of juvenile illegality threatening public order in the town. At the same time, as I show clearly in the next chapter, it evolved mechanisms which served to control and incorporate Aboriginal juveniles into welfare rehabilitation program.

Delinquency, as controlled illegality, however, renders obscure the very illegalities by which power itself operates. As Bourdieu (1987) has made clear, the law has become the moral 'truth' upon which all other 'truths' are judged. In this process, the relations of power and subordination between the holders of legal knowledge, the agents of the judiciary, and those they judge, in this instance Aboriginal children, become irrelevant. Legal knowledge and the agents who disseminate it are invested with such power precisely because legal knowledge in its very production is removed from the social interactions from which it gains meaning. It is legal knowledge, not the agents who deploy it, which is constructed by these agents as being the final arbiter. Lovell in her thesis on the legal discourse of rape cases has argued it this way:

Criminal law ideologically disengages its decisions from individuals and personalities to privilege a distinction between normative interpretation and legal adjudication. Legal truth is perceived to be premised upon substantive verification, not normative decisions. Indeed, legal knowledge is explicitly polarised against subjectivities, as detail that can be objectified and rendered independent of the arbitrary bias and prejudice of experiential knowledge. It is privileged as a neutral, impartial and apolitical knowledge, constitutive of the objective factual basis of the law. As evidence, this knowledge is seen to emerge out of the events themselves, from the legal procedures and methods, thus rendering identity independent of the agents involved (Lovell 1994: 176) (my emphasis).

The constructed 'criminal' identity of Aboriginal children in Port Augusta helped to legitimate a wider perception, held by many of the Port Augusta population, which identified Aboriginal children as *the* major group threatening public order in the town (cf. Cunneen and Libesman 1990; Cunneen and Robb 1987). The criminality of these youths was portrayed by the legal protagonists as an inevitable reaction to the social milieu in which they live. As I have indicated, the Aboriginal social environment was seen as being characterised by parents who drank heavily, periodically abandoned their children, had a low level of formal education, and exhibited high mobility between various urban centres and Aboriginal settlements. Further, it was believed the children reacted to this type of upbringing by constantly indulging in heavy alcohol consumption and petrol and glue sniffing. Carrington has identified a similar pattern of characterisation of Aboriginal life-styles by the dominant community in Wilcannia. As she points out:

Through the invocation of a cultural homogeneity, the White gaze creates a number of powerful mythologies about the local Aboriginal community; that they are unruly, disrespectful, troublesome and so on (Carrington 1991:167).

The following extracts from a Social Background Report, concerning a young female Aboriginal offender, presented to the Port Augusta Children's Court by an officer of the Department for Community Welfare illustrates this view succinctly³⁵ :

In the last few years Jane has been spending her time in an unconstructive manner such as travelling between [three different towns] visiting and staying with relations (my addition).

In the past two years Jane states she was sniffing liquid paper, glue and then petrol sniffing on a regular basis ie every night.

Her mother is known to be an 'alcoholic', and to be highly mobile.

Significantly, depictions of this kind as were presented by the defence and welfare personnel on Aboriginal juveniles were duplicated and echoed in the evidence presented by the Prosecution. The prosecutor similarly identified the same set of social

³⁵ Permission was granted by the Department for Community Welfare, Adelaide, to have access to their client files as part of my research, provided permission from the child and parent/guardian concerned was also obtained

characteristics, but in his³⁶ hands they were provided as testimony to an Aboriginal youths' disrespect for the law. This perception is portrayed in the following description of the details of several offences of illegal use of a motor vehicle and larceny³⁷:

The defendants decided that the best way to get to Alice Springs was to steal several cars, money and petrol... rather than catch the train.

Alternatively, the Prosecution would provide details of an Aboriginal juveniles attempts to hinder police officers in their duties to maintain law and order. Frequently, the defendant was described as drunk, and vivid renditions were presented in court of physical and verbal attacks on police. For example:

[The police officers] attended the house of (George). A group of youths were sitting outside. The police officers asked them to move, but they refused. The defendant swore at the police officers saying: "Fucking white cunts!. I hate you fucking pigs!" etc. The police officers arrested the defendant. He tried to break free of the police and kicked and struggled.

But most importantly, it was the peculiar characteristics of Aboriginal juvenile offending behaviour as provided by the legal and welfare workers which provided the definitive explanation of their critics. Aboriginal crime, it was argued, was rarely premeditated. Rather, it was the spontaneous reaction, for example, to peer group pressure, boredom, or the death of a relative. This is clearly illustrated in the following extracts of an Aboriginal Legal Rights Movement lawyer's submissions in court.

The larceny committed by George was not a grandiose criminal plan, just a means to get food.

and

These offences arise out of what Michael identifies as 'nothing to do and nowhere to go - no light at the end of the tunnel.' He mixes with a similar group of people who have nothing to do but wander around on a social basis being led by their peers and bravado.

³⁶ In all of the Children's Court sessions I observed the Prosecutor was a male.

³⁷ The Children's Court granted me permission to sit in on Children's Court sessions and to take notes of the proceedings as part of my research.

As can be seen all parties of the Juvenile Justice System represented in the court-room setting in Port Augusta contributed to the construction of a distinct Aboriginal criminal identity. Yet, the crucial point remains that by presenting Aboriginal juvenile offenders as victims of their own social circumstances, illegal behaviour of Aboriginal juveniles was represented as typical and normal behaviour. At the same time, they were identified as more intrinsically criminal, as this process of identity construction did not deny their criminality, indeed it was portrayed as an aspect of their Aboriginality. As Parker (1977) has argued in relation to her work in Western Australia:

...the expectations of Aboriginal behaviour held by agents of law enforcement and administration of justice are actually instrumental in bringing about the so-called 'criminal behaviour' exhibited by those Aborigines who are eventually convicted of criminal offences (Parker 1977:333).

By working within this common framework, Aboriginal Legal Rights Movement lawyers, magistrates, welfare personnel and the police accordingly needed to adjust their interpretation of the legal system in order to handle Aboriginal juvenile cases. Established forms of punishment were not always considered relevant in dealing with Aboriginal juveniles, for these children were defined from all sides as victims of their social circumstances and, therefore, were considered much less responsible for their actions than their non-Aboriginal counterparts might have been. Accordingly, the legal submissions presented in the Children's Court concerning Aboriginal defendants were designed to provide reasons for sentence mitigation which reflected and reinforced this view of Aboriginal children as victims.

Arguments which conceded that Aboriginal children were not really responsible for their actions because they were trapped within an environment identified as conducive to the perpetration of illicit activities, served to legitimate and perpetuate Aboriginal juvenile crime.³⁸ Such court-room rhetoric actually provided justification for Aboriginal juveniles to continue their illicit activities for it sanctioned Aboriginal juvenile criminal

³⁸ While legally no person can be defined as not responsible for their actions unless by reason of insanity, intoxication or automatism, the fact that Aboriginal juveniles are constructed by the agents of the legal and welfare systems as victims of a social environment conducive to criminal activity defines their responsibility as merely reactive and, therefore, a normal response.

behaviour as an understandable course of action in the presence of the defendant. At the same time, however, it denied Aboriginal children the ability to consciously organise and plan the execution of their criminal activities. Not only this, these legal arguments called for Aboriginal juveniles to be maintained within the very social environment of dependency which was considered to be contributory to their criminal activities.

As Crock (1982) remarks in her review of the trial of Alwyn Peter, arguments for the diminished responsibility of Aboriginal defendants reinforce paternalistic attitudes within the legal system for they do not allow for the ability of Aborigines to change their own social circumstances. Crock further points out that to exculpate individuals from responsibility for their actions by blaming their crime on their environment and upbringing is to simultaneously confirm their status as 'deviant' and as persons incapable of rational action. Moreover, an emphasis on mitigating circumstances based on an interpretation of the defendant's social upbringing allows for sentencing procedures aimed at the reformation of individuals rather than their extensive punishment. And this process opens up further avenues for the extended welfare supervision of Aboriginal juvenile defendants.

It needs to be stressed, however, that this does not imply that because their criminality was paternalistically viewed, Aboriginal juveniles got off lightly in comparison to other children. On the contrary, they were subject to increased scrutiny from the legal and welfare systems precisely because they were encapsulated in them through the imposition of extensive bonds and the diversionary practices of the court process through adjournments and remands.

The majority of sentences handed out to Aboriginal youth offenders during the period from January 1986 to July 1987 in Port Augusta involved some type of bond which required welfare and police surveillance. While sentences imposed on Aboriginal children may at first appear less severe because they included a bond of some type rather than a straight out fine or other form of conviction as is more often the case with

other children, bonds in fact maintained Aboriginal children under the scrutiny of the legal system for much longer. As Gale *et al.* have also argued, while delays in the court proceedings to determine the kinds of sentences to be constructed out of a composition of bonds and community orders may indeed be well intentioned, the costs to the individual must be weighed against the benefits (Gale *et al.* 1990:113). During the period May 1986 to June 1987, 29 of the non-Aboriginal cases I recorded received a sentence of conviction and fine and five received a bond.

In comparison, 19 Aboriginal children received a bond and seven were convicted and fined. Furthermore, 97 out of the 98 non-Aboriginal appearances recorded were finalised by the Children's Court. In comparison, only 55 out of the 209 Aboriginal cases for the same period were finalised. This meant that the majority of Aboriginal cases were adjourned or remanded to another court date. This situation ensured these Aboriginal children remained under the scrutiny of the agents of the juvenile justice system and the police even before their sentence was set or dismissed. These types of sentences and court decisions, I assert, are instrumental in maintaining Aboriginal children within the confines of the legal and welfare systems longer than other children. Garland (1985) has argued that there was an important shift in the focus of criminological discourse at the turn of the century from the belief that a criminal should be punished according to the severity of the offence, to the belief that an offender should receive treatment according to the diagnosis of their pathological condition. This change in ideology, he asserts, has enabled the expansion and diversification of the repertoire of penal sanctions to justify the incorporation of an expanding range of individuals into the penal/welfare system. He comments that this development in criminology:

...marks the beginnings of a new mode of sentencing, which claims to treat offenders according to their specific characteristics or needs and not according to a scheme of metaphysical equality (Garland 1985:28).

The methods for processing Aboriginal juvenile defendants in court, and the punishments set were routinised. The Aboriginal Legal Rights Movement Lawyers,

the prosecution,³⁹ the magistrate and welfare representatives all adhered to a set of unwritten rules on how to deal with these particular defendants. This process was brought into sharp relief when a new Aboriginal Legal Rights Movement lawyer, who was not yet aware of the unwritten code, arrived in Port Augusta. This lawyer was very concerned with establishing detailed legal arguments based on extensive research into other cases and judgements. He said to me that he felt this research was necessary in order to adequately defend his clients. He would often enter into lengthy detail on legal points in court.

The prosecution would show their contempt for this procedure by sighing loudly in court, or quietly cracking jokes about him while he was presenting his defence. Occasionally the prosecutor would highlight the inappropriateness of such drawn-out detailed legal arguments by pointing out to the magistrate that the case was a routine matter, and an established set of sentencing options were available. He was implying I believe, that such a defence was totally unnecessary. The magistrate finally put this lawyer in his place by admonishing him in front of the whole court for delaying court proceedings unnecessarily with his constant requests for remands or adjournments in order to refine his legal defence. It is arguable then, that this lawyers' well-meaning and professional attempts to represent the interests of his Aboriginal clients were compromised by the requirement for him to play by the unwritten rules of the courtroom if he was to survive as a lawyer in Port Augusta.

The magistrates presiding in the Port Augusta Children's Court may have had the security of their position of authority to both confirm the ridicule of this lawyer by other legal agents as well as to establish the parameters of legal discourse within the court-room setting. Yet they themselves were at times the subject of pity and disdain from among Aboriginal children. Some of the Aboriginal children I spoke with did not

³⁹ In Port Augusta the police prosecutor had other functions as a police officer. Not only did he appear in court for the prosecution case, he also carried out administrative duties at the police station. But most significantly he worked the streets like his fellow officers. Thus, not only did he meet Aboriginal children as he carried out police patrols, he also presented the police case against them in the Children's Court.

automatically acknowledge that a magistrate may demand respect based upon his legal position. Instead these children told me that they often felt 'sorry' for him or that he made them 'shame'. This perception was based on the fact that magistrates often did not appear to understand or hear the children's explanations of their actions when they told their stories in court. Rather, the magistrate would talk down to them and admonish them for their behaviour.

The coalition between the leading actors in the court-room drama extended to the application of sentencing. The recommendations for sentencing supplied in Social Background Reports, along with other reports including Assessment Panel Reports and Psychiatric Reports, were rarely disputed by the lawyers representing Aboriginal defendants. While the magistrate did have the power to override the suggestions presented by the Department for Community Welfare representative, this only happened in a few cases during the period I reviewed the operations of the Children's Court. The different magistrates presiding in the Port Augusta Children's Court during this time would often comment along the lines that they supported the recommendations made in the Social Background Reports, and that they had taken them into serious consideration before setting a sentence.

Therefore, within the field of criminality, the Department, in effect, as I go onto show in chapter seven, had substantial influence in determining the fate of children who had allegedly committed more serious crimes, such as property offences. This influence over sentencing procedure was an important mechanism by which Aboriginal juveniles were locked into welfare-controlled youth rehabilitation program, as attendance at such program was often recommended by welfare workers in their reports.

The position was rendered considerably more complicated because the police, lawyers, welfare personnel and magistrates acquired 'expert knowledge' of what constituted Aboriginal juvenile offending behaviour and the Aboriginal social contexts which produced it. In point of fact, I have argued these were often quite misinformed stereotypes about their social environment which were generated and reinforced

through discussions between legal, welfare and police personnel in official settings such as the court-room as well as in the public domain of informal social gatherings such as in the local hotels. This was part of a cultural discourse among the dominant population which Carrington has identified in the case of Wilcannia as the 'homogenisation of otherness' (Carrington 1991:166). It was this very definition of Aboriginal juveniles' criminal behaviour within a framework of the constitution of the Other by non-Aborigines which perpetuated the racial divisions already existing between Aborigines and non-Aborigines in Port Augusta.

Conclusion

In this chapter I have explored the constructions and interpretations of different meanings and 'knowledges' of the legal and welfare processes both by those who are the agents of these systems, and Aboriginal children and their families who are the recipients. I have discussed the complexities within these relationships between Aboriginal people and those lawyers who represent their interests in the Children's Court. Yet, as I have shown, the 'misrecognition' (Bourdieu 1987) on behalf of the agents of the legal and welfare processes of the intentions behind actions and interpretations, as these are expressed by Aboriginal children and Aboriginal legal and welfare workers, has reinforced the perceptions among the dominant population of the town of Aboriginal juvenile criminality being symptomatic of a pathological social condition.

I argue, therefore, that the interpretation of Aboriginal juvenile crime as symptomatic of an Aboriginal social condition is itself instrumental in the perpetuation and reproduction of so-called Aboriginal illicit activity. Not only do the legal and welfare interpretations define Aboriginal juvenile criminality as expected, they are also important factors in the creation and maintenance of the very conditions of economic and social marginalisation of Aborigines under which Aboriginal juvenile criminality is played out. Thus the dominant judicial interpretation of illicit behaviour and its social situation *remains* dominant.

Nevertheless beneath the surface, 'official' judicial knowledge, as it is manifested in Port Augusta, is constantly challenged by Aboriginal cultural expectations which render it problematic. I have argued this challenge operates most effectively at two distinct levels. Firstly, in conscious acts of defiance and opposition to the moral ethics of the wider White community, the 'great shoe store robbery' being a dramatic example of such resistance, and secondly, from within the integrity of Aboriginal cultural expectations. Much behaviour of welfare and legal agents (including the police) was seen by Aboriginal people as socially inappropriate and often racist. It was seen as shameless. Yet shame also determines how Aboriginal people deal with their relations with these agents whether they be White or Aboriginal.

I assert, however, that shame has the effect not only of insulating Aborigines in Port Augusta from being dominated by the judicial world-view. Aboriginal shame also reinforces the judicial view of Aborigines as victims. The restraints on social behaviour which shame demands from Aboriginal people are generally interpreted by legal and welfare agents as evidence of cultural malaise. Thus, the subtle disapprovals from Aboriginal people towards the behaviour of these agents generally goes unnoticed by them. When Aboriginal people's behaviour is noticed it is often misinterpreted, serving to reinforce negative stereotypes.

In the next chapter I expand on the inter-relations, which I touched on in this chapter, between agents of the Welfare State and Aboriginal children as these operate through community service orders and Aboriginal youth programs. I also look more closely at the divisions between different parts of the Aboriginal population in Port Augusta, and how these divisions are embellished and manipulated through the interference of the welfare bureaucracy in Aboriginal lives.

CHAPTER 7

Community responsibility, welfare control: the surveillance of Aboriginal children

*White kids are allowed to go anywhere they like, they have lots of things to do.
Aboriginal boy aged 13.*

Introduction

As I have shown in the previous chapter, the Children's Court was very much the province of the legal fraternity, in the guise of the magistrate, lawyers and the prosecution. The Department for Community Welfare played a behind the scenes role in juvenile criminal cases in the Port Augusta Children's Court. Despite their presence in court, the representatives of this Department were rarely given the opportunity to verbally present the Department's case concerning any particular child.¹ Rather, their role was generally confined to the provision of social background reports to the magistrate prior to the hearing. The DCW were mostly involved in the lead-up to the Children's Court days, and in the aftermath of a magistrate's deliberations on a child who appeared before the Children's Court. Nevertheless, for those Aboriginal children who had become 'welfare cases' as part of the juvenile justice process, involvement with the DCW was generally intimate and fraught with anxiety. This intimacy and intrusion into Aboriginal lives, I argue, very often demanded tactics² of strategic

¹ This duty contrasted quite dramatically with the DCW involvement in the children's court in cases of children who were deemed to be 'in need of care' by the State. In this situation senior representatives of the Department would be invited by the magistrate to verbally present the DCW's case for the removal of a child or children from the guardianship of their family to that of the Department.

² Michel de Certeau (1988) has made a distinction between *tactics* and *strategies*. *Strategies* according to de Certeau are methods which are inextricably linked to the power which sustains them.

A strategy assumes a place that can be circumscribed as *proper (propre)* and thus serve as the basis for generating relations with an exterior distinct from it (competitors, adversaries, "clientèles," "targets," or "objects" of research) (de Certeau 1988:XIX) (Authors emphasis).

Tactics, on the other hand, are the tool of the other.

A tactic insinuates itself into the other's place, fragmentarily, without taking it over in its entirety, without being able to keep it at a distance. 'Whatever it wins it does not keep (p. XIX).

I also define tactics in this sense. However, as I have said these tactics are ones of 'strategic opposition'. By this I mean that they are consciously planned attempts by Aboriginal people to get something for themselves from the welfare agents who in so many ways dominate their lives.

opposition and manipulation by Aboriginal 'clients' as a means to insulate themselves against such personal domination by the Welfare State. Yet these tactics *never* challenged the foundations of the dominant welfare structure. Rather, their power and meaning to Aboriginal people remained enclosed within, and dependant upon, the dominant structure (cf. Scott 1985).

In this chapter I explore the interactions of welfare agents with Aboriginal children as these children moved through the different stages of the juvenile justice system. Thus, I move away from the official juvenile justice structure of Screening Panels, Children's Aid Panels and the Children's Court, to look at aspects of the welfare bureaucracy which supported this structure. I demonstrate, however, that it was the DCW's intrinsic links to the legal process through the *Children's Protection and Young Offenders Act* which legitimated much of their wide-ranging intervention into the socialisation procedures of Aboriginal families. A favoured method by which welfare agents were able to reach beyond individual Aboriginal juvenile justice cases to other families and children, was through the Department's interference in established community based youth programs operating in Port Augusta at the time.

I show, in fact, that it was through this infiltration into youth programs via specific children, that the DCW was able to increase their surveillance of the entire Davenport and Bungala communities and many Aboriginal families who lived in town. The power of the Department as the State welfare bureaucracy, and its function as an important funding body, also provided this organisation with substantial means to influence, through these youth programs, the direction of internal Aboriginal politics in Port Augusta. The insidious intervention and control of Aboriginal lives by the Welfare State thus operated at two distinct levels. On the one hand, the Welfare Department penetrated the community from below through families and individuals who had become welfare 'clients'. On the other hand, intervention came from above as the Department set about changing the structure of Aboriginal community youth programs and, in turn, Aboriginal politics, through funding and employment strategies.

Running amok

At the time of my fieldwork Cheryl was an Aboriginal girl of fifteen years. Her mother had been a client of the Department for Community Welfare for twenty years. The Department had compiled detailed case histories on each member of the family throughout this period. Cheryl and all of her eight siblings, at some stage, had been declared 'in need of care', and been made wards of the State. This had resulted in them being placed in foster homes at different stages of their lives. In substantial part this was because of the relationships Cheryl's mother had made over time with different men (who also happened to be the fathers of her various children). The private life of Cheryl's mother was interpreted by welfare officers as morally inappropriate for a mother with a family. It was also alleged Cheryl's mother periodically left her children unsupervised at night to go out drinking and dancing. A few years before, Cheryl, the third youngest child, had come to the attention of the police for a series of break, enter and larcenies she allegedly committed with another Aboriginal girl. The commission of these offences dramatically changed Cheryl's relationship with the Department. She moved from being 'in need of care' to the focus of specific welfare attention aimed at preventing her 'delinquent' behaviour and a separate case file history was initiated. With her new status, Cheryl was assigned her own case worker to deal with her supposed 'problems'. It is against the background of Cheryl's case that a number of issues which dramatically illustrate the processes of interaction between Aboriginal children and their families and the over-arching legal and welfare structures can be gleaned.

The agents of the Department for Community Welfare in Port Augusta interpreted Cheryl's reputed 'criminal' behaviour as a direct result of the conditions of her home environment. One welfare worker dealing with the family's case had commented to me that Cheryl's mother "had to learn to realise that she is a bad mother". The welfare worker was provided with 'proof' of her assessment of Cheryl's mother when Cheryl and her younger sister arrived at the welfare office one day and requested money for clothes. The girls told welfare staff on duty that their mother never bought them any. Immediately, the welfare workers interpreted the situation as another instance of

Cheryl's mother squandering her money on drink and entertainment rather than caring for her children.

Cheryl, her sister and her mother had told me, however, that the trip to the welfare office was a deliberate ploy to get the welfare workers to 'feel sorry' for the girls so that they would give them money. The decision to go to welfare to get money for clothes was deemed a legitimate course of action by these Aboriginal women. The Department had provided money for clothes and school books to the children when they were wards of the state. As Cheryl's mother pointed out to me, she was on a low income, and felt it was her right to request money for her children's clothes from the government department which had always interfered with her life and the lives of her children. Interestingly, during this visit the officers of the Department had asked Cheryl's sister if she wanted to leave her mother and be cared for in a youth shelter like one of her older sisters currently was. Cheryl's sister delighted in telling me she had told the welfare officers to "get fucked".

Cheryl's particular resistance to welfare control extended beyond devising plans with her sisters and mother to get money from the welfare officers. It included acts of defiance which brought her into direct confrontation with the Port Augusta police and the Children's Court. Soon after the visit to the welfare office with her sister, Cheryl was placed by the DCW in an Aboriginal Hostel until a suitable foster family could be found in the community. Cheryl's welfare worker, however, deemed that it was not in Cheryl's best interests to stay for a long time in the Hostel because she believed Cheryl's friends were a bad influence on her. The worker told me she believed Cheryl "needed" the emotional security of a good family environment. As a temporary measure Cheryl was to be moved in with a non-Aboriginal family under the Intensive Neighbourhood Care (INC) Programme.

However, Cheryl was not happy with this prospect, and she told the Department that she would prefer to stay at the Hostel where she had friends. Cheryl explained to me and her friends, that if she was moved in with the white family she would 'run amok'.³ She made good her threat. The night after she was moved into the INC placement, Cheryl ran away. She spent several hours visiting friends, wandering the streets of the town, drinking and taking Serepax tablets. Eventually, Cheryl ended up in the local hospital after she had cut her wrists. She told me that while she was in casualty she felt she had to get out of the hospital as she couldn't stand being there. So she abused the casualty staff and smashed a window before walking into the hospital grounds. Cheryl was found unconscious on the hospital lawns by the police later in the evening. They took her back to the INC family and the next day she was interviewed at the Police Station and charged with wilful damage. Cheryl appeared in the Children's Court over this matter later the same month.

Cheryl was not returned to the INC placement after this incident. She went to live with one of her older sisters, an arrangement which Cheryl herself helped to set up with her social worker. Despite the fact that Cheryl was able to change her welfare placement as a result of her behaviour, the situation was nevertheless interpreted within the customary frames of reference of the welfare workers. Her alcohol binge and drug taking were seen as symptomatic of a distressed and disturbed child who suffered from a poor upbringing. It was presumed her behaviour was indicative of a "cry to be loved". Cheryl's welfare worker had commented frequently to me that she believed Cheryl was an intelligent girl with the potential to achieve. She felt all Cheryl needed "was to be loved and well cared for". The implication was that Cheryl might discontinue her criminal behaviour if she moved away from the social conditions which, in the welfare workers' eyes, determined her 'criminality', and eventually be assimilated into the accepted social mores of the wider society under the right guidance.

³ The term to 'run amok' is used by Aboriginal people, particularly children, to describe behaviour which has no regard for the opinions and feelings of others, or actions which ignore social proprieties. It is behaviour which is considered defiant.

As is evident in these examples, Cheryl, her siblings and her mother had little respect for the officers of the Department for Community Welfare. Yet, their discontent was directed at specific workers rather than the system as a whole. Further, their attempts at resistance and subversion were carried out within the existing structure which they took for granted. And, as illustrated by one of the welfare worker's suggestion that Cheryl's sister should be placed in care, these attempts at subversion and manipulation could lead to increased welfare surveillance and control (cf. Collmann 1979, 1981, 1988).

Thus, in Port Augusta, Aboriginal children evolved forms of resistance to welfare intervention which *actually* reinforced the commonsense understandings of Aboriginal culture held by welfare workers' both Aboriginal and others and, in turn, legitimated welfare involvement in these children's lives (cf. Handelman 1983, Cicourel 1986). They identified Cheryl and her sister *as victims* of their mother's failure to properly and adequately provide for them, rather than as *co-conspirators* with their mother in attempts to manipulate the system. At the same time, by devising procedures to manipulate the system to their advantage, Aboriginal children and their parents attempted to define and insulate their own identity and meaning systems in opposition to these dominant structures (cf. Willis 1977⁴).

⁴ Willis (1977) argues that the strategies of resistance to the dominant structure adopted by working-class children, by validating working-class life which exists as a part of this very structure, actually recreate social divisions of dominance and dependence. The forms of resistance which some working-class children take in the classroom situation are designed not as an attempt to alter the existing educational structure, but rather to reinforce the meaning and value of working-class identity in opposition to the alternatives imposed by teachers and education officers. By adopting these strategies of resistance, these children attempt to maintain some form of control over their destiny by manipulating school situations to their advantage. For example, Willis shows how some children who identify themselves as 'the lads' take advantage of particular teachers' goodwill or youthfulness to allow them opportunities to smoke cigarettes on the school grounds. Of particular importance to the success of these forms of resistance is the general support of the parents for 'the lads' behaviour. As Willis states:

The crucial divisions, distortions and transferences...arise very often not so much from ideas and values mediated *downward* from the dominant social group, but from internal cultural relationships (Willis 1977:160, author's emphasis).

Moreover, as these children usually end up leaving school before they have completed their schooling, and taking up jobs as factory workers, their teachers' expectations of working-class children are confirmed.

By its very attempts at control, therefore, the Welfare State provided the mechanics for the subversion of this control by its 'clients' (cf. Foucault 1977). Taussig (1987) has pointed out that the 'disorder' which the Indians of the Putamayo introduced to the colonial rubber plantations through the different meanings and actions they ascribed to their circumstances to those of their masters, also provided the colonial justifications for their torture and domination. Yet the Indians were also inscribed with a perverse power of their own reflected in the very 'horror' of the methods used in their domination.

After learning from the INC family that Cheryl had run-away, the welfare office was in turmoil for over a day as welfare workers frantically telephoned or walked around town looking for her. The placement with the INC family made the Department legally responsible for Cheryl. The welfare officers, therefore, were extremely anxious to find her before she could come to any harm. Ironically, they were too late. Cheryl had irreversibly damaged her own body in a dramatic bid to alter the direction of the outside forces which controlled her life.

Aboriginal juvenile criminal activities were not only acts of defiance to the system, but were also attempts by Aboriginal children to take control of their lives which were dominated by the overarching legal and welfare processes. I argue, that self abuse of the body is very often an attempt to retain self identity and direction over one's destiny by defining the body as the locus over which outside forces have limited control, but which the individual has the power to destroy (cf. Brady 1992).⁵ Self destruction of the body through the use of drugs and alcohol and self-mutilation are the ultimate

⁵ Peters (1995), in a recent article on the body condition of *anorexia nervosa* has noted, through her use of the 'voices' of anorexics, that one of their main purposes for inducing their condition is to attempt to control outside social forces which effect them through an internal control over their own bodies. Peters provides examples whereby women attempt to control aspects of their position within their family structure by enforcing a rigid control over their own bodies through the use of diet. As Peters also points out:

The novice dieter, therefore, has much at stake. She knows her body shape will be linked to her success in a career and her possession of specific character traits. It is easy to see why the anorexic interprets all this to mean that, at 45 kilograms, she is a better person than at 47 kilograms. *Anorexia nervosa* thus develops when a female (and less often a male) fastens onto this highly valued societal goal, a super-slim body shape ideal by which she has been encouraged to define her identity (Peters 1995:52).

statements of resistance. To 'run amok' is to construct the self as disordered in the face of a system attempting to impose order and authority over Aboriginal children's lives. In so doing, as Cheryl's actions proved, Aboriginal children introduce some disorder to the system at the ground level.

Yet these acts of self-destruction also served to incorporate Aboriginal children within the dominant welfare structure. Because of this they were ultimately pointless (cf. Young 1975:73). Drug and alcohol abuse and self-mutilation were conceived of by welfare agents as these children seeking attention and as a plea for help. As in the case of Cheryl, this situation leads to increased welfare supervision and control not only over Aboriginal children's lives, but ultimately over their bodies. Thus, the interpretation of Aboriginal juvenile crime as symptomatic of an Aboriginal social condition was itself instrumental in the perpetuation and reproduction of Aboriginal illicit activity. Not only did the legal and welfare interpretations define Aboriginal juvenile criminality as expected, they were also an important factor in the creation and maintenance of the very conditions of economic and social marginalisation of Aborigines under which Aboriginal juvenile criminality was played out.

'Bad' mothers

It is the very differences in interpretation by Cheryl's family and the welfare workers of the same social events, I assert, which was intrinsic to the maintenance of unequal power relations between the two parties. As individuals, the welfare workers had little real power to control the lives of Aboriginal people such as Cheryl's family. Rather, their power was inscribed within the organisation for which they worked as public servants. I contend, the disjunctures between their limited power as individuals to control the lives of others, and their power to do so as representatives of the State welfare bureaucracy, was bridged by the form of their interpretations of the behaviours of Aboriginal people. For instance, the rendering of Cheryl's mother as a "bad mother" by one of the social workers echoed the Department's definitions of what defined 'bad' parenting for anybody, be they Aboriginal or White.

In the welfare files to which I had access and in discussions with welfare officers, references were constantly made to the types of criteria which were deemed to exhibit family dysfunction. The types of signs which welfare workers looked for among others included: children who roamed the streets at night without parental supervision; truancy; the number of partners of the parents; and any contact with the law the family may have had. The welfare workers took on the 'knowledge' of the welfare bureaucracy to justify their own definitions of welfare 'clients' and their intimate dealings with them (cf. Handelman 1983).

I contend, that these welfare workers analysed the social world in which they worked within a framework of what Bourdieu has identified as *objectivist* knowledge (Bourdieu 1973:53). Thus, these workers operated with an accepted criterion or code of actions through which they analysed the behaviour of others. Yet, at the same time, they remained largely ignorant of the social and political structures within which this knowledge was produced. Instead, I argue, they took their understandings of the behaviour of Aboriginal people for granted and as a form of 'truth'. Within the welfare frame-work, by definition, children who come to the welfare office for money to buy clothes, must come from a dysfunctional family. While these were some of the standard criteria for the assessment of family 'delinquency' by which all cases were judged, as I have argued throughout this thesis such criteria were considered commonplace for Aboriginal families. The drinking behaviour of Cheryl's mother and her alleged neglect of her children were seen by many white welfare staff as part of her Aboriginality. Her behaviour was identified as beyond her control and requiring welfare intervention.

The disjunctures and contradictions between 'standard' welfare interpretations as a rhetoric of State control, and the personal 'knowledges' welfare workers held about the Aboriginal people with whom they worked were most pronounced with Aboriginal welfare workers. For the white welfare workers with whom I talked, their personal opinions about Aboriginal clients generally matched their professional determinations. For the Aboriginal welfare workers it was different. These workers had known Cheryl's family as part of the Aboriginal community of Port Augusta for many years.

Indeed, one of these workers was distantly related to Cheryl's mother through her kinship links with an Aboriginal cultural group affiliated to the one Cheryl's mother claimed primary connections with. In social relations with Aboriginal clients outside of the welfare office or welfare working time, these workers were obliged to relate to, and talk about, Aboriginal people such as Cheryl's family under a very different set of cultural assumptions. However, within the confines of the welfare office and in the presence of other welfare workers, the Aboriginal workers used strict welfare criteria to describe the behaviours of Aboriginal clients.

The social environment of the welfare office became the context within which the Aboriginal workers voiced their opinions. This situation was exemplified during an informal round-table discussion one morning at the welfare office. The instance of an Aboriginal boy came up at one point. This child had remained a welfare client after being committed in the Children's Court for a series of *larcenies of a motor vehicle*. During the conversation, one of the Aboriginal welfare officers present agreed with other welfare workers that the boy came from a 'dysfunctional family'. She commented disdainfully about his alcoholic mother and suggested that the uncle with whom he now lived was an 'inadequate care giver'. In contrast, during a private conversation with me later in the week, this worker expressed her distress over her belief the boy was a petrol sniffer. She said he was the nephew of one of her cousins and she had found the boy outside of her home waiting for her one evening. She had let the boy stay with her for over a week because he had told her his uncle had kicked him out of home and she felt 'sorry' for him. The worker also begged me not to tell anyone at the welfare office that the boy was staying with her, as she believed they would see this as a breach of the professional ethics of the Department. She believed her actions might be grounds for the Department to sack her. She couched her fears in terms of shame. She felt shame that one of her young relatives was a petrol sniffer, a category of person identified by the Department as irresponsible yet helpless.⁶ Yet to

⁶ This perception of petrol sniffing contrasts dramatically with the social meaning of petrol sniffing which Brady reports amongst Aboriginal children and the adults of the communities in which they live. Rather than rendering them helpless, those children who sniff petrol gain significant power over their own bodies and are able to exert particular demands over their parents. As she states:

They are taking control over their own bodies (by altering their body shape) but also exerting control over others (deliberately counteracting the effects of nourishing food such as milk and

refuse him aid would have imbued her with greater shame in her social relations with other Aboriginal people.

I point out here that this is an example of another dimension of the contradictions I discussed in chapter five which Aboriginal welfare workers face in their daily work.⁷ I described the strategies Aboriginal welfare workers had to undertake when dealing with Aboriginal clients in the formal setting of Children's Aid Panels in order to maintain their integrity within the wider Aboriginal community. Here, I have shown that these workers must also develop strategies to maintain an appearance of professionalism as expected of them by their welfare colleagues and the state welfare bureaucracy for which they work. I also point to the contrast between the tactics used by this woman to survive professionally in a bureaucracy dominated by people who were not Aboriginal and those tactics used by ALRM staff to maintain Aboriginal control of an Aboriginal organisation headed by white lawyers.⁸ Unlike her ALRM colleagues, this Aboriginal welfare worker found no support for an Aboriginal exegesis among her co-workers. Rather, she preferred to camouflage her social links to the wider Aboriginal community while in the presence of non-Aboriginal welfare staff at work in order to fit in with the 'norms' of the welfare office.

Among Aboriginal people in Port Augusta social context is a highly important criteria determining the type of personal interaction with others. In his seminal work on the Kalela Dance, Mitchell (1956) showed how social context determined the relevance of tribal and class differences among Africans of what was then Northern Rhodesia. He also argued that the appropriation of aspects of European life-styles such as dress, played an important part in the maintenance of the stratification of African society by

eggs). By rejecting the sustenance offered by their parents and by becoming 'bosses' over their parents, they are, in effect, turning their culture on its head (Brady 1992:82).

In the example I have given, this boy's behaviour can also be interpreted as an exertion of his personal power over his aunty as she felt unable to refuse him the care he demanded. I discuss the meaning of petrol sniffing to Aboriginal people living at Davenport, Bungala and in town, in greater depth in the next chapter.

⁷ See chapter five page 117 forward.

⁸ See chapter six page 157 forward.

attributing social value to European habits. In so doing, these Africans attributed power to the very regime which enforced their subordination. Similarly, as this welfare worker's situation shows, and as I go on to illustrate in these final chapters, social context is highly determinant of the relevance of kin and cultural affiliations as a category of identification and social interaction for Aboriginal people in Port Augusta. Yet there is more. Implicit in Mitchell's argument is the notion that the 'mimicry' of aspects of behaviour of the dominant Europeans protects the existing divisions and coalescences operating within Black social structures. Thus, taking on board the definitions of the dominant Other within the contexts within which Aborigines and Whites interact also protects and maintains Aboriginal cultural understandings within themselves.

At the same time, by acquiescing in the accepted definitions of Aboriginal clients by the welfare bureaucracy in a welfare context, Aborigines working within this State bureaucracy in turn, play into the power relations of the very regime which dominates them (cf. Myers 1982). As Taussig (1987, 1993) has illustrated, to mimic the dominant Other allows those who are subordinate to gain access to the dominant society within a frame-work which stays true to the definitions of the social world of those who are dominated, in this case, Aborigines. There is a difference, here, I suggest from Aborigines accepting the 'symbolic capital' of White society in Bourdieu's sense (Bourdieu 1990:112-121), where elements such as knowledge, education and reputation within the legal and welfare fields become a recognition of one's place within these fields. As with those Aborigines working for ALRM, the Aboriginal welfare workers operated with the White definitions of the world in a White social context.

Yet, at the same time, these very definitions were challenged through Aboriginal constructs such as shame which also controlled the social behaviour of these people. Social context, I assert, predominated over strategies to gain access to the symbols of power of the State legal and welfare systems. For as Bourdieu (1987) has argued, legal knowledge allows only one definition of the world. For Aboriginal people living in Port Augusta to accept this exclusive definition would be to undermine their own concepts of the world. Their personal domination would be complete. Of course, the

intrinsic power embedded within the legal structure, as Bourdieu (1987) argues, is that it has the ability to incorporate other knowledges within its own framework as part of the legal 'field' of knowledge. I have already pointed out that the Royal Commission into Deaths in Custody is a recent and potent example of this phenomenon. The logic of the structures of domination are extremely insidious, therefore, as the autonomy of Aboriginal cultural thought becomes encompassed and redefined within the realms of the dominant institutions which disseminate information about Aborigines to the Australian population at large.

Youth programs for Aboriginal children

I have shown, through the stories of Cheryl and her family how *The Children's Protection and Young Offenders Act* permitted the DCW direct intervention into the socialisation of Aboriginal families through the rulings of the Children's Court. However, in Port Augusta, welfare involvement went beyond specific case work with individual children and their families. Through the Department's involvement in youth programs in the town, welfare workers were also able to observe and influence the activities of many other children and through them their families and the wider Aboriginal community.⁹ I have argued throughout this thesis that Aboriginal children were defined by the legal and welfare fraternity, as well as local politicians and business owners, as *the* major criminal offenders operating in Port Augusta. Indeed, the consensus among many business people, the police and welfare and legal workers was that there was an Aboriginal crime problem in the town. As I have argued, however, and as the literature has generally shown (cf. Carrington 1991; Cunneen and Robb 1987; Eggleston 1976; Gale *et al.* 1990; Cunneen 1992; Daunton-Fear and Freiberg 1979 and Edmunds 1989), the apparent over-representation of Aboriginal children in

⁹ Jacobs (1983:154) has pointed out that in the early 1980s the DCW, along with the Department of Aboriginal Affairs (the DAA), was one of the most influential organisations in Aboriginal affairs in Port Augusta. These government departments funded or supported more Aboriginal programs than any other government departments with an input into the Aboriginal community during this time.

The point I raise, however, is that the DCW, unlike the DAA, was a South Australian government body with a mandate to provide welfare services to the South Australian community at large. Yet, in Port Augusta, the Department's main focus remained the Aboriginal population. I have argued that this obsession with the affairs of the Aboriginal people of the town was intimately linked to the legal and welfare construction of an Aboriginal juvenile criminal identity.

Australian criminal justice systems is a result of the discrimination they face within these systems. It is *not* an outcome of these children being either intrinsically more criminal, or of them committing more crimes than other children. Nevertheless, the actual visibility of their over-representation in the juvenile justice system allows for such interpretations and becomes a self-fulfilling prophecy.

Solutions to the so-called Aboriginal juvenile crime problem in Port Augusta were sought by the Department for Community Welfare at the alleged source — the Aboriginal community — through Aboriginal community projects. It was intended that such projects would attack the purported diagnostic causes of criminal behaviour such as petrol sniffing and alcohol abuse. I demonstrate, however, that by enlisting the support of Aboriginal organisations in the control of the behaviour of their children, these Aboriginal organisations played a significant role in the generation of the mythology of the intrinsic nature of Aboriginal juvenile criminality and, in so doing, played a role in the further incorporation of Aborigines into the dominant Welfare State. Yet, I suggest, these Aboriginal organisations had little choice but to be involved. For to not play a role in youth programs aimed at Aboriginal children would have been to put this aspect of Aboriginal affairs firmly back in the hands of non-Aboriginal people. If nothing else, an Aboriginal presence in the management of youth programs provided opportunities for these Aboriginal people to gain access to valuable government resources and to voice an Aboriginal perspective on how programs should be run.

Aboriginal people in South Australia have little other occasions to declare a political perspective on Aboriginal affairs than through the government schemes established to encompass them within the vision of the State. Port Augusta has had a long history of the establishment of youth programs aimed at catering for the general recreational needs of children, as well as those aimed specifically at providing 'rehabilitation' for children who have been caught up in the legal and welfare processes. Of these, a number were designed to cater specifically for Aboriginal children. Here, I outline the development of the major youth programs in the town which catered for Aboriginal children during 1985 to 1987.

In 1959, Umeewarra Mission, located alongside the Davenport reserve, established a club for boys living at the Mission, Davenport and later Bungala. The club was designed to provide religious instruction in the Brethren faith.¹⁰ It also provided recreational activities, camping excursions and leadership training. Despite the radical changes wrought by the South Australian welfare department¹¹ (Braddock and Wanganeen 1980) in the 1970s to the Umeewarra children's home, the club survived and exists to the present day.

At the time of field-work, in 1986 and 1987, the boy's club was always well-attended by children living at both the reserve and Bungala, and in town. It operated once a week out of the Mission buildings located adjacent to the Davenport reserve. Much later, a girl's rally was established by the missionaries. This was also held once a week, but operated out of the Brethren church in town.

Funding for both the boy's and girl's programs was provided through the Church. Occasionally additional government funds would be sought for excursions or equipment. In 1986 and 1987, for example, the Mission had received a grant from the Aboriginal Development Commission¹² specifically for the running of these youth meetings. The teachers and welfare workers I spoke with deemed the Mission youth program as the most successful of all the programmes run in Port Augusta at that time. Success was defined by them as the regular attendance of children, the high numbers attending (approximately twenty to thirty children each session), and the enthusiasm of the children involved for the religious and recreational activities organised.

¹⁰ I have discussed the history of the Brethren Mission at Davenport in chapter two. See pages 42 through 45.

¹¹ This department was known at that time as the Department of Social Welfare and Aboriginal Affairs. At the time of my field-work the department was known as the Department for Community Welfare.

¹² The Aboriginal Development Commission was a Federal government body. In 1989 the functions of this organisation were combined with those of the Department of Aboriginal Affairs to form the Aboriginal and Torres Strait Islander Commission (ATSIC).

This opinion of the boys club and girls rally was echoed by many of the Aboriginal children I spoke with. Most of them had attended the programs at some stage and many were regulars. For these children the Mission's programs were rivalled in entertainment only by those of TjiTji Wiru, an Aboriginal youth program operating at the reserve. Although the South Australian government welfare department had not had any direct input into these particular schemes, it had nevertheless inadvertently impacted on the activities the missionaries offered the children. I was told by some of the missionaries that the closing of the children's home by the then Department of Social Welfare and Aboriginal Affairs had left them no choice but to put their teaching and religious energies into the indoctrination of Aboriginal children through the boy's club and the girl's rally.

The Offenders Aid and Rehabilitation Service (the OARS), run by the Anglican Church, also offered youth programmes for Aboriginal children. For many years OARS had organised a series of programs known as the Shaftsbury Course. These programs were aimed at fostering self-development and employment skills. According to its organisers, however, the attendance of Aboriginal children at different courses was inconsistent. Some courses attracted large numbers, at others only a few Aboriginal children took part. One of the program's organisers suggested this had a lot to do with the Aboriginal adults involved. The success of the Shaftsbury courses depended on the influence of the Aboriginal the OARS workers in the Aboriginal community at the time the course was being run. For instance, some Aboriginal workers could cajole a number of their young relatives to attend. This situation changed during 1987, however, when the Shaftsbury Course became incorporated under the umbrella of the DCW Youth Network Committee during a campaign by the Department to develop centralised youth rehabilitation and recreation programs in the town. During this time, it was the Network Committee which chose the Aboriginal children who attended the course.

In 1977, the Federal Department of Aboriginal Affairs (the DAA) funded the establishment of the Yura¹³ Youth Programme. This program was a forerunner to the TjiTji Wiru youth centre the focus of my next chapter. As part of the DAA's policies of self-management of Aboriginal youth programs the scheme came under the auspices of the Aboriginal Social Club.¹⁴ This organisation functioned during the 1970s and into the 1980s. The precedent of self-management of Aboriginal youth programs set by the DAA was later followed by the DCW when it also became heavily involved in this field of Aboriginal affairs in the early 1980s. After the collapse of the Aboriginal Social Club, Yura Youth was taken over by its successor the Community Affairs Panel (CAP) (cf. Jacobs 1983:156).¹⁵

In late 1985 the Yura Youth program also collapsed under the weight of Aboriginal politics and government agency interference. Yet, despite the programs troubled history many older Aboriginal children I spoke with remembered the organisation with fondness. To these children, it represented a uniquely Aboriginal program for the very reasons that it was organised by Aboriginal people in an Aboriginal centre. The adults who ran the program were familiar to the children who came and, indeed, they were often their kin. These children also believed that Yura Youth had offered camping and recreational activities which were 'Aboriginal' in their concept and design. However, similar approval of the scheme was not forthcoming from its sponsors. The family relations, which for the children had made the program distinctly Aboriginal, became the basis for the government withdrawing its support. It was alleged by those

¹³ 'Yura' is the Adnyamathanha word for people. In present-day use the word refers specifically to Aboriginal people and usually Adnyamathanha Aboriginal people. White people are referred to as Udneyu in this language. 'Yura Youth', therefore, meant Aboriginal youth.

¹⁴ According to Jacobs (1983):

The Social Club concept emerged out of an awareness that the already multifaceted, uncoordinated and largely externally-run organisations serving the Aboriginal community needed an increased level of interaction and cooperation, and an increase in Aboriginal input. The Port Augusta Aboriginal Social Club was an attempt to transfer Aboriginal-orientated services from organisations such as the DAA into Aboriginal hands (Jacobs 1983:154).

Jacobs goes on to stress, however, that like many Aboriginal instigated programs in Port Augusta, the Aboriginal Social Club collapsed due to government interference and pressure. The club eventually came under the control of the DAA.

¹⁵ The Community Affairs Panel later became known as the Aboriginal Community Affairs Panel (the ACAP).

government workers both Aboriginal and White I spoke with, that Yura Youth collapsed because of jealousies over the control of the program by one Aboriginal group and their kin.

Rather than entering this debate directly, however, the DAA withdrew its funds for other stated reasons. These included an alleged lack of appropriate youth-worker skills amongst the Yura Youth staff. There were also concerns over mis-management of property and funds and lack of direction of the organisation overall. In the end, the DAA handed over the running of the program to the DCW. The program lasted three more years after which it was shut-down when the DCW redirected funds for the program to support a sports co-ordinator's position with the Aboriginal Community Affairs Panel. As I discuss in the next chapter, the history of the rise and fall of the Yura Youth scheme echoes in many ways the development of the TjiTji Wiru youth program from 1985. Significantly, the Aboriginal kin associations and alliances through which Yura Youth was organised, became the basis for eventual direct government intervention and control of this project. I contend that self-management as a government goal for Aboriginal communities and organisations was by definition a misnomer as self-management could only be successfully achieved if these bodies adhered to non-Aboriginal definitions of self-management practice.

The Youth Project Centre

In November 1986 the Department for Community Welfare set up and funded a Youth Project Centre in Port Augusta. Youth Project Centres operated under the *Children's Protection and Young Offenders Act* in city and country areas throughout South Australia. The Centres were designed to provide an option for alternative placement to detention for recidivists and those juvenile offenders who had committed serious crimes (Seymour 1983). Prior to the establishment of the Centre the range of supervised sentences available to the magistrate in Port Augusta had been limited to bonds under the supervision of welfare workers in Port Augusta or detention in secure care in Adelaide. The Youth Project Centre was established to fill this gap. The centre was able to provide full-time supervision of convicted offenders while at the same time allowing them to remain within their own community environment. The Centre was

also established to relieve the social workers of some of their case-loads. In the past, social workers assigned to the case of a convicted offender had no option but to fit in the supervision required with their other welfare duties with other clients.

Youth Project Centre's were administered from the regional section of the Department for Community Welfare. This was a separate division to the district offices located in country areas throughout South Australia which dealt with the daily welfare needs of clients, including financial assistance, counselling services and the operation of Children's Aid Panels. The DCW regional office in Port Augusta which was located in a separate building to the town's district office, dealt with the managerial and administrative affairs of the Department. Regional offices also handled and developed welfare schemes for juvenile offenders, administered the youth remand and detention centres in Adelaide, and developed community placement schemes for children deemed by the Children's Court to be "in need of care".

As the Youth Project Officer's direct superior was located in the regional branch in Adelaide, he did not have to answer to the district office manager in Port Augusta. Nevertheless, he was provided with work space at the Port Augusta office as it was the clients of this office with whom he was dealing. In particular, his brief was to develop projects designed for the rehabilitation of serious offenders. The obvious independence of the Youth Project Officer from the management practices of the district office was the cause of subtle and underlying tensions with other welfare workers. Concerns were expressed to me that the programs which the Youth Project Officer devised interfered with the case management practices of the welfare workers for whom these children were clients. I contend that these disgruntlements meant that there was very little effective support for the Youth Project Officer's grand designs amongst the staff in the Port Augusta district office. However, these criticisms were rarely expressed openly to the Youth Project Officer. Rather, subtle tactics such as feigning over-work, were devised to avoid contributing to the establishment of the Centre.

The Youth Project Officer's ambitions went far beyond schemes devised to aid in the 'rehabilitation' of serious juvenile offenders. He wished to bring all the disparate youth programs operating in Port Augusta at the time under the central co-ordination of one committee — the Youth Workers Network Committee. In fact, this task was part of his employment brief with the DCW, and he had strong support for his plans from his line-manager in Adelaide. The Youth Project Centre and the Network Committee that were set up in Port Augusta, reflected similar schemes being introduced state wide by the Department. I argue this was a blatant method by the Welfare State to attempt to centralise community welfare schemes within the ambit of its gaze. From the turn of the century the government in Australia has enacted schemes on the one hand, to devise means to become directly involved in the socialisation of children while, on the other, pursuing methods of control through the family (Van Krieken 1991). These trends, of course, also reflected the wider shifts in State control within the western world.

In one sense, the family became, through saving, a *point of support* for reabsorbing individuals for whom it had been inclined to relinquish responsibility, calling upon the state instead as the agency politically responsible for their subsistence and well-being. In another sense, through a consideration of the complaints of individuals against its arbitrariness, the family became a *target*; by taking account of their complaints, they could be made agents for conveying the norms of the state into the private sphere (Donzelot 1977:58) (Author's emphasis).

With the *Children's Protection and Young Offenders Act* in particular, the Welfare State in South Australia attempted to control the socialisation of children identified as offenders by laying blame within the family unit and identifying it as the locus for change. Youth Project Centres, as I show, were a very direct method of achieving such changes. For not only did the officers who ran these centres have control over children, they also regularly administered advice to their parents on how to raise them.

For the Youth Project Officer in Port Augusta the scheme also reflected his personal vision of a united community drive to help the 'disadvantaged and disaffected' youth of the town. Yet, the establishment of such a Centre in Port Augusta had very particular ramifications. While the scheme intensified welfare surveillance over a small number of children and their families who were not Aboriginal, it was the Aboriginal community

at large which became the focus of the Centre's attention. In line with the legal and welfare responses to juvenile crime in Port Augusta, the Youth Project Officer identified Aboriginal children as the major contributors. He saw solutions in encouraging the Aboriginal community to develop initiatives to prevent their children from entering into legally defined illicit activities. The methods he devised to initiate a solution from Aboriginal people themselves, was to bring those established youth programs dealing with Aboriginal youths under a central organising body.

The response from the youth organisations approached by the Youth Project Officer were mixed. Yet many co-operated both because they felt compelled to comply with the initiatives of the government, and because they wished to appear to be doing the right thing for the youth of the Port Augusta community. By becoming involved these organisations also increased their funding options from government sources. It is interesting, however, that the Umeewarra Mission declined to be a part of the project. Thus, I contend that the establishment of the Youth Project Centre extended the operations of the DCW way beyond its obligations within the juvenile justice system into the administrative affairs of Aboriginal and community organisations. As I discuss in the next chapter, it was also via entrance through this door that the DCW gained influence over some of the internal political affairs occurring amongst Aboriginal groups at this time.

The Youth Project Centre was staffed by the co-ordinator who was a trained social worker and another social worker. Occasionally other social workers with experience with youths would be called upon to provide assistance. These welfare workers provided counselling and recreation activities at the Centre for children who were identified as falling into one or more of the following categories:

- i Abused children, or children at risk of being abused (either physically or emotionally)
- ii Children whose parents were separated
- iii Adolescents in crisis, and
- iv High profile young offenders.

Between November 1986 and August 1987, 43 children (of whom 22 were Aboriginal) were referred to the Youth Project Centre. Of these 16 Aboriginal children and 5 other children were referred from the Children's Court or a Children's Aid Panel to attend the Centre as part of the conditions of a bond with supervision; or as part of an undertaking directed by the Panel. Convicted offenders who had been ordered to attend the Centre underwent a period of rehabilitation through counselling and work programs. The structure of each individual's program depended on the length of the bond or supervision ordered by the Court or Panel. The co-ordinator of the Centre pointed out to me that the main purpose of the counselling sessions was to get these children to realise the offence/s they had committed were morally wrong. The children were also warned of the consequences they faced if they insisted on continuing to offend.

Counsellors considered it as important to "break the kid's spirits" in order that they should stop their 'anti-social' behaviour. One means of achieving this was to provide the youths with intensely physical activities such as painting fences or redecorating the Youth Project Centre premises. It was hoped that by the time the children had completed these tasks they would be too physically exhausted to roam the streets with their friends and get into mischief. Thus, these activities were designed to achieve a two-fold aim: on the one hand, to keep children away from their peers who allegedly spent their time drinking and walking the streets and, on the other, as a form of punishment and rehabilitation for the criminal acts for which the child was convicted.

The Aboriginal children ordered to attend the Centre during my field-work were children who had been convicted of serious criminal offences. These included charges of assault, rape, malicious damage and larceny of motor-vehicles or they were children who were considered repeat offenders. Only three of the white children who attended the Centre were considered serious offenders. In comparison with the Aboriginal children ordered to attend the Centre by the court, the majority of white children (16) came under the Centre's 'at risk' category. Children 'at risk' were considered to fall

within the following categories:

- i sexual/emotional abuse in the home;
- ii children who engage in self-destructive behaviour such as drug and alcohol abuse;
- iii homeless children;
- iv children who need a male role model or father figure

Only six Aboriginal children (four males and two females) who attended the Centre were included in the 'at risk' group. All the children in this category had come to the notice of the Centre through confidential referrals by either:

- i other social workers in the Department;
- ii the co-ordinator of Domiciliary Care at the Port Augusta Hospital;
- iii the hospital's drug and alcohol counsellors;
- iv the Children's Services office;
- v Rangers Youth Shelter for homeless youth;
- vi occasionally school teachers.

As I illustrate, the Youth Project Centre operated to incorporate Aboriginal youths who did not strictly fit into the 'at-risk' category, into the ambit of the welfare structure at two distinct levels; firstly, through individuals who had been referred to the Centre on a court or Children's Aid Panel order; secondly, through intervention into Aboriginal directed youth programs. Aboriginal and other children, therefore, generally entered the youth rehabilitation programs organised by the Centre by very different means. I suggest these divisions in admission criteria for the two groups also served to reproduce and ratify the welfare workers interpretations of the characteristics of Aboriginal and other children.

In line with the implicit ideology of many of those legal agents working in Port Augusta, Aboriginal children were identified by these workers as intrinsically more criminal whilst other children who were not Aboriginal were identified as adolescents in crisis. Thus, the philosophies of the social workers, who worked with the Centre, about the origins of juvenile crime, particularly those of the co-ordinator, greatly influenced their forays into established community youth programs. Aboriginal juvenile crime, it was believed, was symptomatic of poverty, dispossession and alcohol abuse. It was defined as an affliction of, and intrinsic to, Aboriginal social conditions. In order to tackle Aboriginal juvenile crime, therefore, the Centre's workers believed

they had to penetrate the heart of the Aboriginal community and change the habits of family and society.

While some of these Aboriginal children were described as 'problem' children who could be annoying to the workers, the faults of their ways were deemed to lie nevertheless within their social condition. It was also hoped that by "breaking" the 'criminal' spirits and habits of these children they could help, in turn, their community to rise above the violence and alcohol abuse which allegedly afflicted it. In order to obtain a greater knowledge of the social environment of these Aboriginal children, the Centre's workers extended their surveillance of them beyond the time these children officially spent at the Centre. Indeed, they would often drive around the town and out to Davenport to 'unobtrusively' observe a client's social behaviour. If a client was seen mixing with other known offenders, or sitting with a group of drinkers, be these adults or other youths, they were confronted about this at the next scheduled session. Ironically, the workers themselves were under 'surveillance' by the Aboriginal children they watched. Many of these children, for example, would comment to me at some stage that they had seen the Centre's co-ordinator out at Davenport. They acknowledged him openly by waving to him and shouting out his name. By doing this, the Aboriginal children 'called the Youth Project Officer's bluff'. They revealed his presence to the scrutiny of other people in the vicinity thus rendering his methods of subterfuge ineffective.

Capturing 'innocent' children

The Youth Project Centre also sought to incorporate into the welfare structure other Aboriginal children who were not caught up in the juvenile justice process at the time by intervening in existing Aboriginal youth programs. The Department for Community Welfare's case histories on 'official' clients who were serving a Court or Panel order provided information on other Aboriginal youths with whom the client associated. These were augmented, of course, by the welfare workers own observations of the social habits of these children. Those children the client associated with were considered by the welfare workers to be 'at risk' of becoming offenders as well. They justified, therefore, an involvement in their lives by welfare workers. Most of the

children the workers identified as belonging to this category attended TjiTji Wiru, an Aboriginal-run youth program operating out of Davenport reserve.

In January 1987, the co-ordinator of the Youth project Centre approached the Aboriginal youth workers of the TjiTji Wiru and Shaftsbury programs to discuss the possibility of combining the funds and resources of all three programs. This was part of the scheme to bring all the youth programs operating in Port Augusta at the time together under the co-ordination of the Youth Network Committee. By doing this, the Youth Project Officer argued, better facilities would be available for all of the youth programs operating in Port Augusta. The Youth Project Centre workers also envisaged that official clients could be brought into these already existing programs as part of their rehabilitation. Of those programs approached, the workers at the TjiTji Wiru and Shaftsbury were the most interested in becoming involved. They could see that by co-operating with the Youth Project Officer they would have access to a whole range of recreation facilities and sources of funding not previously available to them. This financial gain was achieved at a price, however, as the Youth Project Centre workers now had access to a much broader spectrum of Aboriginal children for which these other youth programs catered. It also allowed the Youth Project Officer to influence the direction of the programs and alter them in line with the criteria of the DCW.

Thus, while the agreement was made in the spirit of co-ordination and co-operation, in reality, the Youth Project Centre workers took over the reins of control. The activities originally offered by the Aboriginal directed programs were modified markedly by the welfare workers. The aims of the projects became welfare laden. This was particularly evident with the Shaftsbury course. Previously, the Shaftsbury course had been devised by the Offenders Aid and Rehabilitation Scheme (the OARS) to cater for a small number of Aboriginal children who had been 'in trouble' with the law. However, this was a loose criterion around which a series of youth programs were run by Aboriginal and non-Aboriginal employees of the OARS for groups of up to twelve children. The philosophy and structure of the programs were designed around:

...hold[ing] hikes or camps or something to make up for the lack of activities that other kids could use, that other clubs could use. ...As far as the instruction side of it where we use professional people to come and talk to the kids (sic). And we usually cover subjects like drug and alcohol education, sex education, first aid ... we look at things kids would miss out at home, due to busted up families, poor family atmosphere and concentrate on those and getting the kid some sort of a knowledge of that area... (Interview with the OARS worker).

In actual fact, the Shaftsbury organisers would include in a course any Aboriginal child between the ages of about twelve to sixteen who was interested in being involved. Occasionally, other children would also be included. The Shaftsbury programs were similar in style to girl-guide or scout outings and camps. While they included an implicit motive to teach children self-discipline and socialisation skills, the explicit motive was entertainment and fun. The courses were sometimes very popular with many Aboriginal children. In fact, for one Shaftsbury course, the OARS had to resort to interviews as a means to choose children to attend due to its popularity.

However, once incorporated within the frame-work of the Youth Network committee the Shaftsbury course was provided with a philosophy which reflected that of the Department for Community Welfare. Activities were devised which would supposedly teach those children attending appropriate social skills and behavioural norms for their participation in the wider society. These social skills included: 'respect for elders'; how to participate in group activities and methods to develop the children's self-esteem. In one instance, for example, two Aboriginal girls were asked to travel with a volunteer to purchase supplies for a barbecue. I was told by the Youth Project Officer that these tasks were designed to teach these children skills in responsibility to others and financial acumen. Thus, under the Youth Network Committee the Shaftsbury Course became a highly structured:

... three month course for youth who have missed out on guidance and limit[ed] setting at home. Some who attend have need of attention to develop self-esteem, some have parents who cannot exercise adequate care and control, some are referred from Juvenile Court, Children's Aid Panels, School or Youth Shelters (Shaftsbury Citizenship Course plan for March, 1987).

Yet the OARS could only provide the Centre with a limited range of Aboriginal children. As the OARS was ostensibly a non-Aboriginal organisation it relied on the contacts of its Aboriginal workers to gain access to other members of the Aboriginal

population. Of the two Aboriginal men who worked for the OARS during this period, one was from outside of Port Augusta and knew relatively few Aboriginal locals, and the other was an Adnyamathanha who generally restricted his contact to other Adnyamathanha people. In order to penetrate even deeper into the Aboriginal community, the Youth Project Centre also became heavily involved with the youth workers of the TjiTji Wiru youth program, located at Davenport reserve.

The Project Officer did not only cajole the Aboriginal youth workers employed at TjiTji Wiru to be involved with the Centre, he also seconded some Aboriginal mothers whose children attended TjiTji Wiru, as volunteers for the Network Committee. These Aboriginal women joined other volunteers who were not Aboriginal who offered their services to the committee when required. The use of volunteers by the Centre was part of the official policy recommendations for the establishment of Youth Project Centres across the state. The Project co-ordinator was keen to use TjiTji Wiru to introduce the Centre's clients to the camps and outings run by this organisation. By doing this, the project officer introduced welfare philosophies on the rehabilitation of juvenile offenders to this organisation. It was a requirement by the DCW that strict guide-lines on the supervision of welfare clients be adhered to for those adults dealing with these children. For example, all of volunteers had to undergo a police check for any prior convictions. The Youth Project Officer was particularly concerned to screen out any potential volunteers who might have had convictions related to child abuse or serious property offences. In order for these children to be part of TjiTji Wiru programs then, they were required to be supervised by workers 'trained' in welfare methods.

The effect of this situation was for members of the network committee to attend the camps and outings of TjiTji Wiru where these children were present. It was by this means, among others which I discuss in the next chapter, that welfare philosophies penetrated TjiTji Wiru and influenced the treatment of Aboriginal children attending this organisation. Such involvement with TjiTji Wiru, furthermore, gave the Youth Project Centre workers an introduction to most of the teenagers living at the reserve. Over time the Co-ordinator became familiar with those youths who regularly attended

TjiTji Wiru and he was able to track their movements as he cruised the streets. He would often encourage these children to attend the weekly recreation sessions at the Youth Project Centre. More significantly he would pass-on his thoughts and observations about particular children to other welfare officers who may have known the children or their families. I contend this was an extremely insidious form of welfare surveillance of Aboriginal children. Yet it occurred within a framework of heart-felt concern by the Youth Project Officer for the plight of children perceived to be in need of guidance and support.

Most of those children, therefore, who were invited to participate in the programs offered under the auspices of the coalition between TjiTji Wiru, Shaftsbury and the Youth Project Centre were not official welfare clients and as such were not obliged to attend. Yet, as I have argued, the inclusion of these children enabled the Centre's workers to extend their vision. For the Youth Project Centre workers it was important to win over these children and teach them appropriate socialisation skills before they had a chance to enter a life of crime. It was reasoned by the welfare workers that Aboriginal children, particularly those living at the reserve, were generally more disadvantaged than other children. It was for this reason then that they thought Aboriginal children should be encouraged to attend the Centre's activities. It was believed that the Centre could provide these children with the recreational opportunities they would probably never have otherwise. These children were lured to participate in the program by the provision of activities which included: trips out of town, watching videos, or canoeing at the Gulf.¹⁶ The Youth Network workers stated to me that they believed the parents of these children were often too drunk and/or too poor to provide their children with a similar range of activities. It was also reasoned their attendance would provide the Centre's official clients with opportunities to mix with their own peers.

¹⁶ Port Augusta is located at the head of Spencer Gulf along the northern coast-line of South Australia. There are many places to swim and undertake water sports in the quiet and sheltered waters of the Gulf.

As I noted earlier, it is interesting to contrast the approval the welfare workers attributed to this kind of peer socialisation with that of their clients who socialised with their peers in their own time. In this context the young clients were monitored as to the activities they engaged in and whom they were with at the time. Within the context of the Youth Project Centre, however, not only were the client's social habits observed and restricted, but their peer group was organised for them. This artificial creation of peer association also enabled further levels of surveillance by welfare officers of Aboriginal children living in Port Augusta. The processes of observation became circular as Aboriginal children inadvertently became party to their own scrutiny. The numbers of Aboriginal children attending the youth days at the Centre fluctuated between 20 to 30 each week and they were drawn from a specific pool of children. Those specifically encouraged to attend by the Centre's workers were children identified as those who were school truants, who roamed the streets or who hung around the TjiTji Wiru house at all hours.

In contrast, those non-Aboriginal children who attended the Youth Project Centre activities were mostly welfare clients. Occasionally, other white children would turn-up, but this was rare as the program was not advertised widely in the non-Aboriginal community. White children were defined and treated very differently from the Aboriginal children who went to the Centre. The alleged sexual or emotional abuse these children had suffered, in contrast to the criminality attributed to the Aboriginal children, defined them as *victims* of individual circumstances, rather than as *victims* of a community condition. Thus, despite some of these clients also having been involved in criminal activity, or being the perpetrators of sexual abuse on others, they were not treated as criminals but rather as the *victims* of a perverse crime. As sexual abuse is considered by welfare personnel as private and secret these children were treated as individual cases requiring treatment for their personal and family pathology.

The different status attributed to white children entitled them to a totally different manner of treatment by the social workers. There was a high degree of confidentiality surrounding these clients. This edict on confidentiality further ensured these children were dealt with as separate and individual cases. Counselling was carried out at the

Centre, followed up with private home visits. The recreation provided by the Centre was usually the same as for Aboriginal clients, but the purported benefits for children were couched in a very different rhetoric. For non-Aboriginal children the activities were designed to mend the children's battered self-confidence and to provide them with opportunities for "normal" social interaction. As with Aboriginal children, the environment in which these clients had been brought up was deemed to be the overriding factor determining their anti-social behaviour. Yet, for the white children, this environment was considered very specific, demarcated by the family unit. For Aboriginal youths, on the other hand, the environmental milieu in which their criminal behaviour was apparently fostered was far more general, encompassing the entire Aboriginal population of the town. By this means, the alleged criminality of Aboriginal youths was portrayed as a public and popular concern.

The differences in the perceptions of Aboriginal and white children who attended the Youth Project Centre complements that generated by the legal protagonists in the court-room setting. As I argued in chapter six, Aboriginal children were treated as part of a community which required special consideration. This was manifested, for example, in the allocation of a separate component of the Children's Court day to hear Aboriginal cases¹⁷. It was also evident in the type of legal representation Aboriginal and other children received. I pointed out, that the identification of Aboriginal children with the Aboriginal Legal Rights Movement differentiated these children as part of a group. Whereas, by contrast, other children sought individual legal advice which enhanced their treatment as individuals in this setting. There was an implicit notion, therefore, among the welfare workers of the Youth Project Centre, that non-Aboriginal children required help, whereas the behaviour of Aboriginal youths needed to be changed.

The variance in the treatment Aboriginal children received at the Youth Project Centre, compared to other children, did not go unnoticed by Aboriginal children and was reflected in their opinions of the Centre. White youths saw the Centre as invaluable.

¹⁷ See chapter six, page 165.

They found they had someone to talk to who was sympathetic to their problems. They told me they enjoyed the recreation activities at the Centre which their own families could not provide. One youth I spoke with, who was a suspected sexual abuse case, told me that if it had not been for the Centre he would not have developed the social skills necessary to acquire the employment position he now held. Instead, he stated, he would probably be committing crimes. Aboriginal welfare clients, on the other hand, found the staff too demanding. They attended every-day because they had to as part of their court order, but this was under sufferance. One youth commented that he:

...[did not] want to have anything to do with YPC because all the bloke does is lecture you about what you've done wrong, and what you should do, and anyway half the time we just sit around anyway and do nothing.

This youth said he would have preferred to be put on one of the work programs provided by the Correctional Services Department (which at the time only catered for adult offenders), as he saw these schemes as more likely to give him the vocational skills he could use for future employment.

Those Aboriginal children who were not directed to the centre but who came for the general youth activities put on once a week at night, said they did so because there was often nothing else to do and it gave them a chance to see videos and get a free meal. This view reflected a wider disdain among Aboriginal children for the welfare ideology of the Centre. While the staff of the Centre saw the programs they offered as a means to counsel children on social rules, the Aboriginal children I spoke with saw the activities offered as an opportunity to have some free entertainment. The Youth Project Officer often talked to me about the children he had spoken to during the Centre's activities. He would talk to these children about topics such as the effects of taking drugs or long-term drinking, the possible implications for them if they mixed with certain children, and he would offer advice about career options. Some Aboriginal children were excited by the career opportunities the Youth Project Officer discussed with them, but most saw them as irrelevant to their futures. Rather the Centre became an alternative 'hang-out' to TjiTji Wiru for these children. It was, in

fact, the Aboriginal children's sociality which governed the tenor of the recreation programs offered through the Youth Project Centre.

The few white children who were required to attend as part of their court orders were afraid of the Aboriginal children. They were often the butt of jokes and jibes from the Aboriginal youths and this would force them into the background as a means to avoid confrontation. Thus, the welfare visions of the Centre and the Youth Project Officer were frustrated by the priorities of the Aboriginal children themselves. Even for those children who had been placed on a court order or who were welfare clients, the activities offered them an opportunity to continue mixing with the very children who were deemed to be a bad influence on them. In one case, for example, an Aboriginal boy aged in his mid-teens, who had been a welfare client, used the Centre to maintain his leadership over a small group of his peers.

CONCLUSION

Despite the internal resistance by Aboriginal children to the domination of the welfare ideology generated by the welfare workers of the Youth Project Centre, the Centre's policies nevertheless had far reaching consequences for Aboriginal youth programs. By bringing other youth programs which catered for Aboriginal children within its ambit, the Youth Project Centre influenced significant changes to the functions and policy lines of these programs. In particular, the Youth Project Centre instilled welfare ideologies within their frameworks and initiated the workers of TjiTji Wiru and the OARS Shaftsbury programs as surveillance spies for the welfare bureaucracy. Yet the penetration of the DCW into the lives of Aboriginal children and their families through youth programs was also erratic and never total. As the Youth Project Centre relied on the co-operation of Aboriginal youth workers it was also effected by the personal and community ambitions of these workers.

The staff of TjiTji Wiru and Shaftsbury may have been influenced by this type of welfare expansion into Aboriginal lives, yet they also used the scheme to their own ends. In particular, the Youth Project Centre offered access to funds and equipment

which these Aboriginal programs could use. It also offered avenues for gaining prestige as the Aboriginal youth workers became important volunteers working with the Youth Project Centre.

Yet, it was these forms of conscious, everyday resistance and manipulation by Aboriginal people of welfare agents which frustrated the very attempts of these agents to bring Aboriginal children and youth workers within the realms of control of the DCW. The everyday resistance among Aboriginal children and adults which I have discussed in this chapter is of the same form as that which Scott (1985) has highlighted among peasants in Malaysia in that it is not planned large scale resistance. Rather it occurs on a daily level as Aboriginal people come into contact with agents of the State welfare and legal systems. Scott, however, has come under increasing criticism for his inability to account for agency and consciousness among those resisting a dominant order (see for example: Nourse 1994, McKenna 1994 and Gibson 1994). Furthermore Gibson has criticised Scott for 'attempting to explain political action solely in terms of the economic practices of everyday life' (Gibson 1994:62). I am not describing political action here. Rather, I am explicating ways in which Aboriginal children and many adults actively and consciously go about thwarting the original plans of welfare workers in ways which more accurately suit their own purposes.

Such resistance, nevertheless, was inevitably couched within commonsense frameworks held by welfare officers of Aboriginal culture. The family and political machinations of which the youth workers were a part, were deemed as yet another example of the inability of the Aboriginal community of the town to come together and organise solutions to the alleged 'problems' faced by their children. As had occurred with Yura Youth, this interpretation of Aboriginal sociality and political life reinforced for State welfare organisations their justification for interfering in Aboriginal lives (cf. Howard 1982 and Collmann 1988). In the next chapter, I explore State intervention into Aboriginal health, welfare and youth schemes in more depth through an analysis of the history of the TjiTji Wiru youth Centre. In particular, I focus on the effects of State interference on internal Aboriginal politics. Thus, I explore the role the State plays in creating the political divisions in Aboriginal sociality which are in turn the

source of government criticisms for the alleged inabilities of Aboriginal people to run their own lives.

CHAPTER 8

The TjiTji Wiru Program: a 'solution' to cultural disintegration

They got a couple of games in this big cupboard of sport and that and they got computer, video - sometimes they watch video now and then. When they finish watching a good movie, video they go outside and then they get too rough and then big fight starts. And when they watch karate videos they go out and do karate and then big fight starts. Yeah mainly boys go and that how come they missing out school because they're always going to TjiTji Wiru. They go there instead of go to school because its more exciting there, they can do things.

Group of young teenage Aboriginal boys and girls.

Introduction

Up to this point I have journeyed along the same paths of the South Australian legal and welfare systems as many young Aboriginal people and their families in Port Augusta experience them. By doing so I have drawn out many of the points of conflict and 'misrecognition' between the different knowledges and understandings held about the processes of the welfare and legal systems on behalf of their agents and their 'customers'. However, in this chapter I shift my focus. I have already shown that the Department for Community Welfare was the welfare agency through which the South Australian juvenile justice system, under *The Children's Protection and Young Offenders Act*, incorporated Aboriginal children and their families within the boundaries of the State. Yet, as I argue in this chapter, the DCW was only one hub in a wheel of government welfare bodies, both South Australian and Federal, which reached the heart of Aboriginal social life in Port Augusta. As this Department stretched its influence beyond the bounds of *The Children's Protection and Young Offenders Act* into the operation of Aboriginal youth programs, its philosophies and plans became entangled with those of other welfare agencies and departments which had also entered this field.

I have consistently argued that the legal and welfare bureaucracies played a major part in the construction of an Aboriginal juvenile criminal identity. Further, I pointed out that this was based on the notion that Aboriginal juvenile criminality was symptomatic of an Aboriginal social condition of poverty, family disorder, and cultural breakdown (cf. Collmann 1988). I also argued that the 'solutions' — such as the Youth Project

Centre — devised to treat this alleged condition, were based on an interpretation of the existence of an essentially undifferentiated Aboriginal community. In fact, as I illustrated, the Youth Project Centre was concocted to bring the Aboriginal community even closer together by uniting the disparate youth programs operating at the time. In turn, the naivety of this expectation of Aboriginal community homogeneity and placidity held by welfare and legal agents led to the divisions which did exist within the Aboriginal population being seen as problematic and unnatural.

The political antagonisms between individual Aboriginal people were interpreted as a further example of cultural disintegration. Yet, as I argue in this chapter, many of the political and personal antagonisms existing within and between Aborigines living at Davenport, Bungala and in town were based around issues and programs introduced by government welfare bodies. As I show, rather than entering the Aboriginal community field as the saviours of Aboriginal youths, welfare interference in Aboriginal instigated programs, in fact, fed into existing political divisions and created major rifts and alliances. In this chapter, I analyse the history and function of the Aboriginal welfare organisations which established the TjiTji Wiru youth program and TjiTji Wiru house at Davenport reserve. The legacy of government intervention and interference under which these organisations laboured did not prevent them from attempting to create and maintain TjiTji Wiru as an Aboriginal community controlled youth program. Yet, as time went, on TjiTji Wiru, also became increasingly caught up in the same web of government funding and domination. In the process, the children and their parents for whom the program catered became peripheral to the internal political wrangling between government funded Aboriginal health and welfare organisations and state bureaucracies.

Shifting political boundaries

With the collapse of the Yura Youth¹ program in late 1985 the youth programs available to Aboriginal children in Port Augusta fell back into the hands of the dominant population. The TjiTji Wiru program, devised by the major Aboriginal health and welfare organisations operating in Port Augusta in the late 1980s, was an

¹ See Chapter seven, pages 205 to 206, for an outline of the Yura Youth program.

attempt to fill this gap and take control of this element of welfare intervention into Aboriginal lives. At this time in Port Augusta's history the Aboriginal organisations which operated in the town had consolidated a substantial power base. This coterie was held together by the close personal relationships between the leaders and prominent members of each organisation and their supporters, both Aboriginal and other Australians, in the wider Port Augusta community. Over the next two years the Pika Wiya² Health Service, Woma,³ the Aboriginal Legal Rights Movement and the Aboriginal Community Affairs Panel rallied against the members of the Port Augusta City Council, *The Transcontinental* newspaper and prominent non-Aboriginal businesses in town against moves to introduce 'dry areas' into the township and substantially change the structure of Aboriginal health services.⁴ At the same time these Aboriginal organisations were facing on-going pressure from legal and welfare agents and the police to address an alleged increase in incidents of Aboriginal juvenile crime against businesses and private property. In fact, during this period, the

² Pika Wiya is a Pitjantjatjara phrase meaning 'no sickness'.

³ Woma is a derivative of the Pitjantjatjara word *Wama* meaning a 'sweet substance such as nectar, honey dew and the sugary scales sometimes found on gum-leaves' (Goddard 1992). In present-day usage the word also refers to alcohol.

⁴ I argue that this was an important period in Port Augusta's history in Aboriginal political affairs. I do not discuss this history in detail here except where it impinges directly on my analysis of the TjiTji Wiru youth program. Rather, I deal with many of the issues generated out of this period in forthcoming articles. For example, in one article in particular I focus on the dispute between Pika Wiya and Woma. Suffice it to say here that during this time the divisions between the Aboriginal population and the non-Aboriginal townfolk were being re-drawn along new lines. Due to increasing government recognition and financial support Aboriginal people were gaining access and control over greater financial resources than in any previous periods in history. This was also the time when Australian Federal and State governments were under pressure to establish a Royal Commission to review the appalling rate of Aboriginal deaths in custody.

There existed, therefore, the very real potential for Aboriginal people in the town to gain some ground in political power where once only non-Aboriginal people reigned. In attempts to maintain their status-quo, the non-Aboriginal population focused on issues such as crime and excessive alcohol consumption where Aborigines were targeted as culprits. Unfortunately, these were also the areas where the legal and welfare arms of government had a history of intervention into Aboriginal lives. Aboriginal organisations in Port Augusta found themselves battling on two fronts. Not only did they have to deal with the prejudice of many powerful townspeople, they also had to fight the very government departments which funded them. This situation eventually led to in-fighting and rifts within and between these organisations, most particularly Pika Wiya and Woma. Inevitably, the strong Aboriginal power base which existed at this time collapsed under the weight of political intrigue and government interference.

Aboriginal population of Port Augusta were bearing the brunt of blame for most of Port Augusta's perceived social ills.

The consolidated power base of these Aboriginal organisations was short-lived however. Like the Aboriginal Social Club before them, and the land rights organisations which had existed in the early 1980s (cf. Jacobs 1983), these four organisations eventually suffered internal political rifts. This occurred as government agencies entered the local town debates surrounding alcohol consumption, Aboriginal health and juvenile crime. The build up of the strength of this coalition of Aboriginal organisations and its collapse over the space of only a couple of years reflected an on-going pattern of Aboriginal affairs in the town. This pattern represented a cycle in which government funds would be injected into the Aboriginal community through organisations they helped establish in order to address alleged social afflictions in the Port Augusta Aboriginal population. These organisations would be developed to fill an apparent vacuum in the town of any functional, Aboriginal-run agencies. Yet, this scarcity of Aboriginal organisations in Port Augusta at this time, was the direct result of the closure or substantial restructure of previous Aboriginal organisations through government interference in the management practices of their Aboriginal staff (Jacobs 1983:152-154). Invariably, as government funding bodies penetrated these Aboriginal establishments, their interference would assist in stirring rifts between rival Aborigines. Yet, as I have already pointed out in chapter two and seven, it is Aboriginal politics which receives the blame for the mismanagement of Aboriginal organisations, *not* government intervention. Such arguments further justify the paternalistic ideology on which they are based thus ensuring on-going government interference in the running of Aboriginal organisations.

The power base which existed in 1986 and 1987 between Pika Wiya, Woma, the ALRM, and the ACAP had been won at the expense of the Davenport Community Council. This particular formation of Aboriginal affairs in Port Augusta at this point in time reflected a shift in the focus of political attention away from land rights issues which, as Jacobs (1983) has shown, had dominated the attention of Aboriginal groups in the early 1980s. In this new era, Aboriginal health and welfare had become the

issues around which Aboriginal political aspirations developed. The divisions which had existed during the earlier period between the two major cultural groups in the town, the Adnyamathanha and the Kokatha,⁵ were seemingly not relevant in this new age of harmony. In the early days of the coalition between these Aboriginal organisations, Kokatha and Adnyamathanha worked closely together.

Yet, as I show, rifts lay not far beneath the surface. I assert that one of the primary reasons this coalition between previously disparate parties was able to be maintained at this time was because the lines of division within the Aboriginal community had been recently re-drawn. In what was by all accounts I heard, a protracted and bitter campaign, prominent leaders working in Aboriginal organisations in the town had been instrumental in restructuring the Davenport Community Council. Many believed that a major coup of this re-configuration of the Council was the resignation of the white community adviser. Political strength now lay firmly in the hands of town Aborigines who set about devising health and welfare programs, including the TjiTji Wiru youth centre, for Davenport residents.

I argue that a highly complex network of grids of possible alliances cross-cut the Port Augusta Aboriginal population. As I have already pointed out, it was the situational context (cf. Mitchell 1956) within which people found themselves which determined the relevance of the choice of allegiance taken up at any one time.⁶ Thus, the Aboriginal social domain was divided along many planes. In chapter two I discussed

⁵ Small, but significant numbers of Aboriginal people who belong to other cultural groups, also live in the Port Augusta area. These include people for instance, who claim affiliation with the Arabana, Pitjantjatjara, Kujani, Nukunu and Bungala groups. At the time of my field-work these groups played little part in the political divisions which followed lines of cultural affiliation. Nevertheless, some individuals who claimed links to these other groups did become involved in the politics of the time. They did so, however, by linking themselves with either the Adnyamathanha or Kokatha. In previous years when land rights was a topical and relevant issue, many Pitjantjatjara had shown support for the Kokatha (cf. Jacobs 1983; Hagen and Martin 1983).

The same level of support however was not forthcoming in the issues which raged around Aboriginal health and welfare in the late 1980s. One reason I suggest for this was that the dispute between Pika Wiya and Woma was a local concern. Land rights, on the other hand, had ramifications relevant to the Pitjantjatjara at that time because much of the land in question was in areas to which this group claimed rights.

⁶ See chapter seven, page 199.

the historical patterns of separate development of Aboriginal residency at Davenport, Bungala and much later in the township itself.⁷ As Aboriginal people moved into the town in substantial numbers in the 1970s a new set of social criteria was fabricated based on their physical and social distance from the Davenport reserve and Bungala Housing Estate. I illustrate that in essence, Davenport and Bungala Aborigines were perceived of by town Aborigines as an embodiment of contradictions. On the one hand, these Aborigines were identified with paternalism as fringe-dwellers who were suffering the effects of cultural destruction through alcoholism, violence and early death. On the other, many of these same people were revered by their town counterparts as holding important cultural knowledge from the past, and retaining complex kinship links to people, and land, in the desert interior or the Flinders Ranges regions of South Australia.

For many town Aborigines the relationship with their fellows at the reserve was obsessive as it reflected back to them their own heritage, while at the same time revealing their social distance from it. Indeed, it mirrored the contradictions inherent in their own Aboriginality. Davenport Aborigines became an objectified constructed *Other* for town Aborigines. In this artefact form, where Davenport Aborigines were icons of corrupted traditionality, town Aborigines retained a symbolic power over that which they had created. Yet this discourse of others who also resembled themselves was dependent on recourse to the symbolism of the dominant non-Aboriginal *Other*.

Davenport Aborigines were defined by their town counterparts in terms which mimicked the descriptions of these Aborigines by non-Aboriginal people. For as I show, these Aborigines had taken on-board much of the same rhetoric and organisational structures as the dominant White society which oppressed them (cf. Taussig 1993:13). However, a corresponding romanticism did not pervade Davenport and Bungala residents views of town Aborigines. As I illustrate in this analysis of the TjiTji Wiru youth program, many resented the intrusions of town Aborigines into their daily lives. Yet, at the same time, they recognised their dependence on these

⁷ See chapter two, pages 42 through to 52.

Aborigines for access to essential services and funds. In order to maintain their own social distance and integrity from these intrusions, and in attempts to achieve their own ends these people devised elaborate forms of manipulation of town Aborigines and also white bureaucrats.

In 1985 a group of senior Aboriginal and white bureaucrats who worked for the four organisations of the town-based coalition of Pika Wiya, Woma, the ALRM and the ACAP,⁸ responded to the on-going pressure from legal and welfare agents and the Port Augusta business fraternity for Aboriginal people themselves to do something about the alleged rise in Aboriginal juvenile crime rates against property in the town precincts. As I have consistently argued, Aboriginal children were identified by many non-Aboriginal people as *the* major offenders in town. This perception was compounded by the legal and welfare construction of an Aboriginal juvenile criminal identity. Yet legal and welfare 'solutions' to perceived criminal behaviour operated at the level of the individual and family, not the Aboriginal community at large. Even the Youth Project Centre attempted to gain access to the wider Aboriginal population through individual children and their parents. As this public outcry against Aboriginal children emanated from outside of the confines of the legal and welfare systems it demanded a different response. Rather, the Aboriginal population in general became the focus of attention. As was evidenced with 'the great shoe store robbery' discussed in chapter six,⁹ the main concerns expressed in the newspapers and in general conversations I heard, was for the property damaged or stolen, not for the well-being of the children believed to be involved (cf. Cowlshaw 1994:75).

The moral outrage expressed over incidents such as these demanded that Aboriginal organisations take up the responsibility on behalf of the Aboriginal population for the discipline of errant Aboriginal youths. I demonstrate that by soliciting Aboriginal people to watch over their own, these Aboriginal people in turn became their own wardens working in collusion with the agents of the State to maintain the surveillance

⁸ From this point on, for expediency I will refer to this coalition between Pika Wiya, Woma, the ACAP and the ALRM as the 'town coalition'.

⁹ See chapter six page 149 forward.

and control of their people. Aborigines become a living Panopticon where they “are caught up in a power situation of which they are themselves the bearers” (Foucault 1977:201; Sackett 1993). Thus, the political and social concerns which the dominant population of Port Augusta saw as important also became the issues which the Aboriginal community had to be seen to address.¹⁰

A town solution for Davenport people

With the founding of the TjiTji Wiru youth program the town coalition took up this challenge from Port Augusta’s non-Aboriginal residents with a vengeance. Some months later a TjiTji Wiru support group was formed with members of the town coalition as well as a sprinkling of volunteers (both Aboriginal and others) from other agencies. In the words of a senior Pika Wiya worker:

TjiTji Wiru does not really belong to any organisation. It was thought up and supported by lots of organisations. It is hoped that eventually it will be able to run itself and be independent, to be based on community aspirations.

While the focus of TjiTji Wiru was Aboriginal children the emphasis was subtly different to the concerns of the dominant population. The moral outrage over damage to ostensibly White owned property was only a problem to the town coalition in so far as it drew attention to the Aboriginal population and most particularly children.

¹⁰ I argue that TjiTji Wiru has continued to exist despite the internal political wrangling which has plagued the program, because it has remained attuned to the interests of the dominant society. It was this characteristic which differentiated TjiTji Wiru from the Yura Youth program which I discussed in chapter five. Even though Yura Youth was organised by Aboriginal people, it was not designed around providing solutions to an Aboriginal juvenile crime ‘problem’. Rather the main focus of Yura Youth was to provide general recreation activities for Aboriginal children. Furthermore, this program was located in town, not at Davenport which, as I have shown, was considered by many legal and welfare workers as the incubator of social problems amongst Aboriginal children. Given the incompatibility of this program with wider government and public concerns, it is not surprising that government funds needed for its survival were eventually withdrawn.

As recently as 1994, under the Attorney-General’s Department’s Crime Prevention Strategy, TjiTji Wiru was called upon to assist with the development of activities for Aboriginal children believed to be involved in criminal activities. In fact, a special committee of Aboriginal organisations including TjiTji Wiru was established because general community consensus had again defined Aboriginal children as *the* major criminal offenders in the town. This points to a disturbing situation. Even though TjiTji Wiru has become a well respected Aboriginal controlled youth program which is consulted by government welfare and legal agencies, it has done so on the basis that Aboriginal children require continuing surveillance and control for their alleged criminal nature. Little seems to have changed between 1986 and 1994.

Rather, members of the coalition had told me they quite deliberately developed TjiTji Wiru as a means to show Aboriginal children that they were loved and cared for by the adults in their community. Indeed, the name TjiTji Wiru was concocted to portray this message. TjiTji Wiru means in the Pitjantjatjara language “good children”. In some cases the phrase was also translated as “beautiful children” (Pika Wiya files and Davenport Community Council files 1986/87).¹¹ Yet this concern for Aboriginal children hid other agendas. TjiTji Wiru was devised by the town coalition to cater for Davenport and Bungala children only, not town children. As I show, the issues here were complex. While the town coalition was anxious to take the matter of Aboriginal juvenile crime out of the public debate they were also anxious to differentiate themselves from Davenport and Bungala. At the same time, programs such as TjiTji Wiru allowed these town Aboriginal bureaucrats to intervene in the affairs of Davenport and Bungala where once non-Aboriginal bureaucrats reigned.

Unlike the legal and welfare interpretations which, as I have argued, portrayed Aboriginal juvenile crime as symptomatic of an Aboriginal social condition, the town coalition and other Aboriginal bureaucrats blamed the ‘trouble’ Aboriginal children allegedly caused on outside factors. Thus, I contend that there was a level of acceptance among Aboriginal health and welfare workers of the welfare and legal arguments that Aboriginal children who sniffed petrol were most probably also committing property offences. Yet, there was a difference in interpretation. Unlike the welfare and legal definitions, the crimes carried out by these children did not reflect a general propensity to do so among all Aboriginal children. Rather the problem was confined to a select few who had been affected by people who lived hundreds of kilometres from Port Augusta.

It was said that the staging of the Aboriginal Evangelical Convention¹² at Davenport at Christmas time every year brought many strangers to town who ‘made’ Port Augusta

¹¹ The phrase when in general use apart from it being used as the proper name for the youth program, can also mean teenage children as opposed to adults or young children.

¹² The staging of the Evangelical convention at Davenport conveniently fed into the debates concerning Aboriginal juvenile criminality. While the convention itself was praised as a worthy community function, it was felt that those Aborigines who came from outlying communities for the festivities only, were a detrimental influence to Port Augusta Aborigines, in particular, children.

Aboriginal children do these things. The Convention had been held every year in Port Augusta¹³ for many years and attracted Aboriginal people from as far north as the Pitjantjatjara Lands and Yalata in the west. It was also believed by many, that the children who came to the convention from outlying Aboriginal communities bullied Davenport children into taking up petrol sniffing. Often the visitors would stay for months after the convention was over and during this time it was alleged Davenport children continued to sniff petrol and get into trouble.

Thus, there was a general consensus among many town Aborigines that it was children from these outlying regions who were the 'real' petrol sniffing culprits. Prior to this particular convention there had apparently only been isolated incidences of petrol sniffing. It was argued, therefore, that the reported crime wave was attributable to a small group of children who came from the Davenport community and Bungala Estate and who were now addicted to sniffing petrol. In a letter from the Pika Wiya Health Service to the Co-ordinator of South Australian Petrol Sniffing Programs it was claimed that:

The issue of petrol and substance abuse is a priority in community terms being evident by the observed Christmas holiday incidence of petrol sniffing and the confounding of this behaviour with criminal offending. Various individuals in the community who deal directly with these children are disturbed by their observation over the holiday period where empty premises¹⁴ were utilised as a place for petrol sniffing. Clearly these children are currently at risk¹⁵ and petrol and substance abuse is still occurring in the community (Pika Wiya files, 12 February, 1986).

These Aborigines were usually identified by Aboriginal and non-Aboriginal welfare workers I spoke with as petrol sniffers and no hoppers who would hang around the Davenport community long after the convention was over. It was these Aborigines who were seen to encourage Davenport and Bungala teenagers to sniff petrol and become involved in illicit activities.

¹³ As it turned out the 1985 Convention was the last to be held in Port Augusta. But in early 1986 when TjiTji Wiru had been running only a few months, most Aboriginal people expected there to be another annual Evangelical Convention held at the end of that year.

¹⁴ The author of this letter is referring to empty houses at the Davenport reserve.

¹⁵ As I pointed out in the previous chapter 'at risk' is a bureaucratic term which was used especially by the DCW to describe children who it was believed were likely to commit offences in the future, or be the subject of sexual abuse because of their home situation.

The blame for the crime 'problem' therefore lay at the feet of others, even if these others were also Aboriginal (cf. Brady 1992:3). But I stress it was petrol sniffing which was the major issue of concern here, not crimes against property. Yet the solutions for dealing with these children nevertheless crudely imitated the legal process. In fact, I suggest, both the structure and the labels granted to the TjiTji Wiru activities by the town coalition reflected the broader welfare and legal ideology which had generated them. Despite the differences in orientation to the protests of the dominant population, the establishment of TjiTji Wiru nevertheless aligned these Aboriginal organisations with the same processes which had already defined Aboriginal children as the major criminal offenders operating in the town.

As TjiTji Wiru targeted petrol sniffers and children who 'caused trouble', the program also perpetuated the definition of an Aboriginal juvenile criminal identity as being a response to an alleged Aboriginal social condition of poverty and social upheaval. This was all the more the case because the focus of TjiTji Wiru were the children of the Davenport community which, as I show, was a potent symbol of Aboriginal cultural disintegration for town Aborigines and white legal and welfare agents alike.

In May 1985, the town coalition supported a senior Aboriginal man who worked for Woma to team up with an elderly Aboriginal man from the Davenport community to run nightly patrols¹⁶ to look for children who were sniffing petrol. Later, another Aboriginal man whom held a senior position at the ACAP joined these patrols. The town coalition organisations had agreed between them to share the costs and equipment, and provide the vehicles for the operation of the patrols. Acting as citizen police the TjiTji Wiru 'patrols' sought out the elusive petrol sniffers who these men believed hid in the sandhills behind Davenport or lurked around the parks in the town precincts. The plan was to 'capture' these children and scare them with a severe reprimand from respected Aboriginal men. The men who ran the 'patrols' also intended to shame these children for showing no respect for their own people. I was told by one of the TjiTji Wiru patrollers that these children needed to learn that what

¹⁶ 'Patrols' was the word used by these men to describe their nightly forays around town looking for Aboriginal kids who might be petrol sniffing or "making trouble".

they did shamed their community. It was also intended to persuade these children to attend camping trips and other recreation activities organised by the TjiTji Wiru workers.

These activities were devised by the town coalition to teach the children aspects of their cultural heritage which many believed had been lost to them. Thus, it was hoped that respect for the cultural knowledge of the elderly Davenport man would lure these children into taking part in these activities and take their minds off their desire to sniff petrol. At around the same time as the 'patrols' started, Pika Wiya also began an after-school homework program for Davenport and Bungala children in the Pika Wiya clinic at Davenport. The homework program was invented as a deterrent to these children staying in town after school where, it was believed by health workers and administrators alike, they were likely to 'cause trouble'. A few months later an empty house located at Davenport was transformed by Pika Wiya into a youth centre. This house became known as TjiTji Wiru house.

Losing their culture

The attention given to petrol sniffing by Aboriginal people in Port Augusta was dramatically influenced by the focus this activity was receiving at both Federal and State government levels. In fact the alleged rise in the numbers of Aboriginal children sniffing petrol in Port Augusta coincided with Federal and State government enquires into 'substance abuse',¹⁷ including the use of petrol, glue and other solvents by Australian children. One avenue of these enquires was the apparent link between 'substance abuse' and juvenile crime. In the first two chapters of this thesis I discussed the obsession of Australian governments with the social condition of Australian youth (cf. Warrell in press). There I argued that Aboriginal children have occupied a special place in the literature and projects generated from this obsession. The issue of 'substance abuse' was no exception. Following the lead of the Senate Select Committee on Volatile Substance Fumes (1985) an inter-governmental committee was

¹⁷ 'Substance abuse' is a bureaucratic term which was taken up by many Aboriginal health and welfare workers to describe petrol and glue sniffing among Aboriginal children.

established in South Australia to co-ordinate petrol sniffing programs. TjiTji Wiru was one organisation sought out by the co-ordinator of petrol sniffing programs¹⁸ when he visited Port Augusta. The TjiTji Wiru co-ordinators for their part also saw an opportunity to feed into this state-wide campaign with the hope of gaining access to funds which may have become available.

Thus, I contend, the TjiTji Wiru 'patrols' reflected a desire on behalf of the Aboriginal organisations to remove some of the control of welfare intervention into Aboriginal lives and place this control into Aboriginal hands. Control of the affliction of petrol sniffing among some Aboriginal children at Davenport was all the more important for these town Aborigines, I assert, for the very reason that petrol sniffing epitomised to many of them the symptoms of disintegration of Aboriginal society in general, and the Davenport reserve in particular. Indeed, judging by the tone of the literature the members of the town coalition produced about petrol sniffing there was a fear it had the potential of reaching epidemic proportions.

Most recently a report by a team member of TjiTji Wiru cites the names of ten children involved in petrol sniffing and liquid paper sniffing (24/9/85). Two boys have been admitted to hospital another has fallen off the wharf and cut his leg. **CONCERN IS MOUNTING RAPIDLY** (Wilton 1985:3 emphasis in original).

I do not deny the serious potential medical problems associated with petrol sniffing, but there is a strong sense of urgency and fear in these comments. Many Aboriginal people who worked for Pika Wiya and Woma would tell me what they themselves had witnessed or they had heard about petrol sniffing among Aboriginal communities in the north and north-west of the state. A *60 Minutes*¹⁹ program was often drawn upon as evidence of the devastating effects of petrol sniffing on the children who lived in remote Aboriginal communities in the north and north-west of South Australia.²⁰ This

¹⁸ The petrol sniffing co-ordinator was an Aboriginal man employed under the terms of reference of the inter-governmental committee.

¹⁹ *60 Minutes* is a magazine style current affairs program. At the time of field-work it was screened on the channel 10 Network on Sunday evenings.

²⁰ The Aboriginal communities referred to in these conversations were usually those located in the Pitjantjatjara Lands in the far north of South Australia and Yalata Aboriginal community in the Maralinga Tjaratja lands in the far west of South Australia.

program, which had screened in Port Augusta in early 1986, had portrayed graphic footage of young children wandering around their community with old tins, filled with petrol, hanging from around their necks. Many Port Augusta Aborigines identified petrol sniffing as particularly occurring in what they regarded as 'traditional' Aboriginal communities. These communities were considered by these Aborigines to be populated by Aboriginal people who retained considerable knowledge of pre-European cultural practices and beliefs. These people, they assumed, also knew little of the ways of urban culture. Unlike the town Aborigines of Port Augusta and other urban centres, they were deemed unsophisticated in the ways of modern western culture.

The terms 'tradition' and 'traditionally-orientated' have become part of the common-sense rhetoric used by anthropologists and other researchers as well as government bureaucrats, who work with Aboriginal people to describe the cultural orientation of Aboriginal people who live in communities located in outlying regions of Australia. I argue that this usage perpetuates the divisions between Aboriginal people living in different areas. It also supports the notion that Aborigines from these communities are somehow more 'real' than Aborigines who live in urban locales (cf. Jacobs 1988). As I show, this view is also taken on board by urban Aboriginal people as they differentiate themselves from other Aborigines. Yet, as Hobsbawm (1983) has pointed out 'tradition' is very often an invention of a moment in contemporary history which reflects an idea of the past *not* its historical reality. Urban Aboriginal people are no less 'real' Aborigines than their contemporaries living in more remote locations, they merely adhere to different forms of cultural practice.

Davenport and Bungala were seen by many town people to retain several of the features of these remote Aboriginal communities. In fact, Davenport and Bungala were regarded as receptacles of 'traditional' knowledge. Many town people I spoke with were concerned that the quality and maintenance of this knowledge had already suffered irreversible damage as a result of prolonged alcohol abuse among residents. As petrol sniffing now appeared to be afflicting the children in this community, they perceived the dilemma to be all the more acute. These children were seen to be

stricken with this alien 'disease' before any 'traditional' knowledge could even be passed on to them. Brady has noted the rise in the acceptance of the disease model among Aboriginal people to explain the use of petrol by children and others. As she states:

From this perspective a petrol sniffer, like an alcoholic, is understood to have a 'sickness' emanating from within. This idea dramatically individualises the problem, but simultaneously relieves the bearer from the problem of blame (Brady 1992:2).

Not only did Aboriginal bureaucrats hold strong views about petrol sniffing these were matched by the views of Aboriginal children and their parents. Children who sniff petrol are considered by other children to have no shame (cf. Brady 1985; Brady and Morice 1982). Aboriginal children told me sensational stories about the social habits of petrol sniffers. In the words of one Aboriginal teenage boy:

I've seen a lot of people sniffing up north. Pregnant women, people with babies and that. Not many here in Port Augusta. They all go Indulkana.²¹ Don't think it would get bad here, but if they started here it might. There are no policemen up north who stop them doing it. Most kids do it once, they have one sniff then they're more and more - they're hooked to it. That's what my nana said when we went up Indulkana. She said that - my uncle he's only twelve - my nana said he only had one sniff and he got hooked on to it!

Petrol sniffing was also popularly believed by Aboriginal children and adults to be the cause of brain damage and anti-social behaviour, behaviour which was out of social context. For example: one child's constant and violent disruptions of other children's games and class-room activities was attributed by his friends to his indulgence in petrol inhalation. Consequently, those children who were believed to sniff petrol were generally shunned by their peers. In a group discussion with three Aboriginal boys about Aboriginal children who drank, smoked dope and sniffed petrol it was said:

Some of them smell petrol [said in a whisper].

Question: "What do you think about that?"

Horrible.

I wouldn't sniff it, I wouldn't like to do that.

²¹ Indulkana is an Aboriginal community in the Pitjantjatjara Lands located in the far north of South Australia

I wouldn't like it.

I reckon thing - um make you go stupid.

They think they out of control when they sniff it - they go all silly.

But petrol is even worsen [than alcohol] - gives you brain damage.

These children also pointed out that their parents thought that petrol and glue sniffing was a 'bad' thing to do. Some commented that should they be caught sniffing petrol or glue by their parents or other adults in their families then they would likely "get a flogging".

While these were some of the feelings held about petrol sniffing by Aboriginal children, they did not see it as something many Aboriginal children in Port Augusta did. Rather as the quote above suggests, they identified petrol sniffing as endemic in far north communities such as Indulkana. I assert, therefore, that strong social sanctions already existed within the Port Augusta Aboriginal population against children taking up the habit. Thus, the TjiTji Wiru program which was originally devised by the town coalition and white bureaucrats to address an apparently acute problem of petrol sniffing in the Davenport and Bungala community was, in fact, out of step with the social practices of Aboriginal people. Nevertheless, these feelings reflected a fear that should petrol sniffing become endemic in Port Augusta it would not only eat away at any remnants of traditionality held by Aborigines in the town, it would also place Port Augusta Aborigines in the same social space as the 'real' Aborigines in these remote communities.²² In so doing, town Aborigines, in particular, would loose their

²² I argue that the social sanctions governing petrol sniffing were an inversion of those governing drinking behaviour among Aboriginal people in Port Augusta. Alcohol and its effects on behaviour were considered with bravado among many Aboriginal youths. When an Aboriginal person was 'charged-up' they shed their shame (cf. Collmann 1979, 1988). This was different to having 'no-shame' as petrol sniffers did. Petrol sniffers were considered selfish, having little regard for the effects of their behaviour on others. Indeed, as evidenced with the young boys comments about seeing pregnant women sniffing petrol, these people were often seen as having little regard even for themselves and their families. As Brady has pointed out, children who sniff petrol are stating very publicly their mastery over themselves, to do with their bodies what they like (Brady 1992:75-76).

Yet as the TjiTji Wiru 'patrols' attest children who were believed to sniff petrol were still cared about and 'worried for' by others. Furthermore, petrol sniffing was done in secret in the sandhills behind Davenport, in empty houses at night or on the beach behind sheds or bushes. Getting drunk, on the other hand, allowed the inhibitions controlling social behaviour in particular contexts to be suspended (cf. Beckett 1965, Collmann 1979, 1988; Sackett 1988). In truth, drinking among many Aboriginal people in Port Augusta was a highly social event. Being drunk, for instance, allowed

differentiation from other Aborigines and be subject to the same prejudice from the dominant society these other Aborigines were believed to suffer from.

A traditional man and a youth worker from town

The symbolic status, I suggest, of Davenport reserve and Bungala housing estate as a font of fragile Aboriginal traditionality set up, for both town Aborigines and Davenport and Bungala residents, relationships which were fraught with tension and ambiguity. Not only were town Aborigines forays into the reserve attempts to save the 'essence' of Aboriginality in themselves, they of course, were also a means to incorporate these other Aborigines within their own spheres of control. In portraying Davenport and Bungala people as representations of another part of themselves, town Aborigines in turn symbolically distanced themselves from the dominant society. In fact, the town Aborigines relationships with their fellows at the reserve and Bungala mirrored their own relationship, and the relationship of all Aborigines in Port Augusta, with the dominant bureaucracies of the State.

As I have shown, the intrusions by the town coalition into the daily functioning of Davenport reserve through TjiTji Wiru were imbued with paternalism, just as I have argued were the relationships of the dominant welfare and legal agencies with Port Augusta Aborigines. The associations which the town coalition established with Davenport and Bungala residents were intensely structured highlighting, in relief, these tensions of opposition and incorporation. This situation was reflected in the type of personnel employed, both as volunteers and paid staff, by the coalition of Aboriginal organisations on the TjiTji Wiru program. After the petrol sniffing patrols had been running for some months, a TjiTji Wiru support group was established. A vital

women to openly confront other women whom they felt were interfering in their own relationships with a particular man. This did not usually happen when these women were sober. To confront another openly about such private business outside of the protection of inebriation would be to exhibit shame. Many children I talked to also readily admitted to regularly indulging in alcohol consumption. Such behaviour was also sanctioned by their parents who would encourage their children to consume alcohol during drinking sessions. Yet, while drinking was accepted at one level, many Aborigines I spoke with, including children, were troubled by the violence drinking sessions sometimes led to. Some children even suggested that it would be better for TjiTji Wiru to have activities for children who drank rather than be bothered with a few petrol sniffers.

member of the team was the elderly Pitjantjatjara man who had been involved in the original 'patrols'. He had some considerable standing in Davenport and Bungala and was considered the holder of 'traditional' knowledge. This man had been deliberately brought on to the team to provide a link for those children caught sniffing petrol with their 'traditional' past. He was also employed to teach the children who attended TjiTji Wiru skills in bush-craft and knowledge about Aboriginal social rules. Some months later this man was joined by a younger man who provided help with the day to day functioning of TjiTji Wiru. This new man was an Adnyamathanha and a Pika Wiya employee who lived in town. He helped arrange money and equipment for excursions and meals. Even though this young man was a town resident, at the request of his employer he agreed to live at the TjiTji Wiru house as caretaker.

I contend, that ostensibly the younger man was employed to administer TjiTji Wiru house because it was believed by the town members of the coalition that the Pitjantjatjara man did not possess the skills or education to undertake these activities. In turn, it was recognised that the young man did not possess 'traditional' knowledge, nor did he have any bush skills. It appeared, therefore, that these two men made up a perfect team where Aboriginal 'tradition' and modern Aboriginal life-styles were equally matched. Yet, this set-up, in fact, hid a very unequal and mismatched relationship. In my discussions with the young Adnyamathanha man he expressed his feelings of inadequacy that he did not possess the same level of 'traditional' expertise as the Pitjantjatjara man. While he respected his partner, he felt shame that he could not communicate with him because they belonged to different cultural groups and the older man did not speak English very well. The Pitjantjatjara man, in turn, was treated by the TjiTji Wiru coalition with paternalism. He was rarely consulted in meetings which determined activities for the children and any 'traditional' authority he possessed was overridden by recourse to the administrative skills of the younger man.

The tensions between the symbolic status of the two workers was expressed in inactivity. The young man felt he could not go ahead with any programs at TjiTji Wiru with-out deferring to the superior authority of the older, 'traditional' man to whom he had a social obligation to respect because of the elder's superior age and his

'traditional' status. In conversations I had with this young man it was clear he did not agree with how the Pitjantjatjara man dealt with the Davenport children and the TjiTji Wiru program. The older Pitjantjatjara man, on the other hand, felt he could not intrude where it had been indicated by the coalition he did not possess the appropriate skills. In order to maintain appearances he went about his daily business at the reserve waiting for the younger man to approach him with the financial and administrative authority to organise activities at TjiTji Wiru house for the children of the reserve. I argue that this inactivity was perpetuated by the desire of each man to avoid revealing their shame. To confront each other directly with their differences would have invoked a situation imbued with shame. If either man declared their feelings openly then they would not have been mindful of the social rules based on age and cultural knowledge governing their behaviour. In the process, either man could be accused of having 'no shame' in this particular context. Such a situation would also have revealed the existential status of the two men, where the younger man was in a position of greater power, as opposed to their symbolic status, which was the reverse.

The employment of a 'traditional' man from Davenport and a younger man from town was an attempt by town Aborigines to bridge the cultural gap between the two locales. Secondly, the employment of the Pitjantjatjara man was a way to mediate access to 'traditional' knowledge which many of the administrators of the program and certainly the young Adnyamathanha TjiTji Wiru worker did not possess. This was made particularly clear to me when one of the volunteer co-ordinators of the program (who held a prominent position in one of the three Aboriginal organisations involved) proudly discussed his relationship with the Pitjantjatjara man. He told me that when he worked with the Pitjantjatjara man he was able to learn more about his own genealogical ties and kin obligations. He also said that the 'traditional' man spoke to him in 'language'²³ which enabled him to pick up words and phrases he did not previously know. As I have argued, the Pitjantjatjara man was held in very high regard by the town based TjiTji Wiru co-ordinators precisely because he was believed to be the holder of knowledge which was 'traditional' and he had important 'traditionally'

²³ This term was used by Aboriginal people in Port Augusta to describe speaking in an Aboriginal language.

based kin-links into other Aboriginal communities in the north of the state. This respect is revealed in the following statement given in a Pika Wiya report on TjiTji Wiru:

The "main-man" [the Pitjantjatjara man] who has worked long and hard with the children; taken them on bush trips with old people; travelled to different communities throughout the state; looking at other programs and problems; worried himself sick sometimes, kept reminding the rest of us when we were busy doing other things (Wilton 1985:11).

Control over access to 'traditional' knowledge was an important means by which the dyadic relations among Aborigines in Port Augusta were structured and defined. Just as important for many town Aborigines were relationships with other Aborigines who were recognised as the holders of 'traditional' knowledge which also served to legitimise their intrinsic Aboriginality in the eyes of the wider community. As Jacobs (1983) has argued, proof of 'traditional' ties was an important criterion for Aboriginal organisations wishing to gain access to government funding. She points out that during the land rights debates in Port Augusta in the early 1980s, the onus was on Aboriginal groups to prove to government bodies that their 'traditional' ties to the land still existed. This was achieved by providing evidence that an Aboriginal language was still spoken and 'traditional' cultural practices were adhered to. It was also seen as unquestionable 'proof' of Aboriginality if initiated men could be brought into the land rights negotiations. Control over access to 'traditional' knowledge therefore was also a means by which relations between Aborigines and members of the dominant society were determined.

Similarly during the reign of Pika Wiya and Woma over Aboriginal political affairs, the protection and manipulation of relationships with the holders of 'traditional' knowledge was an essential strategy for the political survival of many town Aborigines. Eventually, however, the Pitjantjatjara man fell from grace and his usefulness as a symbol of Aboriginal 'traditionality' became superfluous. Rumour had it that he had become involved in frequent drinking sprees. In this construction he represented the disintegration of the community in which he lived rather than the saviour of the next generation from cultural destruction. The fine balance of contradictions embedded in the symbolic persona of Davenport Aborigines had been turned inside out. Yet I

contend that the Pitjantjatjara man's drinking binges were also a style of protest as his position was progressively undermined. As TjiTji Wiru became increasingly reliant on government funds and became subject to government intervention, the community orientation of TjiTji Wiru of which the Pitjantjatjara man was a vital component, was corroded to comply with government directives and criteria. Thus while the 'traditional' man in fact became redundant under these new arrangements, he could conveniently be removed when he was seen to no longer fit an image of 'traditionality'. An image which had apparently become corrupted as a result of his perceived drinking behaviour.

Funding from the government

The management of Pika Wiya and Woma and their supporters in other Aboriginal organisations had grand ambitions for TjiTji Wiru. In a spirit of self-determination the TjiTji Wiru support group planned to eventually hand over the management of TjiTji Wiru to people living at the Davenport Community. Part of this scheme was to employ Davenport residents as youth workers. To this end, the town coalition set about applying for government funding to establish a comprehensive youth program and centre based in the TjiTji Wiru house at Davenport. During this period in TjiTji Wiru's history, funding, in fact, became somewhat of a pipedream for the organisers. It was not until almost a year later that any external funds actually became available. This did not prevent many of those involved with TjiTji Wiru holding an almost evangelical faith in the belief that the government would eventually provide and, indeed, *should* provide for TjiTji Wiru. This position, I argue, reflects the insidious nature of Aboriginal dependence on the State. For while the town coalition stated that they wanted TjiTji Wiru to become community owned this seemingly could not occur without the input of government funds. As one TjiTji Wiru worker said to me:

We are leaving the TjiTji Wiru house open all the time for the kids, but no specific programs are being run for the kids as there is no money, and we have no car to take them on trips.

Yet, as may be expected, government funding did not come without conditions. In many ways these beliefs in the role of government agencies in Aboriginal affairs

reflected and extended those I discussed in chapter seven held by Cheryl's family about the services they received from the welfare office. Like Cheryl's family, the TjiTji Wiru workers took the existence of welfare agencies for granted. It was believed by many that funding would be provided to TjiTji Wiru as a way to help Aboriginal people solve the problems of Aboriginal juvenile crime these government agencies constantly complained to them about.

I show that, by inviting the DCW to be a party to TjiTji Wiru this opened the door for welfare intervention and control of the very structure of the program. Thus, the intrusion and domination of the State in Aboriginal lives is a constantly circular process where many Aborigines inadvertently acquiesce in their own subordination. The issue of petrol sniffing had provided the original legitimation for the establishment of TjiTji Wiru by the town coalition as a means to shift the focus and control of legal and welfare agents and the Port Augusta public away from scrutiny and intervention in Aboriginal affairs. Yet, this same issue also caused a shift in the orientation of TjiTji Wiru from Aboriginal control to welfare intervention. Rather than TjiTji Wiru becoming a youth program run by the Davenport Community as was promised, it in fact became a government funded program imposed upon Davenport parents and children.

The town coalition were unable to sustain their ambitions for TjiTji Wiru based on programs for petrol sniffers simply because there were very few Aboriginal children in Port Augusta who partook of this activity. Rather, there was a small group of about eight to ten children who had a reputation for being chronic petrol sniffers. Brady has also recorded that the actual proportion of Aboriginal children who regularly sniff petrol in the two states she surveyed, Western Australia and South Australia and in the Northern Territory, is very small. But, as she points out, it is not the numbers which are important to authorities and increasingly Aboriginal families, it is the meanings attributed to this activity:

Petrol sniffing by young people, often in groups, constitutes a threat, both physically and metaphorically, to the social order (Brady 1992:14).

As I have argued, in the case of Port Augusta, petrol sniffing was believed to be confined to the children who lived at Davenport reserve and Bungala. The activity was not identified by Aboriginal and non-Aboriginal health, welfare and legal workers as a problem for Aboriginal children living in town. Certainly, there were a few Aboriginal children from town I spoke with who had tried sniffing petrol or who knew of others who had done so. But what they claimed was that town children were more likely to sniff glue. Some even admitted that they regularly partook of this activity themselves. They believed, however that Aboriginal adults who worked for Pika Wiya and Woma, the main organisations which supported TjiTji Wiru, did not really care about them. TjiTji Wiru, they believed, was really only for the Davenport and Bungala children and especially those who sniffed petrol. As one sixteen year old girl put it:

TjiTji Wiru program just for petrol sniffers. There only few of them in Port Augusta. Its not for the youth in general.

A group of twelve year olds also commented that the reason that they did not go to TjiTji Wiru was because it was too far to get to. Some did not even know it existed. There was more to this reluctance, however. Many of these town children saw themselves as living a very different life-style to Davenport and Bungala children. Like their parents they identified Davenport and Bungala Aborigines as more 'traditional' than themselves. Consequently, these children did not see TjiTji Wiru as relevant to them. Some of these town children also said their parents would not let them go to TjiTji Wiru in any case because of the fighting and drinking they believed Davenport adults indulged in. As one twelve year old said:

drunken people they fight out there, and the kids might get hurt! Would be better in town.

These children would have preferred TjiTji Wiru to be located in town. The opinions of these children contradict the views of the adults of the town coalition who stated to me that TjiTji Wiru had been devised because of their heart-felt concerns for their children. While the adults feelings were no doubt genuine here, I suggest they also underpinned other agendas. As an Aboriginal welfare worker admitted to me

Personally I don't think it is useful for the TjiTji Wiru program to be run out at Davenport as most of the problem kids are in town. I don't think the town kids would go to Davenport for the course. But petrol sniffing *is* a problem for those kids at Davenport.

Most particularly the opinions of the town coalition, I contend, reflected a desire to maintain a separation with the Davenport community while at the same time imposing control over Davenport and Bungala residents. To admit that town children were also petrol and glue sniffers requiring special attention would have been to direct the focus of legal and welfare agents onto town Aborigines. It would have also thwarted the town coalition's moves to increase their own power base in their on-going struggles for supremacy in the Aboriginal political field. In the town coalition's very attempts to protect their intrinsic Aboriginality through their incorporation of Davenport and Bungala Aborigines within their realm of protection, they alienated their own children. At the same time, by identifying children from the reserve and Bungala as those requiring special attention, they recreated, through Aboriginal children, the social divisions between the reserve, Bungala and town.

By 1987, during the second year of TjiTji Wiru's operation, the town coalition had become aware of the need to change the focus of TjiTji Wiru from an exclusively petrol sniffing program to one which catered for a much broader range of Aboriginal children. Attention, however, was still directed at Davenport and Bungala youths rather than those living in the town. In order to gain access to welfare funds and other government aid the town coalition found themselves continuing to play into the welfare and legal models of the endemic nature of Aboriginal juvenile crime. I suggest that with the introduction of the DCW as a third player to fund TjiTji Wiru, the orientation of the program and centre changed dramatically from a loosely defined set of activities to a rigidly structured welfare program.

This shift foreshadowed a dramatic intrusion by welfare agents into Davenport affairs and the personal lives of Aboriginal families. The casual nature of activities run from TjiTji Wiru house under the tenuous relationship between the Pitjantjatjara man and the young Adnyamathanha worker was interpreted by welfare agents as incompetence. Under the new regime these two workers who had been carefully selected by the town coalition for their symbolic status were replaced. In their place, the DCW transferred

one of its employees, a Neighbourhood Youth worker, to take over the helm of TjiTji Wiru. The involvement of the DCW also saw another important change in the administrative structure of TjiTji Wiru. As the town coalition was not an incorporated body which had the power to receive government funds, this generated a change in those Aboriginal players who remained involved with TjiTji Wiru. Pika Wiya offered to take over the fiscal responsibilities of TjiTji Wiru under the DCW funding arrangements. This move had important ramifications which reverberated throughout Aboriginal politics in the town. With this government support, as I show, the power of town Aborigines was now consolidated in one organisation. The involvement of Woma, the ACAP and the ALRM in TjiTji Wiru was no longer required at this point in time.²⁴

In place of the old Pitjantjatjara man and the young town based Adnyamathanha man, Pika Wiya, with the approval of the DCW, introduced two young Aboriginal youth worker trainees to be employed with the TjiTji Wiru program. Both of these young men were town residents. Under this new structure TjiTji Wiru was to provide the training ground for these two men to become qualified youth workers. In fact, one of the objectives of the DCW involvement was for these youth workers to develop organisation and child education skills so that the program could eventually be handed over to the community to run itself under the guidance of these workers. While the town coalition had operated with a model which resembled welfare and legal concerns, it was nevertheless based on aspirations and constructs intrinsic to the internal

²⁴ These shifts in Aboriginal political affairs in Port Augusta saw significant changes in the power base of the town coalition. With the input of the DCW funding and recognition as a government approved welfare organisation, Pika Wiya was able to consolidate a power base over Aboriginal politics both in town and at Davenport. Pika Wiya had already established a clinic at Davenport. Now with government recognised administrative control over TjiTji Wiru, Pika Wiya's influence over the Davenport community was considerably strengthened. The consolidation of funding for TjiTji Wiru through Pika Wiya effectively meant the input of Woma, the ACAP and the ALRM to the program became irrelevant.

This situation pre-empted other events which saw the strength of Woma as an Aboriginal welfare organisation sapped by government interference through the South Australian Health Commission. This story is complex. While it touches on the history of TjiTji Wiru I do not discuss it here. Rather, I deal with these aspects of the Pika Wiya and Woma dispute which ensued from these events in a series of forthcoming articles. In brief, the consolidation of political influence with Pika Wiya also precipitated a consolidation of power into the hands of Adnyamathanha Aborigines. This situation directly effected the organisation of TjiTji Wiru which I do look at in this chapter.

dynamics of Aboriginal social life. Yet, with the intervention of the DCW a welfare model became entrenched in the new structure of TjiTji Wiru.

As I show, community control could only be achieved in this new era if it followed government models of child socialisation. Ironically the original program had to be taken out of the hands of the community in order for it to be remodelled in terms of official welfare criteria before it could be reintroduced into the community. The DCW structure was also a means of providing these workers, and in the long run Aboriginal children, with the appropriate skills to operate in the wider society. Organisational skills were highly valued by welfare workers who were not Aboriginal and they generally assumed Aborigines lacked them. The uncoordinated pace of activity under the original Pitjantjatjara man and the young Adnyamathanha man gave added weight to this theory. It logically followed, according to this philosophy, that by equipping Aboriginal children with these skills they would no longer be interested in engaging in illegal activities. Instead, they would have the skills to develop alternative pursuits.

The aims of the TjiTji Wiru program were now completely at odds with its original goals under the town coalition. Rather than being based on a philosophy which centred on linking Aboriginal children with their traditions and culture, TjiTji Wiru was now designed to introduce Aboriginal children into the dominant society's models of social behaviour. The disjunction between the town coalition's philosophy and the assimilationist ideology which replaced it was exemplified in the different methods used for organising camping activities for the children. One of the tasks of the new the DCW co-ordinator was to train the youth workers in the 'correct' camping skills. This included teaching them how to hire a bus, how to order supplies and the need to get the parents permission for their children to attend camps. Before the DCW's involvement, camping trips had been organised on an *ad hoc* basis and at very short notice. The Pitjantjatjara man would round up children wandering around the reserve on a weekend he felt was a good one to go hunting. Written parental permission was certainly not essential for a child to go on the trip. The Pitjantjatjara man would then camp out with the children for an entire weekend.

While community control was the rhetoric espoused by the DCW and Pika Wiya employees, I contend, that, in fact, this meant the placement of town Aborigines in the key positions of authority (cf. Sackett 1988). Not only did this situation serve to reinforce the divisions between town Aborigines and those living at Davenport and Bungala, it also allowed welfare agents to legitimise an influence over Davenport and Bungala residents through these brokers (cf. Paine 1971, 1977). Town Aborigines in Port Augusta are especially qualified for their positions as brokers both because of their Aboriginality and their more demonstrated assimilation into White social mores than their counterparts living at Davenport and Bungala (Jacobs 1983). They are employed to provide welfare assistance, on behalf of government agencies, to what many white officials regard as the 'fringe-dwellers' living at Davenport and Bungala. These Aborigines are believed to be trapped between the dominant culture and 'traditional' Aboriginal ways (cf. Collmann 1988).

The tensions between town and Davenport and Bungala Aborigines took on a further dimension as bureaucrats from the dominant society interjected their perceptions of the Aboriginal social map onto their interactions with Aboriginal people. Yet, playing the role of brokers puts town Aborigines in a precarious position. As Howard (1981) points out, in order for Aborigines to maintain their positions within State bureaucracies, they must become increasingly acculturated in the White modes of social interaction and bureaucratic procedures. By doing this, the town Aborigines working for these organisations run the risk of jeopardising the legitimacy of their identity as Aboriginal in the eyes of those Aborigines they are professing to help. They are in danger of being classed a "coconut"—dark on the outside, White on the inside. But at an even more fundamental level, by acting as brokers, they play an active role in the further bureaucratic control of the Aboriginal population in general.

The shift of control of TjiTji Wiru from a combined effort on the part of Pika Wiya, Woma the ACAP and the ALRM, to Pika Wiya alone had other important implications for internal group relations within the Port Augusta Aboriginal community. Many of the key Aboriginal figures in this organisation had affiliations with the Adnyamathanha. With the establishment of control over TjiTji Wiru this enabled Pika Wiya to recruit

other Adnyamathanha as employees working for TjiTji Wiru through their contacts in the wider community. While members of other groups such as the Kokatha were not specifically denied access to employment on Pika Wiya projects such as TjiTji Wiru, this consolidation of Adnyamathanha in a powerful government funded Aboriginal organisation, fed into other community based political issues developing at this time. In particular, the sacking of the Pitjantjatjara man, who had been supported by Kokatha affiliated with Woma, and his replacement by Adnyamathanha youth workers, was an important bone of contention in the ensuing dispute between Pika Wiya and Woma.

It is through their support of youth programs like TjiTji Wiru, therefore, that government agencies such as the Department for Community Welfare and the South Australian Health Commission which funded Pika Wiya, helped to structure the direction of Aboriginal politics in Port Augusta. By supporting particular Aboriginal organisations and by providing for the employment of particular Aborigines and white administrators on programs aimed at helping the Aboriginal community, this in turn assisted these Aborigines and their non-Aboriginal colleagues to consolidate a power base and establish themselves as administrative brokers in the town (cf. Jacobs 1983, 1989).

As Paine (1971) has argued the role of broker, is both manipulative and transactional. Unlike the 'go-between', the broker does not hand on messages or resources faithfully without carrying out changes for his own benefit. Playing the role of broker for many town Aborigines, enabled them to secure highly respected and influential government-funded positions. In the mean time, the people the programs were designed to help (in this case the residents of Davenport and Bungala),, remained trapped in a position of subordination and powerlessness. This is not to say that these town Aborigines do not value their positions in organisations which provide welfare, health and legal assistance to fellow Aborigines. It merely points to the myriad of contradictions which arise for Aborigines operating in these situations.

While this is how community control was played out on the ground, the structures of control generated under Pika Wiya management and the DCW funding were nevertheless obscured and mystified by the 'employment' of Davenport and Bungala community residents to assist in the day to day activities of the program. The involvement of Davenport and Bungala residents was espoused by the DCW and Pika Wiya as a vital stepping stone to eventual community control of TjiTji Wiru. Specifically, the rhetoric of community control came to mean token employment of Aboriginal mothers from Davenport and Bungala to help look after the children during the program. These mothers were expected to work voluntarily, or as casual labourers preparing meals for the children and organising activities such as drawing sessions and games.

In line with TjiTji Wiru's new assimilationist direction these Aboriginal women were not considered to be holders of traditional knowledge by either the DCW youth workers nor by many of the Pika Wiya staff. In contrast to the old Pitjantjatjara man, the role of these women was confined to their domestic skills. Jacobs (1983, 1989) has argued that although many Aboriginal women living in Port Augusta have important knowledge concerning sites of significance in the landscape this is rarely acknowledged by the Aboriginal male leaders and the white administrators and politicians who define the 'ideological level of land rights'. She also points out that 'town' Aborigines hold a distorted view of pre-contact Aboriginal culture. It is assumed that males were the main decision makers and controlled access to esoteric, sacred and traditional knowledge. Women, on the other hand, may have knowledge of sites but this is seen as subordinate to the knowledge held by men as it is identified as being located in the mundane domain of domestic affairs. This, of course, ignores the pivotal role some Aboriginal women still play in ritual and the maintenance of sites of significance in many areas of Australia (cf. Bell 1983; Dussart 1988). It is apparent therefore that the main functions for Aboriginal women in general has come to be seen by both Aborigines and outsiders as socialising children and taking care of domestic matters. This Eurocentric perception of the position of women in Aboriginal community settings is reinforced by the constructions of the roles of women propagated within the broader Australian community. The main domain of power for

women remains in the home and not in the outside world of politics and community business.

This view of women was clearly portrayed in the organisation of the TjiTji Wiru program. In its first year of operation under the combined auspices of Pika Wiya and the DCW, only young Aboriginal men from outside of Davenport and Bungala were employed as paid youth workers on the TjiTji Wiru program. It was not until the second year of operation that two Aboriginal women were employed to help organise activities for TjiTji Wiru and later TjiTji Tjupu,²⁵ a facility set up as part of TjiTji Wiru for pre-teenage Davenport and Bungala children. One of these women was a town resident. However, during her employment she took on the persona of a Davenport local. She became heavily involved in Davenport social life and her daughter often stayed out at Davenport with friends and her relatives who were living there. Indeed, the fact that this woman chose to consciously identify with the people of Davenport and Bungala and not the people from town who worked for TjiTji Wiru highlights the sharp distinctions which existed between these residential groups. The TjiTji Wiru administrators in their turn reinforced her Davenport identity as they made no distinction in their treatment of their female workers between her and her co-worker, and the other women who had helped with TjiTji Wiru since its inception. The role of all of the women who worked for TjiTji Wiru remained that of domestic helpers and their positions were eventually confined to providing activities for the children under ten years of age. Only the young male youth workers from town were granted permission to work with the teenage children on a regular basis.

Nevertheless, at the same time Davenport and Bungala women were seconded as workers and volunteers to assist with the domestic duties of TjiTji Wiru and its offshoot TjiTji Tjupu they were also systematically judged as inadequate in their roles as mothers and socialisers by their employers. These women were very often portrayed by Pika Wiya and the DCW staff as drunks who could not look after their children properly. As I have consistently stated in previous chapters, one of the major

²⁵ This is another Pitjantjatjara phrase. It means young children who have not entered their teenage years.

reasons put forward by agents of the legal and welfare systems in Port Augusta for the high rate of Aboriginal juvenile crime was that the parents of these children were heavy drinkers. Members of the police and the DCW often expressed to me that Davenport and Bungala women 'have no sense of responsibility in looking after their kids'. Such a perception was also expounded by some of the Aboriginal workers I spoke with. In a discussion centring on the need for outsiders to help in the organisation of the TjiTji Wiru program one Pika Wiya employee commented to me:

Anyway, those people out there [Davenport and Bungala] are a different lot, they're from Yalata, they don't know what to do, they need people out there to help them. They can't look after themselves, they're always drunk.

In my observation, therefore, the 'employment' of Aboriginal women from Davenport and Bungala on the TjiTji Wiru program as domestic helpers functioned to teach them 'correct' socialisation procedures including such mundane activities as how to provide the children of the community with a healthy meal each day. I extend Hope's (1983) use of Paine's (1977) notion of tutelage to analyse this situation. It is argued by Hope that a major concern of the non-Aboriginal authorities in the assimilation era was to train the Pitjantjatjara in the areas of health, hygiene and community organisation to enable their transition into the dominant culture. Hope suggests that tutelage was an intricate part of the assimilationist ideology. I argue that tutelage is found way beyond the situational context of the era of government assimilationist policies. It was continuing to be maintained by government agencies such as the DCW, and Aboriginal organisation staff in an era of self-management, and it served to incorporate a new generation of Aborigines under the gaze of welfare and legal agencies.

Yet, I contend, these perceptions of the correct methods of rearing children inherent in the TjiTji Wiru design, were completely at odds with the non-authoritarian socialisation procedures practised by the majority of Davenport and Bungala residents (cf. Kearins n.d., Hamilton 1981, Morice and Brady 1982). As Morice and Brady point out:

Not only do adults make no systematic attempt to train young children in obedience or submission to adults, but also the role of the actual biological parents is more diffused than it is in European society (Morice and Brady 1982:142)

In my observations, biological parents were never the sole care providers. Rather, this role extended to other kin including 'aunties', 'uncles' and older 'cousins'.²⁶ There was no distinction between the biological parents and these others as to whom should be the sole care providers as all had an equal responsibility to look after these children. Thus, mothers living at Davenport and Bungala were not totally responsible for the behaviour of their children, it was rather the concern of the whole community. Yet, under the revised TjiTji Wiru program, biological mothers were being singled out for welfare 'training'. It was through this means of control over the socialisation of Davenport and Bungala children that Department for Community Welfare helped to perpetuate the dependence of Davenport and Bungala residents on welfare aid. By suggesting that Aboriginal mothers required guidance on how to look after their children, this Department with the support of Pika Wiya devalued the existing child rearing practises of the community and enforced models based on those upheld by the dominant society. Yet, to maintain access to welfare support through the Department or through youth programs such as TjiTji Wiru, necessitated a degree of acceptance on behalf of Davenport and Bungala residents of these welfare models (cf. Howard 1982).

The fiction of self-management and community control, I contend, was reinforced by the 'accommodative' view welfare workers, both Aboriginal and others, had of the residents of Davenport and Bungala. For example, it was accepted by welfare workers that pension day was the day that many Aborigines at Davenport and Bungala got drunk. It was viewed as being part of their life-style. While this behaviour was accepted at one level, it was nevertheless interpreted within a European cultural frame of reference. If these mothers were drunk then they could not hope to look after their

²⁶ The titles of 'auntie', 'uncle', and 'cousin' were used broadly by Aboriginal people in Port Augusta to describe family and kin relationships with others. The term 'uncle' for instance was used not only to refer to one's father's brothers but to people who were at least ten years older than oneself and who were well known in the community. It was not a requirement to be related to such people. In some cases, the form of address of 'auntie' or 'uncle' would also be used by a person to describe their relationship to their cousin if the cousin was much older than themselves. These terms were therefore imbued with an attitude of respect.

The term 'cousin' was used when referring to one's mother's or father's children. It was also used to refer to one's parent's cousins and their children. The term 'cousin', therefore, encompassed a broad range of people to whom one was related and who were usually one's age-mates or younger.

own children properly, let alone the children of other Aboriginal families. I illustrate, however, that some of these Aboriginal women actually played into this ideology in order to achieve their own ends. The 'accommodative' view of drinking behaviour allowed these women to legitimise having time off work in order to organise drinking sessions at which kin and community issues were discussed, or to attend to other family business outside of these drinking sessions. Thus, it was often the case that these women would use the excuse that they were too sick from drinking to attend work. At the same time, these women retained access to employment and extra financial support. Nevertheless, by saying this, they allowed their 'behaviour' to be perceived within the very ideology which legitimised their continued existence in a state of dependency.

These women's actions served to legitimate the very existence of the TjiTji Wiru program in the eyes of welfare workers. The program purported to provide care and nourishment to Aboriginal children who would otherwise be neglected. It has been argued by Handleman (1983) that a theory of neglect forms part of a process of interpretation by which welfare workers incorporate individuals into the welfare structure as clients. This theory is based on typifications constructed by the welfare organisation, by which welfare workers assess potential clients and create case histories which justify intervention into their client's affairs. However, the Aboriginal women of Davenport and Bungala did not necessarily accept this treatment of them by the administrators of the TjiTji Wiru program. Many expressed anger that outsiders and white workers were being employed to look after their children. They felt a genuine loss of control over an intrinsic part of their lives. They were even being denied authority within an arena considered to be the domain of authority for Aboriginal women by both town Aborigines and white welfare workers.

Interestingly, like the old Pitjantjatjara man, these woman were generally not invited to attend any administrative meetings about TjiTji Wiru, and they had no say in who was employed as youth workers. This feeling of loss of control was expressed by one woman when she yelled abuse at the workers of TjiTji Wiru from her house across the

street from TjiTji Wiru house.²⁷ The disruption of the formal operation of TjiTji Wiru also occurred at levels more insidious than this. The women who helped run TjiTji Wiru would often voice their negative opinions of their bosses among themselves and in the presence of the children TjiTji Wiru was designed to serve as a conscious attempt to undermine the authority and control these workers had over the Davenport and Bungala children. This was also done in an attempt to legitimise their own plans for the organisation of activities for the children attending TjiTji Wiru which these women felt were being criticised and devalued by Pika Wiya staff and the TjiTji Wiru co-ordinators. This was made clear to me in a discussion with two female workers at TjiTji Wiru following a meeting they had attended to discuss problems with the program. These women were angry that they had been requested to run homework and craft programs for the children after school. As one of these women commented:

How are we going to do that when we aren't teachers! We are supposed to teach them crafts we know nothing about ourselves.

Yet, she also pointed out that a gardening project and cooking lessons they had instigated were not being recognised by Pika Wiya. According to these women, the garden project had been stopped because the Pika Wiya administration had said to them that there were no funds for projects like that. The women vowed to keep running the program their own way despite these directions.

The disjunctures evident in the perceptions of the purpose and implementation of TjiTji Wiru between the Davenport and Bungala workers and the Pika Wiya administrators and the DCW employees were also expressed by many of the children who attended TjiTji Wiru. By the second year of its operation, TjiTji Wiru house was being used as a 'drop-in centre' by up to thirty children from Davenport and Bungala and some town children. The ages of these children ranged between thirteen to eighteen. Younger children attended the games and activities organised by two Aboriginal women

²⁷ This woman had only days previously been kept out of a meeting between Pika Wiya staff, a social worker from the DCW, and a member of the police who were discussing alleged incidents of sexual abuse at Davenport in which it was believed her son was involved. I discuss this incident in more detail in chapter three on page 86.

workers and these were run from the Davenport community hall. This separate program was known as TjiTji Tjupu.

The children attending TjiTji Wiru house spent a great deal of time there watching videos, talking amongst themselves or going on outings with the two male Aboriginal youth workers employed by Pika Wiya. The use of TjiTji Wiru by the youths as a drop-in centre did not fit with the philosophies of TjiTji Wiru as defined by Pika Wiya, however. In order to run an effective program for wayward youths and to ensure a continuation of funding from relevant welfare orientated government bodies, the Pika Wiya staff who oversaw TjiTji Wiru insisted that structured programs be organised at the TjiTji Wiru house. These staff were especially opposed to the youths watching videos. As it was more often than not porn or violent kung fu movies which were being viewed at the house, these workers believed these videos would incite the children to abhorrent behaviour and criminal activity. In order to prevent the children viewing these movies the Pika Wiya administrators confiscated the video and television set from the house. The Davenport and Bungala children retaliated against this move by vandalising the TjiTji Wiru house. They also boycotted the house over some days and spent their time in the sandhills surrounding the Davenport and Bungala community (cf. Folds 1987; Hutchings 1990; Morice and Brady 1982).

The feelings of some youths towards the overt control by the Pika Wiya administrators over the way TjiTji Wiru was run without serious attempts to find out how these youths themselves felt about it were expressed more directly in comments about these workers.²⁸ In one incident, a thirteen year old boy was commenting derogatorily under his breath about a female administrator working for Pika Wiya who was heavily involved in the organisation of TjiTji Wiru programs. One of the female TjiTji Wiru workers told him to stop talking about his aunt in that way. He retorted:

That bitch, what does she care, she don't care about us - she not my relation!

²⁸ At one stage the Pika Wiya administrators of TjiTji Wiru attempted to start up a committee which included Davenport-Bungala youths, the TjiTji Wiru youth workers and representatives of the Pika Wiya administrators. This committee met infrequently and never really got off the ground.

It was apparent, therefore, that the children who attended TjiTji Wiru house saw it as valuable as a 'drop-in centre' where they could meet after school and socialise with their friends on their own terms. This was completely at odds with the philosophies held by the TjiTji Wiru administrators. The use of TjiTji Wiru house as a 'drop-in centre' was also strongly supported by the Davenport Community adviser (who was not Aboriginal). He saw it as important to encourage the Davenport and Bungala children to develop their own activities as a means of providing them with experience in self-management for the future. In a discussion with the TjiTji Wiru administrators on the possibility of organising a disco at TjiTji Wiru house he commented that he was:

...just waiting for the kids to get their act together, and maybe they will and maybe they won't on Friday night, but I feel it has to come from the kids - even if it is just a bunch of them getting together with radio cassette recorders and playing some music - at least that's a start.

The TjiTji Wiru administrators strongly objected to this idea and felt the disco should be organised by the TjiTji Wiru staff and held at the ACAP conference room in town. These differences in opinion over the direction of TjiTji Wiru between the Davenport Community adviser and Pika Wiya continued throughout 1987 and exacerbated the disjunctures which already existed between the Davenport and Bungala population and town Aborigines and Whites working for Pika Wiya. These tensions also alienated the DCW neighbourhood youth worker who had been employed to set the revamped TjiTji Wiru program up. Soon after these tensions began to escalate the co-ordinator resigned from his position.

Conclusion

The TjiTji Wiru program was initially devised by Pika Wiya, Woma, the Aboriginal Community Affairs Panel and the Aboriginal Legal Rights Movement in response to the wider Port Augusta community concerns over the apparently high Aboriginal juvenile crime rates in the township of Port Augusta. I have argued that TjiTji Wiru was devised as an attempt by these organisations to take control of this issue as an Aboriginal concern and remove it from the control and scrutiny of the police, legal and welfare agents as well as the Port Augusta public. It was intended that the program be

located within the perceived source of the problem of Aboriginal juvenile crime — the Davenport and Bungala communities. TjiTji Wiru was designed to be community based but the issue of Aboriginal juvenile criminality nevertheless linked the program into wider state and national debates on ‘substance abuse’ and criminality in Aboriginal communities. In turn, this made it the concern of the state legal and welfare systems in general. In order to operate effectively, therefore, TjiTji Wiru became heavily reliant on outside welfare agencies for funding and support.

Despite purporting to be community based, the TjiTji Wiru program, in fact, fed straight back into the political agendas of external government bodies. This had the effect of legitimising the intervention of these outside government agencies, in particular the Department for Community Welfare and the Pika Wiya Health Service, in the program itself. This situation ensured that TjiTji Wiru was taken out of the hands of the Davenport and Bungala communities by town Aborigines and non-Aborigines working for these organisations and was remodelled in line with prevailing welfare philosophies before it could be handed back to the community. In so doing, the very people the program was designed to help — the children and their parents and relatives of the Davenport and Bungala communities — remained in a position of subordination and powerlessness.

As this analysis of the history of TjiTji Wiru has shown, the intervention of the state bureaucracy in the affairs of Aboriginal communities has profound effects on the internal political dynamics within these communities. By supporting town Aborigines in prominent positions in TjiTji Wiru, and relegating Davenport and Bungala workers (in particular Aboriginal women) to subordinate positions, these government agencies played into and reinforced the internal political divisions already operating in the Port Augusta Aboriginal community at this time.

These divisions between the Davenport and Bungala population and town Aborigines were expressed in the disjunctures in the perceptions of the purpose of TjiTji Wiru held by each of these groups. In response to the assumption of control of the program by town based Aborigines and welfare workers (both Aboriginal and others), Davenport

and Bungala workers retaliated by attempting to undermine the authority of these workers and initiating their own projects in line with what they saw as more appropriate for their communities. As for the client group — the children of Davenport and Bungala — they used TjiTji Wiru as a ‘drop-in centre’. When this use of TjiTji Wiru house was challenged by the TjiTji Wiru administrators, these children responded with the very type of behaviour TjiTji Wiru was designed to prevent. In so doing, these children placed themselves in a position to be incorporated back into the dominant welfare-legal system.

CHAPTER 9

The incorporation and reincorporation of others

*To ponder mimesis is to become sooner or later caught, like the police and the modern State with their fingerprinting devices, in sticky webs of copy **and** contact, image **and** bodily involvement of the perceiver in the image, a complexity we too easily elide as nonmysterious, with our facile use of terms such as identification, representation, expression, and so forth – terms which simultaneously depend upon and erase all that is powerful and obscure in the network of associations conjured by the notion of the mimetic (Taussig 1993:21) (emphasis in original).*

I have explored many of the social interactions between Aboriginal people and the agents of the legal and welfare systems who deal with them. I began by tracing a genealogy of texts and theoretical perspectives which have, I believe, ultimately created a construction of Aboriginal people as *victims* of Australian welfare colonialism. The findings of the Royal Commission into Aboriginal Deaths in Custody are not only one of the most recent manifestations of this process but one of the most powerful precisely because of the public profile the Commission has received. My major concern however, has been to highlight the importance of human agency, and I have done this by developing my thesis around the treatment of Aboriginal children as they pass through the different stages of the juvenile justice process.

As I have argued throughout, Aboriginal people are far more than mere *victims* of oppression as the body of literature would have it. My thesis has highlighted the mechanisms by which Aboriginal children and their families are instrumental in constructing their own worlds even as they operate within welfare, legal and political systems which dominate them. Nevertheless, as I discussed in chapter two, Aboriginal people in Port Augusta, like Aboriginal people throughout Australia, have suffered a history of institutionalised separation from the dominant society through government policies which have advocated both assimilation and self-determination for Aboriginal people.

In chapter two I discussed the establishment of the Umeewarra Mission in the 1930s on the outskirts of the town which saw the first official steps towards the segregation of Aboriginal people from town residents. This segregation continued when the South

Australian government took over the interests of Aboriginal welfare from the Brethren missionaries and established the Davenport reserve. In the 1970s the residential area of Bungala was built exclusively for Aborigines by the Federal government. As I have shown, this place became a third component in the hierarchy of social status which characterises the landscape of the politics between Aboriginal people and members of the dominant Port Augusta society.

It has been this very particular history which has been fundamental in the development of a residential politics based on internal divisions and coalescences between the different Aboriginal groups of the town. I illustrated that it was out of this history that those Aboriginal bureaucrats who live in the town precincts have come to dominate the direction of Aboriginal politics for all Aboriginal people in Port Augusta, especially the affairs of those people living at Davenport and Bungala.

In turn, I have shown how this domination by some Aboriginal people over others has taken place within a milieu of politics generated out of the pervasive interest of South Australian government officials and Port Augusta politicians, bureaucrats and residents with the lives of Aboriginal people. The integrity and meaning of Aboriginal lives is, as my thesis has shown, a continuous process of social interaction between Aboriginal people themselves, and between them and members of the dominant society, particularly the legal and welfare agents. In fact, the very structure of my thesis has been designed to mirror this interactive process.

In chapter one I analysed many of the theoretical perspectives generated out of the literature which have historically defined the intellectual spaces within which Aborigines are viewed.

In chapter two I focused downwards and honed in on some of the social legacies and structural divisions emanating out of the historical interactions between Aborigines and others who live in Port Augusta. Juvenile crime has been identified by Port Augusta politicians, locals and government bureaucrats as a major threat to the public order and civility of this town. As recently as 1990 the town mayor was calling for a curfew to

be placed on young people to restrict their movements in public places after dark. As I demonstrated, it is the behaviour of Aboriginal children which has been targeted by the Port Augusta establishment as *the* major contribution to this threat.

In chapter three I discussed the treatment of Aboriginal children and their parents by police officers working in this town. My analysis concentrated on the minutiae of social interaction. I took the reader on a police patrol through the streets of the town, Davenport and Bungala. I highlighted the extreme tensions which exist between police officers who generally hold negative stereotypical views of Aboriginal life-styles, and Aboriginal children who alternatively see the police as a threat to their personal safety and as friendly opponents in everyday social interactions. Yet, as may be expected, despite the expression by Aboriginal children of their own identities and social meanings, police understandings remain dominant and their perceptions of Aboriginal life-styles remain unchallenged within the dominant legal system.

In Chapter four I returned to an analysis of structure and process with an explication of the operation of the South Australian juvenile justice system in Port Augusta. I argued that the dominant perceptions of an Aboriginal social condition expressed by police officers were reinforced by the agents who operated within the varying components of the juvenile justice system under the auspices of the *Children's Protection and Young Offenders Act*. I presented an analysis of the Screening Panel and the Children's Aid Panel processes as these functioned in the Port Augusta context in 1986 and 1987. From within this exploration I drew out some of the effects of the panel system for Aboriginal children compared to other children.

I extended my exposé of Children's Aid Panels in chapter five by returning to an analysis of some of the intimacies of social interaction. It was in this chapter in particular, where I explored many of the differences in meanings and perceptions held by Aboriginal children and their families to those of police officers and welfare workers about social activities constituted as criminal within the dominant legal process. I presented ethnographic examples in which I explored the social drama of Children's

Aid Panels for Aboriginal children, members of their families and the panellists, both Aboriginal and others.

These variations in interpretations were highlighted most succinctly through the differences between Aboriginal shame and the construction of the constitution of shameful behaviour by welfare agents and police officers working within panel contexts. I illustrated how these differences were played through the very beings of Aboriginal welfare workers. For, it is Aboriginal welfare workers, I argued, who find they must straddle the expectations of both the Aboriginal population of which they are a part and the welfare office where they work, in order to maintain their own integrity within the Aboriginal population and to ensure a favourable outcome of panel hearings for Aboriginal children.

In chapter six I continued to focus on the intricacies of social interaction between Aboriginal people and the agents of the legal and welfare processes. However, my analysis in this chapter concentrated on different aspects of the legal system. I explored the formation of, and belief in, different knowledges (cf. Bourdieu 1973, 1987; de Certeau 1984) among Aboriginal people and legal and welfare agents. I analysed the relationships of social distance and familiarity between lawyers, Aboriginal legal workers and their clients through a discussion of the Aboriginal Legal Rights Movement and the Children's Court. I showed that within the confined social world of the ALRM, the dominant knowledges of lawyers, as representatives of the dominant society, are challenged both by the Aboriginal workers in this office and by Aboriginal clients. It is in the social spaces of Aboriginal organisations like the ALRM where Aboriginal power is palpable.

However, I demonstrated that in the official Children's Court setting and in interviews with lawyers, the legal knowledge lawyers expounded to Aboriginal clients as well as their fellow legal workers once more regained its dominance and omnipresence (cf. Bourdieu 1987). I illustrated that the 'misrecognition' (Bourdieu 1987) on behalf of the agents of the legal and welfare processes of the intentions behind actions and interpretations as these were expressed by Aboriginal children and Aboriginal legal and

welfare workers, persisted in reinforcing the common-sense perceptions held by government workers and many Port Augusta residents which is that Aboriginal juvenile criminality is symptomatic of a pathological social condition. It is this perception of Aboriginal social conduct, I argued, which has allowed a continuity to the construction of Aborigines as *victims*.

As I showed, this official interpretation in its turn was instrumental in the perpetuation and reproduction of legally defined illicit activity by Aboriginal children. *The great shoe store robbery* stands as an example; it reveals the contradictions between this dominant interpretation of Aboriginal children as helpless *victims* of their social conditions and the constant challenges by these same children to the control legal and welfare agents impose on their lives.

Aboriginal children have quite clearly become a medium through which the agents of the dominant legal and welfare bureaucracies have gained access and control over Aboriginal people in the town. In Chapter seven I presented an examination of the part the Department for Community Welfare played, through the Youth Project Centre, in infiltrating and dominating youth programs which operated in Port Augusta. It was through the activities of this centre, which was inextricably linked to the juvenile justice process, that the Department for Community Welfare was able to gain access to many Aboriginal children and their families, as well as influence the direction of existing youth programs which catered for them. In particular, I centred on the mechanisms for the surveillance of Aboriginal families by welfare officers through their engagement in these youth programs.

In chapter eight I moved once more into an analysis of the internal dynamics of the interrelations between Aboriginal people in Port Augusta at the same time that I continued to explore the operation of youth programs and the influence of official government agencies over them. It was via an examination of the TjiTji Wiru youth program that I revealed many of the divisions and coalescences which existed between the Aboriginal people living at Davenport and Bungala and those Aboriginal

bureaucrats and their colleagues who were not Aboriginal who operated out of the town.

My thesis has explicated and analysed the constant examination by legal and welfare officials of Aboriginal people. I have also detailed Aboriginal responses and reinterpretations of official procedures as Aboriginal people observe and interact with both the dominant society and other Aboriginal people. The tragedy of it all is however, that nobody actually *sees* the 'truth' of the Other. There is a gulf in critical understandings and constructions of the Other by all concerned.

In their very attempts to influence the direction of the intervention by welfare and legal personnel into the lives of Aboriginal children and their families, Aboriginal bureaucrats took on board for themselves the dominant construction of an Aboriginal juvenile criminal identity as they developed youth programs for Aboriginal children. Yet, in mimicking (Taussig 1987) significant aspects of the dominant Other in their attempts to gain some control over this outside interference in Aboriginal lives, the town-based Aborigines who helped to devise TjiTji Wiru not only reinforced the conditions of their domination over the Aborigines of Davenport and Bungala, at the same time, they inadvertently compounded many of the circumstances by which Port Augusta Aborigines are subordinated within the dominant society. In the end, despite purporting to be community based, the TjiTji Wiru program inevitably fed straight back into the political agendas of external government bodies. Aboriginal affairs and politics remain inextricably linked to, and influenced by, the history of structural intervention of the State in Aboriginal lives.

Nevertheless, as my thesis demonstrates, Aboriginal people are active agents who expound and actualise methods by which they sustain their own thoughts and identities within their lives. In their everyday interactions between themselves and those who engage them in the dominant society, Aboriginal people develop and use unique forms of manipulation, resistance and domination in their social interactions with others. To construct Aborigines as victims, therefore, can be seen as a dimension of the subordination of Aborigines on which their domination surely is predicated. The

children of Davenport and Bungala were clearly saying this themselves through their rejection of the activities implemented by the TjiTji Wiru administrators. The programs run at TjiTji Wiru house were disrupted for some time because a youth program surely cannot operate effectively without the co-operation of the children for which it caters.

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MAPS

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